

**New Castle Town Council Regular Meeting
Tuesday, October 04, 2022, 7:00 PM**

Virtual Meetings are subject to internet and technical capabilities.

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Please call: 1-346-248-7799

Meeting ID: 709 658 8400

Follow the prompts as directed. Be sure to set your
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The Council Packet is available [HERE](#)

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 Carey 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, Town Treasurer Loni Burk, Town Attorney David McConaughy 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 2022-1.

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.

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Consultant Reports

Consultant Attorney – nothing to report.

Consultant Engineer – not present.

Items for Consideration

Presentation: Girl Scout Troop 10238 Book Exchange Project

Town Administrator Dave Reynolds said that Girl Scout Journey was online, and in person were Scouts Becca and Abbey from Local Girl Scout Troop 10238. He said that the young ladies will present a project that they would love to see installed in Alder Park.

Becca, Abbey and Journey gave a power point presentation that described their Book Exchange project. The Scouts also brought the completed book exchange cabinet they had built with materials purchased with funds they raised by holding bake sales.

Becca, Abbey and Journey showed a map that had two locations selected in Alder Park that were adjacent to the soccer field and the fishing pond. In addition, they were close to another Girl Scout project from a few years ago which was the fishing line recycling station.

The council liked the project and were impressed with the presentation. They asked that the Troop contact public works for the final location but were welcome to install the book exchange themselves.

Mayor A Riddle told the Girl Scouts that they should contact the town if they needed help with the installation, and that in the future the town was willing to help with other projects. He complimented their bravery in presenting to the council and thanked them again.

Update: Youth Zone Executive Director Jamie Hayes

Carol Wolff, Youth Zone Development Director, introduced herself to the council. She passed out printed copies of their presentation to the council.

Jamie Hayes, Youth Zone Executive Director, greeted the council as well. She said that Youth Zone was honored to be at council to be able to express gratitude for the support the town provided. Director Hayes and Director Wolff reviewed the information in their presentation. First was a description of the evaluation done every three years on Youth Zone's programming. That data helped them understand what practices worked and were effective. Director Hayes reviewed the local statistics and said that they prided themselves in being able to pivot quickly based on what they were seeing in the communities, what they heard from their kids and families. She said they worked well with the court system and had created some meaningful partnerships with RE-2 and all the school districts and had formal MOUs in place. Director Hayes also said that they had expanded their substance program in response to data that indicated an increasing issue with substance abuse among young people. She said they were also expanding their youth coaching model and she said that they were working with the Youth Coaching Institute on that piece. Youth Coaching was basically Life Coaching and reduction of harm. Director Hayes said they were growing their staff skillset in youth coaching, which was a step before mental health care. Director Wolff said that they often provided coaching for parents as well, to help them develop more skills and strategies and to help them realize they were not alone.

Director Hayes said that more money in recent years had been put towards removing barriers, so more funding was out towards transportation so that staff could drive and meets kids and families where they were. Another piece they had dedicated more funding to was interpretation services.

Director Hayes said that cost was often a barrier, so they waived assessment fees for families if an incident happened at school. Students who are on free or reduced meals can also receive many other services. She said the funding they request from the schools was used to offset or wholly eliminate the costs to families, and kids and families were never turned away.

Director Wolff told the council that the fees they collected equaled approximately 5% to 7% of Youth Zone's budgeted income. The rest came from the generosity of municipalities like New Castle, and she said they were very grateful for the town's continued support.

Mayor A Riddile asked if Youth Zone partnered with Mind Springs. Director Hayes said they did partner with Mind Springs was a referral partner. She said that they had several private partners they used as well. She said that they had some virtual psychologists as well as Mountain Family, depending on what the needs were.

Mayor A Riddile asked if Youth Zone would take elementary kids with special needs.

Director Hayes said that it depended on the age of the youth, and the lowest age they took was ten. She said that kids ages ten to twelve were usually referred out.

Councilor G Riddile asked what the difference was between a court referral and general diversion referral. Director Hayes said that diversion was offered through the court system, but not all kids who went through court were offered diversion. She said that the judge always decided, so Youth Zone got court referrals and they got kids who were flagged and were automatically offered diversion.

Councilor Leland asked how Youth Zone's relationship was with the New Castle court and police. Director Hayes said it was good. She said Youth Zone had two advocates that were present any time there were youth on the court docket, so they had a lot of face-to-face time. Councilor Leland said that the judge and prosecutor had a lot of good things to say about Youth Zone as well.

Councilor Leland asked what Director Hayes' thoughts were regarding school resource officers (SRO) and helping kids in trouble. Director Hayes said that SROs were some of their most important partners. She said she knew there were many different models, but the SROs were in close relationship with school leadership, school counselors, community partners and most importantly, the kids. They were at the school all the time to help the kids understand they were there as a partner and to support them.

Councilor Leland suggested that when the council was ready to readdress the SRO idea, they should bring Youth Zone into the conversation.

Director Wolff said that Youth Zone tried to meet with all the SROs on a regular basis so they could talk about what they were seeing in mental health and with youth in need and how they could help one another.

The council thanked Directors Wolff and Hayes.

Recess the Town Council Meeting, Convene as the Board of Zoning Adjustment

MOTION: Councilor Hazelton made a motion to recess the town council meeting and to convene as the Board of Zoning Adjustment. Councilor Mariscal seconded the motion and it passed unanimously.

Consider Resolution BZ 2022-1 - a Resolution of the Board of Zoning Adjustment of the Town of New Castle, Colorado Denying a Variance Application for the Property Located at 503 W Main Street in the C-1 Zone District

Mayor A Riddle opened public hearing at 7:36 p.m.

Planner Smith introduced the applicant Mr. Joseph Maison, and the architect, Mr. Patrick Stuckey.

Planner Smith reviewed the following staff report for the council.

**Board of Adjustment - Hearing
Tuesday, October 4th, 2022**

Resolution BZ 2022-01

Staff Report

Name of Applicant	Joseph H. Maison
Mailing Address	15452 Highway 82, Carbondale, CO 81623
Property Address	503 W Main St., New Castle, CO 81647
Name of Property Owner	Joseph H. Maison & Nancy Maison
Existing Zoning	Commercial (C-1), New Castle Original Townsite
Surrounding Zoning	C-1
Surrounding Land Uses	Hogback Pizza, 88 Grill, Ore House Inn, New Castle Dental, Single family home
Existing use of property	Storage
Proposed use of property	Demolition of rear apartment to make room for the addition of two (2) upper-level residential units (~950 square ft. each) and a lower level commercial space (2,400 square ft.); Existing livery structure to remain;
Lot size	0.1 acres or 5,000 sf

1) Background & Reasons for Variance:

The applicant requests a variance of the C-1 parking requirements for residential uses, reducing the requirement from 1.5 spaces per unit (section 17.76.129 (B)) to 1.0 space per unit. The allowance is intended to maximum the lower-level commercial square footage, while retaining two off-street parking spaces for two proposed apartments. A denial of the variance will likely result in considerable changes to the current design and a significant reduction of the proposed commercial space. The applicant's narrative maintains that reduced square footage may limit the "viability of the commercial space" and

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“potentially reduce the upper-level apartments to a single unit.” Conversely, if built as proposed, the proceeds on the investment would in turn be used to “refurbish the existing Livery Building”. In essence, more commercial space equates to a better return on investment for the applicant.

The property is bordered by a single-family home to the west, 15 ft alleyway and railroad right-of-way to the south, public parking to the east, and Main Street to the north. There are 3 public parking spaces on Main Street, directly north of the property. There are also 12 public parking spaces on Vandeventer Ave. to the east. Pursuant to municipal code section 17.36.040.D, residential dwelling units are permitted when located on a floor above the ground floor of a commercial use building.

2) Decision Criteria:

17.12.020 (A) & (D) - Board of Adjustment. The Board shall hear and decide all matters referred to it and the following matters as required under this Title:

- A. Hear and decide applications for variances where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Title. The Board has the power to vary or modify the application of the regulations or provisions of this Title relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of this Title is observed, public safety and welfare secured in substantial justice done, provided the Board finds that the following criteria, in so far as applicable, have been satisfied:
 - 1. That there are unique physical circumstances or conditions, such as a regularity, narrowness, shallowness, size of the lot, exceptional topographical or other physical conditions peculiar to the affected property;
 - 2. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Title;
 - 3. That such unnecessary hardship has not been created by the applicant;
 - 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;
 - 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.
- D. Hear and decide the proper off-street parking requirements as provided in Chapter 17.76.

3) Findings and Staff Comments:

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

Staff Comment –The livery lot is typical for the New Castle Original Townsite. Based on historical neighboring uses, 50'x100' (5,000 square foot) lots and smaller have routinely yielded

successful commercial ventures. Of note, Hogback Pizza and New Castle Dental operate on 2,500 square foot lots. 88 Grill and Eat Bistro operate on 5,000 square foot lots. Drifters Coffee with the 2nd level short-term rental sits on 1,750 square feet with 1.5 off-street parking places. Certainly, the viability of *some* uses may be questionable if part of the proposed commercial area is replaced with parking. However, based on the history of the town's commercial proprietors, various types of commercial uses would still be viable. Upon review, it was found that no other adverse physical conditions exist at the side or rear of the building which would justify the need for parking to be reduced.

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 – As discussed earlier, there are no physical conditions with the property that make parking conformance unfeasible. Most likely, compliance with the off-street parking standards would modestly limit certain commercial uses. Furthermore, the claim that at a reduction of the commercial space would potentially result in only one residential unit is unconvincing. The Weller Building's covered parking (250 W Main St; See pictures), for example, cantilevers its 2nd level residential component to meet the off-street parking requirements. Staff has also recommended to the applicant that, since the attached livery structure is expected to undergo future alteration, perhaps those changes could be contemplated sooner and thereby afford more commercial space for the new structure.

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

Staff Comment – Staff has found it difficult to identify an unnecessary hardship which is the result of unique features of the property. Designing a building that meets the zoning requirements may be hard or difficult, but such difficulties are endured by many property owners. These would not be grounds for a variance. Staff believes these difficulties can be resolved in a manner that would both meet the zoning and provide for a successful mixed-use property, perhaps just not as designed.

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 – With or without a variance, Livery Building will retain its visual charm. If the variance is granted, the physical difference between three to two parking spaces will only be a 19' x 9' difference, or 171sf of parking space. Negatively, staff anticipates the variance would result in residents and/or guests, regularly parking into the adjacent public parking spaces. Though the public parking between the Livery Building and Hogback Pizza, is rarely filled during the day, it is usually filled during the evening and weekends with restaurant patrons. The commercial spaces relying on these public parking spaces may suffer if they are unavailable.

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 – Staff agrees the proposed parking reduction would be the minimum variance that would allow the applicant to achieve the proposed design and use.

To conclude, the variance request is modest to be sure. The Town could likely absorb a couple

more residents parked in the adjacent public right-of-way. However, staff sees at least two potential issues with an approval: 1.) The code requires that the applicant demonstrate an unnecessary hardship. If any hardship exists, it is on the part of the applicant's ambition to design a building that exceeds the zoning provisions; 2.) Concessions on land use proposals such as this could set a precedent for future Boards of Adjustment which may pressure them to approve variances they otherwise would prefer not to approve. Nevertheless, there have been attempts by staff to induce solutions which better conform to the code. Some are provided above. As things stand, staff does not consider the variance justified nor necessary to attain a successful mixed-use occupancy. **Therefore, staff recommends denial of BZ 2022-01.**

4) Staff Recommendations:

If the Board is inclined to approve the request, staff asks that the following recommendations be considered in their decision:

1. The applicant shall comply with all applicable building, residential, electrical, and municipal code requirements including all sign code regulations.
2. The alleyway may not be used for storage or staging of building related waste or materials. As a public right-of-way, the alleyway must remain unobstructed for egress.
3. Excavations in the right-of-way shall require approval through the Public Works Department.
4. 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 Adjustment shall be considered part of the Application and binding on the Applicant.
5. The Applicant shall reimburse the Town for 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.
6. Violation of any of the above conditions shall be cause for revocation of the variance.

5) Exhibits:

- A. Land Development Application – July 11, 2022
- B. Applicant Narrative, from Owner – July 8, 2022
- C. Applicant Narrative, from Architect – August 8, 2022
- D. Agreement to Pay Consultant Fees – July 7, 2022
- E. Plan Submittal – August 1, 2022
- F. Affidavit of Notice – September 14, 2022
- G. Public Notice
- H. Property Owners within 100' – September 13, 2022
- I. Adjacent Public Parking Spaces – September 22, 2022
- J. Weller Building Covered Parking Spaces – September 23, 2022

Mr. Stuckey greeted the council. He said that he would address some of the issues as noted by Planner Smith.

Mr. Stuckey said that the overall intent for the property was to generate revenue which would come from the proposed addition. Eventually, that revenue would be utilized to refurbish and then use the livery portion of the property as well. Mr. Stuckey said that

livery itself was an impairment to building a new structure around it. He said that building a smaller new structure meant that there will be less revenue and a longer time period before the livery could be refurbished, which had been a goal for the owner, Joseph Maison, all along. Mr. Stuckey said that he wanted to address the theory of adding a parking space and reducing the commercial and residential above. He said that it could happen but that he did not feel that architecturally it would be very pleasant. Mr. Stuckey said that although the building was on an alley, it was visible from I-70, and that when he was on council there had been discussions about making the view of New Castle more inviting from I-70. Mr. Stuckey said that if the commercial space was reduced, the residential space would also have to be reduced. He said the third parking space would mean the commercial space would be reduced from 2400sf to just above 2000sf. He said that will reflect into the residential above. Currently the units are 921sf and 992sf. The reduction will cause the units to be 729sf and 800sf respectively. Mr. Stuckey said that 729sf is against the town code. Mr. Stuckey said that the reduction will cause there to be only one residential unit above and they were trying to maintain two units. Mr. Stuckey passed out some additional sketches that showed the impact of the reduction to the commercial and residential spaces.

Planner Smith asked if the south apartment wall would be moved back as well. Mr. Stuckey said yes, because the walls should be in alignment so as to not impact the architectural aspect from I-70, and to keep the view pleasant. Planner Smith pointed out that there was a six-foot fence along the alley. Mr. Stuckey gestured that he had heard Planner Smith.

Town Attorney David McConaughy said that to clarify the matter, Mr. Stuckey said that the hardship was the presence of a historic building that they were trying to preserve and build around as opposed to tearing it down. He noted that they had purchased the property that way. Attorney McConaughy asked if that was a hardship or not.

Mayor A Riddile asked what the rent on the apartments would be. Mr. Maison said that he had no idea, but he was thinking it would be employee housing for his own business.

Mayor A Riddile asked what would be done with the commercial space. Mr. Maison said the commercial space will not be available to public because he will use it for storage. He said that the new space and livery commercial space will be combined into one large space, and that he had no intentions of there being any retail or other public commercial space, and that he did not want to commit to anything because he wanted to keep his options open. Mayor A Riddile said that the town did not need any more storage, rather, office or retail space was needed for businesses. Mr. Maison said that the livery needed a lot of work on the inside before anything could happen. Mr. Stuckey said that the way the new building was being constructed that the commercial space could be two commercial spaces. Mr. Stuckey said that there were no plans to find tenants for the commercial space or potential spaces, but it will be designed to meet code for flexibility in the type of commercial that could go in there.

Councilor Hazelton said that he felt the council should look at what was before them and whether there was any hardship. He said that he heard the applicants say that they considered the livery building the hardship but that was what they purchased the property. The property lines had not changed nor had the street. The fence in the rear was new. Councilor Hazelton asked the applicant if there was anything else they were considering as a hardship that would make the council want to approve the variance. Mr. Stuckey said there was the option of removing the livery building and not worrying about whether it was historical and a benefit to the downtown. He agreed that the property was

purchased as it is, and it was one of the bigger reasons why Mr. Maison purchased it. In addition to that, like anybody, being able to finance the refurbishing for reuse. Mr. Stuckey said that it was a hardship in itself just to be able to build on the rear of the property. Councilor Hazelton said that it was not unforeseen and that was his point. He said there was nothing that was hidden that came up suddenly and they were seeing the property in a different light than when it was purchased. Mr. Stuckey said that he felt in any hardship that was a possibility.

Attorney McConaughy asked the council if he could ask the applicant a question. The council agreed.

Attorney McConaughy asked the applicant if the variance were approved, would they agree to commit to preserving the livery building. In other words, he said that the town might be concerned that they grant the variance for only two parking spaces and then six months later they tear down the livery, and there went the hardship. Attorney McConaughy asked if there was a commitment there. He clarified that it wasn't a requirement, and that he was merely asking.

Mr. Maison said that it was not the intention to tear down the building. He said he bought it because it was old and looked cool and was intact. He said that in the event he needed to fix it in the future because it did have some problems, he said he could always bring it to the council to see what they wanted him to do. Mr. Maison said he liked the building the way that it was, and he did not currently have any plans. He added that he could not afford to take the whole thing down. He also said that he understood the building was not on the historic register, and part of the addition with the 7:12 pitch was to compliment what's there because he cared about it. He said they will try to make the addition fit in with old barn wood. Mr. Maison said that he was a builder, and he could put anything on there that anyone would want him to. He said he wanted to leave the front alone, however he will have to fix it in the future because when the sidewalk was installed it is a foot to a foot and a half above the foundation, so the front wall is buried and likely deteriorating. He said the front wall will stay, because it was not broken, and he did not want to fix it. Mr. Maison said that down the road if he wanted to change it, he would like to keep it old, but he did not want to promise that he wouldn't change it. Mr. Maison said that anything that he did, he would like to replace it with something to compliment the town.

Councilor Leland asked if there was a possibility of them renting the third parking space from a nearby business.

Planner Smith said that had been discussed, but it was not something the applicant wanted to pursue so he went with a variance instead.

Councilor Leland said that the neighbor had rented space to the business to the west, so it had been done before.

Administrator Reynolds said that got a bit tricky in that it was unknown if the neighbor would always be the neighbor, so there was no definite in how long term that solution would be.

Mr. Stuckey said that it wasn't that they did not want to pursue renting a parking space, rather, they wanted to pursue the variance first to see if it would be able to occur. If not, he was sure Mr. Maison will try but there were no guarantees he will be able to find anyone that would be willing to lease him a parking space. He said it will inhibit the timing of getting the project off the ground.

Mr. Maison said he did have someone in town that was willing to lease him a space, but that person was going to put their property on the market, so if it sold, he would have to find another. He said he had it at this time but would not need it until after construction. Councilor G Riddile asked if there was a bathroom and mechanical room in the proposed building. Mr. Stuckey said that they were at preliminary design stage, and what was submitted to the town did not show it, but yes, there was a mechanical space and a handicap bathroom.

Mayor A Riddile opened the public hearing at 8:09 p.m.

Dustin Chapin, Owner of Hogback Pizza. Mr. Chapin asked how many parking spaces will be lost on 5th Street. Mr. Stuckey, Mr. Chapin and the council discussed briefly and it was clarified that the five parking spaces on 5th Street will remain as they were, that no changes will be made because it was public parking and not part of the project proposal. Mr. Chapin said that was all he wanted to know.

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

Councilor Carey noted that the purpose, as Councilor Hazelton had stated, was to determine whether there was an unreasonable hardship. What had been stated was that the livery building itself was the hardship, and the building was there when the property was purchased. She asked Mr. Maison to confirm, and he said yes. Councilor Carey said there was a saying 'caveat emptor' or 'buyer beware', that you are aware of what you are buying with all its good, bad and uglies. She said that it is hard to determine if there was proper use of a 'hardship' when it was not something that came up in the process. It was there when he purchased it; the property lines had not changed, the alley had not changed; the roadway had not changed. Councilor Carey said that whether it rose to the level of a hardship was hard to get to knowing that Mr. Maison purchased the property knowing that it would be a difficult lot to develop. Councilor Carey said that she felt that was one of the items the council was concerned about, although she conceded that she would not be voting, and was only made aware of that fact when she arrived at council. She said she was presenting her thoughts. Councilor Carey said that one of the things that the council had to be mindful of when considering variances is that there was a level of due diligence that has to be executed when purchasing property, and because something was not working out the way the applicant hoped, she did not feel that rose to the level of an unreasonable hardship.

Councilor Leland said that in reviewing the application, he remembered a previous variance request. He said there were similarities between them: it was a good proposal; it was a good use of the lot and it he liked it. He said the other variance was a deck that encroached into the setback and was something he would have asked for had it been his house, however, just wanting to build too close to the property line just because he wanted to was not a hardship. Councilor Leland said that he was inclined to think about Mr. Maison's application in similar terms because it did not rise to hardship no matter how attractive the proposal was. He said they were bound to abide by the five criteria. Councilor Leland said to Mr. Stuckey that he had seen his work previously and he trusted that Mr. Stuckey could come up with a solution.

Councilor Mariscal said that Mr. Chapin said something that made her think about using other spaces from other business. How will people feel when they try to take their families out and support local business without enough parking available.

Councilor G Riddile said he had a comment that may elicit some 'boos' but he said he was not enamored with the livery building, personally, so as far as the value of that, presenting it as the hardship, he disagreed. He said that he appreciated the transparency of the applicant in telling the council his initial intent with the commercial space. Councilor G Riddile said that if they had come in and said they had a tenant who really needed the square footage, maybe he would feel differently. He said that he was not seeing a hardship with the proposed initial storage use. He said he was concerned with the precedent.

Councilor Copeland said that she wanted the council to be careful of the precedent they set as well.

Councilor Hazelton pointed out that when voting time came, he wanted the council to understand that a yes vote will be to deny the variance, and a no vote will to approve.

MOTION: Councilor Hazelton made a motion to approve Resolution BZ 2022-1, a Resolution of the Board of Zoning Adjustment of the Town of New Castle, Colorado, Denying a Variance Application for the Property Located at 503 W Main Street in the C-1 Zone District. Mayor A Riddile seconded the motion and it passed unanimously.

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

MOTION: Councilor Hazelton made a motion to adjourn the Board of Zoning Adjustment and to reconvene the town council meeting. Mayor A Riddile seconded the motion and it passed unanimously.

2023 Budget Presentation

Town Treasurer Loni Burk greeted the council. She asked if everyone received a blue budget binder. The council agreed they had.

Treasurer Burk said they had met on September 20 and the preliminary budget had been presented. She said that they had discussed the budget extensively and things had been added and some taken out. In addition, the council retreat was on September 24, and more items discussed, and since that time, other items had changed.

Treasurer Burk and Administrator Reynolds reviewed the many changes in the following report:

Proposed 2023 Budget Changes from 9/20/2022

Personnel

1. Added 1.0 FTE for Town Hall staffing beginning July, 2023 – total salary & benefits estimated to be \$56k (General fund-\$45k, Utility Fund-\$11k)

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2. Added estimated cost of sick leave conversion for eligible staff - \$15k (GF-\$8k, UF-\$7k)

Sales Tax

1. Increased estimate by \$15.5k based on latest collections (this is split between Admin, Parks & Streets). 2023 budget assumes 3% increase over 2022 projected revenues.

Administration – p. 4-6

1. Decreased Use Tax revenue by \$8,400 based on latest estimates from Paul (10-4010-080)
2. Increased computer hardware by \$4,200 to include 3 new towers (10-5040-103)
3. Increased meals/lodging by \$3k for additional conferences/training for staff (10-5040-175)

Building & Planning – p. 7

1. Increased Building Permits revenue by \$15k due to increase in standard building rate tables (10-4010-180)

Health & Welfare – p.8

1. Added \$10,000 donation to Garfield County Detox Center (10-5080-506) Public Safety – p. 13-14

1. Increased computer hardware by \$4,200 to include 3 new towers (10-5050-103)
2. Moved \$62k vehicle purchase from 2023 budget to 2022 projected (10-5050-421)

Recreation Department – p. 15-17

1. Increased Tobacco Tax revenue by \$7k (from \$306k to \$313k) based on latest collections (10-4010-101)
2. Increased Burning Mtn Festival expense by \$3k (from \$15k to \$18k) based on current year spending (10-5070-974)

Streets Department – p.18-19

1. Decreased County Sales Tax Revenue by \$20k to reflect revenue taken back from 2021 overage (10-4010-070)

Town of New Castle

Proposed 2023 Budget Changes from 9/20/2022 (continued)

Town Maintenance – p. 20

1. Added \$5,000 to Museum Expense for anticipated building improvements (10-5060-611)

Water Operating – p. 22-23

1. Increased computer hardware by \$1,500 for one new tower (20-6040-103)
2. Added \$1,250 for ½ of donation to Middle CO Watershed (20-6040-220) Waste

Water Operating – p. 25-26

1. Increased computer hardware by \$4,200 k to include 3 new towers (20-6080-103)
2. Added \$1,250 for ½ of donation to Middle CO Watershed, \$3,750 for ½ donation to CLEER energy and \$3,000 for misc other professional services (20-6080-220)

Notes & other considerations:

- A. The Town has applied for a 2022 FLMD Fall Mini-Grant for facility security. If this grant is awarded, it will add \$25,000 to revenues and \$33,000 to expenses – a net decrease of \$8,000 to the General Fund bottom line.
- B. The Town was awarded \$1.3 million for the American Rescue Plan Act (ARPA). These funds are in a Deferred Revenue account until a decision has been made on how to spend them.
- C. The Town has applied for a \$1.75 million Congressional Direct Spending Grant for raw water irrigation improvements. If awarded, the required match is 20% or \$350k to be paid from the Utility Fund, possibly using ARPA funds referenced above.
- D. Other requests not currently included in this budget include: General Fund
 1. Pickup and plow for the Streets Department - \$58k
 2. Police Department body cams - \$40k
 3. Equipment for meetings at the Community Center - \$6k
 4. Updated Parks Master Plan consulting fees - \$40k
 5. Rewrite of Nuisance Code - \$5k
 6. EV Charging Stations grants
 7. Boat ramp & Burning Mountain Park renovations
 8. Purchase land west of Public Works (\$400k-\$575k)
 9. SGM traffic study for traffic light at 7th & Main Sts
 10. Dog Park construction \$61k – donations to date = \$8.5k

Utility Fund

1. Costs to operate river pumps if necessary - \$6-\$10k per month as needed

Mayor A Riddile complimented the update sheet. He said it made it so much easier to understand the changes.

The council and staff discussed details of the budget extensively.

Consider Ordinance TC 2022-11, an Ordinance of the New Castle Town Council Repealing Emergency Ordinance TC 2020-5 (2nd reading)

Clerk Harrison told the council that the ordinance was second reading and that nothing had changed since first reading, except a typo correction in the fourth paragraph where 'healthy' had been changed to 'health'.

Town Council Meeting
Tuesday, October 4, 2022

MOTION: Councilor G Riddile made a motion to approve Ordinance TC 2022-11, an Ordinance of the New Castle Town Council Repealing Emergency Ordinance TC 2020-5 on 2nd reading. Councilor Mariscal seconded the motion and it passed on a roll-call vote: Councilor Leland: yes; Councilor G Riddile: yes; Councilor Hazelton: yes; Councilor Mariscal: yes; Councilor Copeland: yes; Councilor Carey: yes; Mayor A Riddile: yes.

MOTION: Councilor Leland made a motion at 9:03 p.m. to go into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) for an evaluation of the Town Treasurer, and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Councilor Hazelton seconded the motion and it passed unanimously.

Executive session concluded.

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

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

Consent Agenda.

September 6, 2022 minutes

September Bills of \$1,295,594.15

MOTION: Councilor A Riddile made a motion to approve the consent agenda. Councilor Carey seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – Administrator Reynolds said that Public Works Director John Wenzel was working on setting up another Dog Park meeting which might be Wednesday of the following week but was not yet confirmed. He also said that Director Wenzel was working on the dog leash signs.

Administrator Reynolds said that he and Planner Smith will meet with the BLD Group the following day to follow up. He said the often met with applicants after a P&Z or council meeting to make sure they heard everything staff though they should, and vice-versa.

Town Council Meeting
Tuesday, October 4, 2022

Administrator Reynolds said that he will take some vacation time starting on October 24 returning November 7.

Administrator Reynolds said that new hire Michelle Mills in the finance department, who had only been with the town seven days was wonderful – he said it felt like she had been with the town for seven months because she was fitting in very well.

Administrator Reynolds said that he and Planner Smith had been working with Colorado River Fire & Rescue and were reaching out to RE-2 as well to set up a time to talk with them about how to handle the affordable or staff housing discussion they had been having with the BLD Group and the Romero Group. He said they wanted to be able to go to the developers and say what was important to those organizations.

Administrator Reynolds said that the detox center agreement had been through all the attorneys, and it was done. He said that it could be tweaked later if needed by the governance committee. He said that the IGA will come to the next council meeting.

Administrator Reynolds said that council had approved the buyout of the solar array at public works some time ago, but the purchase had not gone through yet because of some delays that led to Xcel having to rewrite the agreement.

Administrator Reynolds said that staff will make a presentation to the FMLD regarding the LoVa Trail “Meet Me In The Middle” portion. That project had gone out to bid and they should have numbers back by October 27 and at that time they will figure out if those dollars made any sense.

Administrator Reynolds said that the community center kitchen project was underway and had been demolished. Staff was working towards replacing it.

Administrator Reynolds said that staff had been successful in translating and publishing the first Spanish town newsletter. It took more effort than expected but was available at the library and online.

Administrator Reynolds said that a nice thank you had been received from West Elk Trails for the grant money.

Administrator Reynolds said that staff was readying to put out the next round of outgoing grants.

Administrator Reynolds said that the Halloween Celebration will be on Friday, October 28 from 3:00 p.m. to 5:00 p.m.

Administrator Reynolds said that Public Information Officer Rochelle Firth will host the next regional meeting and there will guest speakers from Boulder PD regarding the shooting and the Marshall Fire. He said she will be putting out an invitation to anyone who was interested in attending.

Town Clerk – Clerk Harrison said that Deputy Clerk Mindy Andis and herself will be at conference October 17 through 21 so she will not be at the next council meeting, but Deputy Clerk Remi Bordelon will.

Clerk Harrison said the clerk’s office had begun working on the 2023 utility rates, adding the annual 3%. She said the new rates will go on the utility bills in November and the rate sheet in December. In addition, she said they had begun working on the Fee Schedule for 2023.

Clerk Harrison said that she had finally received the transfer application for 2 Coronas. She said that the owner, Salvador Corona, was transferring the liquor license from himself to himself and a partner, and they will rename as Hacienda San Miguel. Clerk Harrison said they had submitted their application using the Spanish form, so it was something of a challenge for the clerk’s office staff, but they had managed.

Clerk Harrison said that she will be hosting the Senior Programs meeting in chambers on October 28.

Clerk Harrison said that she had made the mistake two weeks in a row at staff meeting saying that she had completed all the necessary work for the Filing 11 lawsuit just to receive another e-mail from Attorney McConaughy requesting more. She said she was finally done and will have to 'certify the record' later in the week, which seemed somewhat overwhelming. Clerk Harrison said that she had spent approximately 52 hours on the project providing documentation to the courts and had learned a lot.

Town Treasurer – Treasurer Burk thanked the council for all their work on the budget. She said there were some work sessions planned in the near future, but she felt they may not all be necessary.

Town Planner – not present.

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 – nothing to report.

AGNC – nothing to report.

GCE – nothing to report.

EAB – nothing to report.

Council Comments

Councilor Mariscal asked who had done the translation on the newsletter. Administrator Reynolds said that Administrative Assistant Rochelle Firth has used Google Translate and then Police Clerk Jessica Hernandez had edited it for correctness. Councilor Mariscal said it was good but there were a few words that were a bit off.

Councilor Mariscal said that she thought it might be a good idea to have a Spanish version of Coffee with a Cop.

Councilor Mariscal suggested that the Spanish newsletter could be dropped off at the church.

Councilor Mariscal thanked Administrator Reynolds for participating in the Apple Tree meeting.

Councilor Carey asked if Clerk Harrison had checked to see if registration had opened for the Effective Governance Conference. Clerk Harrison said she had not checked that day, but that she had received an e-mail saying the registration was open. She assured Councilor Carey that she would get her registered for the conference.

Councilor Carey said that she had spoken to Brenda with the Bear Coalition, and she did not realize that the Roaring Fork Bear Coalition was not a chapter of the Colorado Bear Coalition. She said they had spoken about having a community conversation on how the Roaring Fork and Colorado Bear Coalitions could help a grass roots movement to deal more successfully with bears. She clarified that it would not be town-driven. Councilor Carey said that she and Administrator Reynolds had talked about doing something with CPW as well and would be separate and in preparation for some long-term education.

Councilor Carey said that one of the things the Brenda had pointed out was that they see

a better return on education if it was done throughout the winter and then a big push in the summer.

Councilor Carey thanked Administrator Reynolds for the debrief from the council retreat.

Councilor Hazelton said that the BBQ with a Cop event was really great.

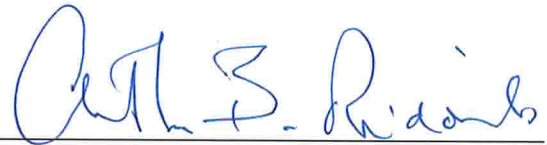
Councilor Hazelton said that he wanted the council to keep in mind that the county was still willing to help with the Coal Ridge High School Trail.

Councilor G Riddile said that he found it interesting that Silt and Rifle do not contribute to Youth Zone.

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

The meeting adjourned at 9:29 p.m.

Respectfully submitted,



Mayor Art Riddile



Town Clerk Melody Harrison, CMC

