

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

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

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

**If you prefer to telephone in:
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
Absent	None

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

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

Here were no agenda changes.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – present for agenda items.

Consultant Engineer – not present.

Items for Consideration

Girl Scout Presentation: Fishing Line Deposit Station Project

Mayor A Riddile greeted Girl Scout Troop 10239.

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

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

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

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

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

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

Update: The River Center - Heather Paulson

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

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

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

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

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

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

Director Paulson said that distribution of the toys would be a drive-through similar to how Lift-Up was distributing food. The distribution will be at Apple Tree Park because there was more room there than on 4th Street.

Director Paulson said that the River Center will need to purchase toys for the event because they would not receive the donations they normally would, and she thanked the council again for their support, which was helping make their events successful. She said they were trying very hard to keep things as normal as possible for the community.

Mayor A Riddile asked what the River Center was seeing as the greatest needs.

Director Paulson said that the greatest needs seemed to be rental assistance because families were not fully back to work yet. She said they were also seeing some depression so they were considering extending their mental health assistance and counseling services. Director Paulson said they were also seeing requests for utility bills.

Director Paulson said some families had been evicted and they were providing assistance to help those families stabilize.

Mayor A Riddile asked if the River Center had enough staffing and volunteers.

Director Paulson said that they could always use volunteers. She said they had two new members to help with emergency assistance, but that they could use help on Wednesdays for senior lunch because they were required to serve the food. Director Paulson said that staff levels were fine and the needs were nowhere the level they were at the beginning of the pandemic. She said that they were trying to help families in Rifle, and they were taking on some cases referred to them by Reach Out Colorado which is an organization similar to River Center that serves Rifle and Parachute families.

Mayor A Riddile told Director Paulson that the River Center provided a magnificent service to the community, and he thanked her for everything they did.

Director Paulson said that it was a partnership and she thanked the council again for their support.

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 Owens seconded the motion and it passed unanimously.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1) Staff Recommendations:

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

1. All representations for the Applicant contained in the Application or otherwise stated in writing or presented verbally at the public hearing before the Board of Zoning Adjustment shall be considered part of the Application and binding on the Applicant.
2. Applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations.
3. 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.

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

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

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

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

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

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

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

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

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

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

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

The motion passed unanimously.

Continued Discussion of Conceptual Trails and Trails Agreement Funding

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

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

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

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

Consent Agenda

September 1, 2020 minutes

September 15, 2020 minutes

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

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

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

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

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

Staff Reports

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

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

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

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

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

Town Treasurer – not present.

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

Public Works Director – not present.

Commission Reports

Planning & Zoning Commission – nothing to report.

Historic Preservation Commission – nothing to report.

Climate and Environment Commission – nothing to report.

Senior Program – nothing to report.

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

AGNC – nothing to report.

GCE – nothing to report.

EAB – nothing to report.

Council Comments

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

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

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

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

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

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

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

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

Mayor A Riddile said that there was a council meeting scheduled for Tuesday, November 3 which was election day, and historically the council would hold meetings on election day. Mayor A Riddile said that he and Administrator Reynolds had a meeting with the police department staff the prior week and he felt that their department morale was very high. Mayor A Riddile said that they were very happy and appreciative with the 1% bonus. Mayor A Riddile said that regarding the town Christmas Party, he was unsure what would happen with COVID. In years prior, there was attendance of eighty or more people and if they held the party at the Lakota clubhouse, there could only be sixty people. He asked what the council thought of taking the money generally used for the party and giving each staff member \$50.00.

Councilor Owens said that staff would have to be taxed on the \$50.00 through payroll. The council and staff agreed they would speak to the treasurer about the law.

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

The meeting adjourned at 8:48 p.m.

Respectfully submitted,


Mayor A Riddile


Town Clerk Melody Harrison, CMC



Town Council Meeting
Tuesday, October 20, 2020