

**New Castle Town Council Regular Meeting
Tuesday, April 7, 2020, 7:00 PM**

Due to concerns related to COVID-19, this meeting was held as a virtual meeting only. The public was invited to attend by telephone.

**Please call: 1-346-248-7799
Meeting ID: 709 658 8400**

Call to Order

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

Pledge of Allegiance

Roll Call

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

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody Harrison, Town Treasurer Loni Burk, Town Planner Paul Smith, Public Works Director John Wenzel and members of the public. All persons attended the meeting via phone, or computer.

Meeting Notice

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

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

There were no agenda changes.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – Town Attorney David McConaughy said he was working hard to keep apprised of the quickly changing law and executive orders and what it all meant to the town. Administrator Reynolds asked Attorney McConaughy if the town was still unable to hold in-person meetings in May, what did that mean for land use applications such as the Atkinsons'. Whether meetings could be pushed back or would a virtual meeting be

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acceptable. Attorney McConaughy said that was another hot topic, but he thought that as long as the public could be involved or listen to what was going on in a meeting and have the ability to submit comments then proceeding with a public hearing was fine. The key was the ability for the meeting to be noticed and for the public to participate. He noted that the public hearing could also be continued. Councilor Leland said that he felt that a large land use application may inspire a large number of people to want to participate in the meeting, and he thought it could be problematic getting the public up to speed on how to participate in a virtual meeting. Attorney McConaughy said he participated in a P&Z meeting for Glenwood, and all the commissioner and staff could be seen, and the public could only make comments by typing them into the chat feature, and the clerk read them out loud. He thought that worked pretty well.
Consultant Engineer – not present.

Items for Consideration

Consider Resolution TC 2020-12, A Resolution of the New Castle Town Council Approving a Technical Assistance Coordinator Memorandum of Understanding with UC Denver and the Department of Local Affairs for Design Services for Frank Breslin Memorial Park

Administrator Reynolds explained that the program was funded by the Department of Local Affairs (DOLA) and it provided an opportunity for graduate students from the University of Denver to do design work on municipal projects.

Public Works Director John Wenzel said that he and Administrator Reynolds had walked the park with Christopher Endreson, West Slope Coordinator for the UC Denver Technical Assistance Program. He said they had discussed ideas and opportunities for improvements to Frank Breslin Park.

Christopher Endreson greeted the council. He said that the program was a partnership between the University of Colorado Denver and DOLA. It was a grant program that operated off energy impact money. It allowed him to hire students from the College of Architecture and Planning in the Landscape Architecture and Planning programs to work with the town and community to come up with conceptual design plans that would allow the town's project to move to the next phase. Typically, that would be fundraising or grant applications.

Mr. Endreson said that the Frank Breslin Park project fit what the Technical Assistance Program did. He said that he had put together a scope of work and that was tied to a memorandum of understanding. Mr. Endreson said that unlike a DOLA grant, there was not an application process; rather it was based on the program's workload and capacity. Fortunately, he had been able to meet with town staff prior to the stay-at-home order, and the program was still able to do the design work. Mr. Endreson said that the program operated like a design firm, but with students.

Councilor Leland asked if the students were graduate students and if the design work was graded or part of a class project. Mr. Endreson said that the students were graduate students, but the work was not for college credit. It was actually an employment opportunity for the students because the program was a clinical teaching practice with the university.

Councilor Hazelton asked if the project would be done in phases. Mr. Endreson said that the goal was to put the vision on paper. They will write a report, create graphic renderings of the design, put together a magnitude of cost and a list of funding opportunities to pursue. With that, they could suggest phases to make it more feasible.

Mayor A Riddile asked when they would begin the design process. Mr. Endreson said that they would begin as soon as all signatures were on the MOU. He also said that the project was to be completed by February of 2021, because the students were limited by the semester schedule and their time was primarily taken up by their curriculum. Most of the work would be done during free time, which was mostly the summer and on breaks. Mr. Endreson said he liked to forecast a project out for about a year, but they would work around any time frame the town needed. For instance, if the town intended to apply for a GOCO grant to fund the park project, they would do their best to target that timeline. Mr. Endreson said that it would likely be four to six students working on the project, and once the university allowed travel again, they would come to New Castle and spend some time.

The council and staff felt that the opportunity to be part of the Technical Assistance Program was fantastic.

MOTION: Mayor A Riddile made a motion to approve Resolution TC 2020-12, a Resolution of the New Castle Town Council Approving a Memorandum of Understanding with the Department of Local Affairs for Design and University of Colorado Denver. Councilor Copeland seconded the motion and it passed on a roll-call vote: Councilor G Riddile: yes; Councilor Owens: yes; Mayor A Riddile: yes; Councilor Mariscal: yes; Councilor Leland: yes; Councilor Copeland: yes; Councilor Hazelton: yes.

Consider Resolution TC 2020-13, A Resolution of the New Castle Town Council Approving a Conditional Use Permit for Property Located in the Industrial Zone District

Town Planner Paul Smith described the application for the council. He said it was a conditional use permit application All Dogs and Cats of Glenwood Springs to put a veterinary clinic in the Bramco Building in the industrial zone district on the south side of the river.

Planner Smith said that the proposed use of a veterinary clinic was not a permitted use, nor was it prohibited by the zoning, therefore it fit as a conditional use. Using screen share, he showed the council a map of the building and reviewed his staff report.

I Description of Application:

The Applicant requests a conditional use permit to expand their veterinary clinic in Glenwood Springs to the New Castle industrial zone. The proprietors anticipate that a branch in New Castle will provide more effective pet care for both New Castle and Silt residents, many of whom already travel to the Glenwood location. The existing office/warehouse space in Unit A of the Bramco building provides an optimal floor plan for this end.

A public hearing was held for resolution PZ 2020-4 on March 25th in accordance with the procedures set forth in Municipal Code chapter 16.08. The Commissioners voted unanimously to recommend conditional approval of the clinic. Within sixty (60) days from the date of the Planning Commission's written decision on an application, or within such time as is mutually agreed by the Town Council and the applicant, the Town Council shall approve the application, with or without conditions, or deny the application.

II Application Exhibits:

- A. Application – February 26th, 2020
- B. Owner consent letter – March 3rd, 2020
- C. Adjacent uses
- D. Floor plan
- E. Parking plan
- F. Utility plan
- G. Lighting plan
- H. Performance standards agreement – February 25th 2020
- I. Public notice
- J. Affidavit of public hearing – March 25th, 2020
- K. Property owners within 250'
- L. Agreement to pay consulting fees – February 25, 2020
- M. Lease agreement – January 24th, 2020
- N. Deed of trust – July 14th, 2008
- O. Request to modify hearing timetable – February 27, 2020
- P. Final plat - Coal Ridge Industrial Subdivision – October 26th, 2000

III Industrial Zone Requirements:

The municipal code states in 17.52.020 that "The purpose of the industrial district is to provide an area for industrial development in the town with minimal adverse environmental effects on the town." In 17.52.050, the code defines conditional uses in the zone as "any use not specifically defined in the permitted or non-permitted use categories". By virtue of its exclusion from both these lists, a veterinary clinic is thereby subject to the conditional use process.

The industrial zone also has specific land use restrictions. 17.52.060 requires:

- A. All service, fabrication, repair operations and storage of materials shall be enclosed by a fence at least six feet in height. Fences and gates shall be constructed of galvanized chain link.
- B. All loading and unloading of materials shall be conducted on private or town-leased property.
- C. All practical means shall be used to confine odor, noise, glare, and vibration to the site, and to avoid excessive emission of fumes, gases, radiation, liquid waste and smoke.

The operation of a veterinary clinic in the prospective lease space will not violate any of these provisions.

IV Application Requirements:

The purpose of a conditional use permit is to determine if the nature of the proposed use is appropriate to the location, character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, among other factors, that the Town may deem relevant to the type of land use. Although a veterinary clinic may not be strictly classified as an industrial use, it is generally compatible with surrounding uses and will add a much needed amenity to the area. The site plans provided in Exhibits D-G intend to demonstrate the compatibility of the clinic with Town zoning requirements:

Site Plan:

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(1) Adjacent land uses and location of adjacent structures:

Staff Comment – The Bramco building is bound by the Town of New Castle property to the south side (vacant hillside); Roc Gabossi's lot on the west side, granite and tile retailer, Accents on Tops on the east side, and Frank Breslin Memorial Park to the north.

(2) Boundary and size of lot:

Staff Comment – Exhibits D and O illustrate the boundary and size of lot #1 in the Coal Ridge Industrial Subdivision.

(3) Boundary location, height and setbacks:

Staff Comment – Exhibit O shows the building location within the industrial zone. The overall building height is 30' as identified on the original construction drawings. Setbacks and easements are indicated on the plat.

(4) Off-street parking and loading areas:

Staff Comment – Exhibits E depicts the anticipated off-street parking and loading areas. For commercial offices other than medical and dental, one space for every 300 square feet of floor space is required (MC 17.76.020§F). The building code requires a dedicated ADA van parking place. In sum, 17 spaces would be necessary for the proposed use. Staff contends this total would far exceed the clinic's needs however.

According to MC 17.76.060 Town Council may reduce the number of required spaces in consideration of the following factors:

- Probable number of cars owned by occupants of dwellings in the planned unit development;
- Parking needs of any non-dwelling uses;
- Varying time periods of use; and
- Whatever joint use of common parking areas is proposed.

The Applicant anticipates needing up to four (4) spaces for employees and an additional two (2) spaces for clients. Additionally, because of the nature of use, the parking duration should be minimal for visitors. Also, overflow parking is available in the common areas of the property which can be utilized on occasions of higher demand.

(5) Points of ingress and egress:

Staff comment – Shown on the plat are two driveways in which to enter and leave the property. Both are compliant with Town standards and therefore can accommodate parking and egress or large vehicles.

(6) Service and refuse areas:

Staff Comment – Shown on Exhibit E, dumpsters are rented by the tenants. There are no known hazardous materials that will need disposal services.

(7) Signs and exterior lighting:

Staff Comment – Exterior lighting is shown on the lighting design plan, Exhibit G. The applicant will be required to comply with sign code provisions in the municipal code.

(8) Fencing, landscaping and screening:

Staff Comment – Landscaping and screening is shown on Exhibit F. According to MC 17.52.060§D, adequate screening should be provided on property lines adjacent to Town parks. Currently the building is buffered by mature spruce along the north side of the building's foundation.

(9) Compliance with performance standards:

Staff Comment – The Applicant has submitted a signed document stating they will comply with all performance standards.

(10) Location and size of easements, power poles, fire hydrants, gas lines, water and sewer lines; anticipated utility requirements:

Staff Comment – No businesses in the industrial zone district in New Castle are connected to Town water and sewer. They are individually shared septic and well water users. Power poles with electrical lines are shown on Exhibit F. Exhibits E & F identify where water storage tanks are buried on the hillside above the building. A buried propane tank is located on the southeast corner of lot 1 on Exhibit A site plan.

17.84.070 Alterations

No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in chapter 17.84 – Conditional Uses.

V 17.84.050 – CUP Approval Criteria and Comments:

A conditional use application shall be approved only if the town council finds that the application:

1. Is eligible for conditional review under Section 17.84.040;

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Comment: Per MU 17.20.050, a veterinary clinic requires a conditional use approval in the industrial zone. A complete application with all review materials was submitted on February 26, 2019. The public hearing timetable was reduced by the Planning Commission on March 11th, which moved the hearing to March 25th.

2. Is generally compatible with adjacent land uses;

Comment: The proposed use is classified as light industrial or commercial and is therefore generally compatible with neighboring uses.

3. Meets all requirements of Section 17.84.020, is in compliance with this title and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;

Comment: The proposal anticipates little negative impact on the community and adjacent properties. Furthermore, the Applicant will satisfy the requirements of all adopted building codes and Town codes as described in the conditions of approval.

4. Is consistent with the comprehensive plan;

Comment: The New Castle Comprehensive Plan Policy CG-4D maintains that New Castle supports location of compatible commercial/business development that creates a mix of uses, contributes to economic sustainability, job creation, retail/services, non-motorized accessibility and is within or adjacent to predominantly residential areas.

5. The town has the capacity to serve the proposed use with water, sewer, fire and police protection.

Comment: The building is completely on well and septic. Fire safety access is sufficient for all occupants. A hydrant is located on the northwest corner of the lot and is supplied by a shared well. The police department anticipates utilizing services of the clinic for impounded animals.

VI Staff Recommendations

The staff advises the Planning Commission to consider recommending approval of ***Resolution No. TC 2020-13*** with the following conditions:

- A. The use approved in the application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after the Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council will be completed and that the use and improvements will be in accordance with the approved application site plan and development schedule. The conditional use certificate must be issued within one year of the date of final approval by Town Council, or the application is deemed withdrawn by the Applicant and is of no further force and effect.

- B. No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in chapter 17.84.070.
- C. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the Applicant or owner may present testimony or offer other evidence on its behalf.
- D. Any added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4.
- E. All representations of the applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the applicant.
- F. The applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs.

Planner Smith said that if the council approved the application, staff would issue a conditional use certificate. He also said that there were some building code issues that needed to be addressed and were very close to being complete. Planner Smith expected he would inspect and sign off on those the following week.

Doctor Lori Pohm, applicant. Dr. Pohm said that they were very excited about being able to open a clinic in New Castle. She said they had planned to open the following week and that they were finishing some work that needed to be done. Dr. Pohm said that some of the lab equipment was already there. Initially, Dr. Pohm said that the clinic would operate as a wellness clinic only. Serious illness or hospitalizations would have to go to the Glenwood Springs location. She said that she hoped that business would grow enough that they could eventually expand their services in New Castle.

Mayor A Riddile asked if they felt that they would be able to house animals that had been picked up by the police department. Dr. Pohm said that they only had a few small kennels but hope that eventually that could be something they could do.

Town Attorney David McConaughy said that for the record he felt that Mayor A Riddile's question was appropriate, however, he wanted the record to reflect that the veterinary clinic providing kennel services to the town was not a condition on their application. Councilor Owens asked if the application would be considered a conflict of interest for him since his wife was also a veterinarian and owned a competitive business. He asked if he should recuse himself. Attorney McConaughy asked if Councilor Owen's wife had any financial interest in All Dogs and Cats, and Councilor Owens said no. Attorney McConaughy said that he did not feel there was a conflict since there would be no financial benefit, however he asked the applicant to state her feelings on whether Councilor Owens should vote. Dr. Pohm said she had no issues with Councilor Owens voting.

Mayor A Riddile opened the public hearing at 7:34 p.m.

There were no public comments.

Mayor A Riddile closed the public hearing at 7:35 p.m.

MOTION: Mayor A Riddile made a motion to approve Resolution TC 2020-13, a Resolution of the New castle Town Council Approving a Conditional Use permit for Property Located in the Industrial Zone District. Councilor Mariscal seconded the motion and it passed on a roll-call vote: Councilor Hazelton: yes; Mayor A Riddile: yes; Councilor G Riddile: yes; Councilor Leland: yes; Councilor Mariscal: yes; Councilor Owens: yes; Councilor Copeland: yes.

Mayor A Riddile thanked Dr. Pohm and said that the town was looking forward to the clinic opening. Dr. Pohm thanked the council.

Public Health Update

Administrator Reynolds gave the council a lengthy update about what is going on state-wide, county-wide and within New Castle. He reviewed everything that had happened in the three weeks since the last council meeting.

Administrator Reynolds said that the town staff was all working full-time and were healthy. There had been isolated incidents of staff members not feeling well and staying home. He said that the clerk's office had spent a lot of time working with IT and had set up laptops for any staff member that wanted or needed to work from home. All recreation programs had been cancelled as well as rentals of the recreation center, and the recreation staff had been partially reassigned. They were also working hard to create virtual programs for the community. Administrator Reynolds said that the police department had responded to an elevated number of domestic violence calls which seemed to be directly related to the stay-at-home order. Finance was considering the financial implications of the crisis on the 2020 budget. Another concern was if the governor would order a delay in sales tax remittance because that will affect the town. Administrator Reynolds said that staff was also considering the various grants that had been awarded to the town such as the LoVa Trail grant, the bulk water station, streets maintenance and the police evidence bay. There may be good reason to postpone some of the projects based on cash flow because the town fronted the money for most of the grant projects, and reimbursement could be delayed.

Administrator Reynolds said that staff was now tracking COVID-19 related expenses using a FEMA form that was typically used for natural disasters. There was no expectation the town would receive any funding, but tracking COVID-19 staff time may be a valuable tool at the end of the budget year. In addition, staff will attend a FEMA webinar on Friday that was mandatory for towns who thought they might want future FEMA aid, but that was another item that was constantly evolving through the COVID crisis.

Administrator Reynolds said that the town hired seasonal workers each year, but that had been put on hold so that existing staff members could be utilized.

Administrator Reynolds reviewed statistics from the CDC regarding the spread of COVID-19 over the past few weeks.

Mayor A Riddile asked when the Lakota Golf Course was supposed to open. Administrator Reynolds said that Lakota, along with golf courses across the nation, were seeking ways to be able to open. Administrator Reynolds said that last he knew, Lakota wanted to open around April 10. He said they would have to abide by the guidelines set out by the state, and he reviewed those guidelines. Mayor A Riddile felt that there should be very strict rules on the golf course for public safety.

Attorney McConaughy said that it looked like the Lakota property may emerge from the bankruptcy, which could be good news.

Consent Agenda

March 17, 2020 Minutes

March Bills of \$526,396.61

Hong's Garden Hotel & Restaurant Liquor License Renewal

Resolution TC 2020-11 - Declaring a Public Emergency

Resolution TC 2020-14 - A Resolution of the New Castle Town Council Ratifying the Approval of a Memorandum of Understanding with Garfield County Municipalities

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

Councilor Copeland seconded the motion and it passed on a roll-call vote: Mayor

A Riddile: yes; Councilor G Riddile: yes; Councilor Leland: yes; Councilor

Hazelton: yes; Councilor Owens: yes; Councilor Copeland: yes; Councilor

Mariscal: yes.

Staff Reports

Town Administrator – Administrator Reynolds said that the 2020 Census was taking place, and staff was still working to get the word out to the public, and last he checked, Colorado was leading the way in responses to the 2020 Census.

Town Clerk – Clerk Harrison said she was working hard to keep up with technology, and was open for suggestions on how to improve virtual meetings. Mayor A Riddile thanked Clerk Harrison for setting up virtual meetings for the council.

Town Planner – Planner Smith said that as soon as everything shut down, there were many permit questions and applications come in. He said that he had done some inspections as construction has continued. Planner Smith said that the Atkinson application had been deemed complete and they were on the schedule for the May 13 P&Z meeting.

Public Works Director – present for agenda items.

Finance – Town Treasurer Loni Burk said she had been trying to figure out what the pandemic meant to the budget and felt that the town would be okay for a while. She said that the sales tax item would not affect the town right away simply because it was delayed several months since the town was not self-collecting. She also said that property tax would be delayed as well. The issue will be cash flow. Treasurer Burk was just waiting to see how everything would play out. Treasurer Burk said her new Assistant had started work on Monday and was working out well.

Commission Reports

Planning & Zoning Commission – Councilor G Riddile said that the Atkinsons had continued the master plan amendment item until August 26, 2020 and they had approved

the CUP for veterinary clinic.

Historic Preservation Commission – meeting was cancelled.

Climate Action Advisory Committee – meeting was cancelled.

Senior Program – meeting was cancelled.

RFTA – Mayor A Riddile said that the City of Rifle had voted to suspend RFTA service until May. Glenwood Springs also voted to suspend service but it failed, which was good news for New Castle because if the suspension had been approved, it would have effectively ended bus service to New Castle. Mayor A Riddile said that the number of RFTA employees that were sick had gone down, although one had been airlifted to St. Mary's hospital. That person was now stable. Mayor A Riddile said that Dan Blankenship was doing a fabulous job with his staff.

AGNC – nothing to report.

GCE – nothing to report.

EAB – nothing to report.

Council Comments

Councilor Mariscal said that her concern was that domestic violence cases were increasing. Councilor Leland said that he was also concerned.

Councilor Owens asked how many employees the town had and if the town had done any research on the Family First Act and how it might affect the employees. Treasurer Burk said the town had a few people who stayed home because they may be symptomatic or those who had to stay home because their children were out of school and they did not have childcare and they were handling the cases and following protocol.

Councilor Owens asked if the town was able to opt-in and receive credits for the employees that were staying home. Treasurer Burk said that they were tracking in case it opened up but that small municipalities were not eligible at the current time, but if it changes, the town was ready.

Councilor Owens said that Mountain Family Health was fully immersed in in the Family First Act.

Councilor Owens asked how the situation would affect the vehicle use tax that is supposed to be on the ballot in November. Administrator Reynolds said that he had been having conversations with the town's political consultant Bill Ray and a survey was supposed to go out this spring but it was not the time. It was still intended to be on the ballot for November, but how and when it will be rolled out to the public will change. He said there was some opportunity to help the public understand the need for more diversified revenue streams for the town.

Councilor Owens said that there was some rebar sticking out of the sidewalk on the north side of Faas Ranch Road and he asked if that could be taken care of. Director Wenzel said he would take care of it the following day.

Councilor Hazelton asked if the swearing in of new council members would take place at the next meeting and how it would work. Clerk Harrison said that she had spoken to Attorney McConaughy about it and staff felt that it was not a problem to swear in via video.

Councilor G Riddile said that he was impressed about how many people were active in New Castle now.

Councilor Leland said that the recreation department was doing a great job with virtual programs.

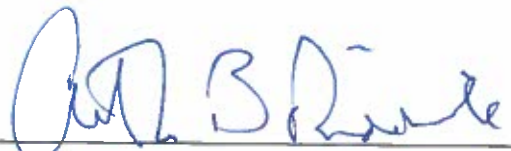
Councilor Leland said that someone posted a question on the Visit New Castle Facebook page asking if New Castle could start the Quarantine Birthday Brigade. Administrator

Reynolds said he knew what it was, and Special Events Coordinator Debbie Nichols had looked into it. It was where someone could send in a request and the police department could go by with sirens wailing and firetrucks with birthday banners for a child or anyone who was having a birthday. He said that the overwhelming requests were making it difficult for the police and fire departments to keep up. Events Coordinator Nichols was working with the recreation department to get it set up in New Castle. Mayor A Riddile offered his thanks to everyone again. He said it was unprecedented territory, and it was frustrating. He encouraged everyone to keep his or her heads up and hang in there. He also encourage everyone to remain compassionate as he knew they would because the staff was fantastic.

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

The meeting adjourned at 8:28 p.m.

Respectfully submitted,



Mayor Art Riddile



Town Clerk Melody Harrison, CMC

