

**New Castle Town Council Regular Meeting  
Tuesday, December 19, 2023, 7:00 PM**

**Call to Order**

Mayor Pro Tem Hazelton called the meeting to order at 7:00 p.m.

**Pledge of Allegiance**

**Roll Call**

Present	Councilor Carey
	Mayor Pro Tem Hazelton
	Councilor Copeland
	Councilor Leland
	Councilor G Riddile
	Councilor Mariscal
Absent	Mayor A Riddile

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Mindy Andis, Town Treasurer Viktoriya Ehlers, Town Attorney David McConaughy, Assistant Town Attorney Haley Carmer, Town Planner Paul Smith, and members of the public.

**MOTION: Mayor Pro Tem Hazelton made a motion to approve Mayor Art Riddile absence. Councilor Mariscal seconded the motion and it passed unanimously.**

**Meeting Notice**

Clerk Andis verified that her office gave notice of the meeting in accordance with resolution TC 2023-1.

**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 –present for agenda items only.  
Consultant Engineer – not present.

**Items for Consideration**

1 **Staff Introductions – Justin Perkins**

2 Utility Manager Daniel Becker introduced Justin Perkins, Wastewater Treatment Operator  
3 to the council.

4 The council welcomed Mr. Perkins to the Town of New Castle.  
5

6 **Proclamation Recognizing Hogback Pizza**

7 Mayor Pro Tem Hazelton read the proclamation into the record.

8 Dustin and Diane Chapin gave some history of how the restaurant came to be.  
9

10 **Presentation: The Year in Review**

11 Town Administrator Dave Reynolds said at the last meeting of the year Administrative  
12 Assistant Rochelle Firth put together a Year-In-Review presentation.  
13

14 The council and staff watched the power point presentation.  
15

16 **Consider Ordinance TC 2022-8 - An Ordinance of the Town of New Castle,**  
17 **Colorado summarizing additional expenditures for the Utility Fund, Conservation**  
18 **Trust Fund and Cemetery Fund, and adopting a supplemental budget for the**  
19 **Town of New Castle, Colorado, for the calendar year beginning on the first day of**  
20 **January, 2023 and ending on the last day of December, 2023 (2nd reading)**

21 Town Administrator Renyolds said Ordinance TC 2023-08 summarizes additional  
22 expenditures for budget year 2023 as follows:

23 Utility Fund Balance	\$153,880.00
24 Conservation Trust Fund Balance	\$9,500.00

25 During our regular Council meeting on December 5, 2023, Town Council approved TC  
26 2023-08 on first reading, no changes or updates have been made.  
27

28 **MOTION: Councilor Carey made a motion to approve Ordinance TC 2023-8, A**  
29 **Ordinance of the Town Council of the Town of New Castle, Colorado summarizing**  
30 **additional expenditures for the Utility Fund, Conservation Trust Fund and**  
31 **Cemetery Fund, and adopting a supplemental budget for the Town of New Castle,**  
32 **Colorado, for the calendar year beginning on the first day of January, 2023 and**  
33 **ending on the last day of December, 2023 (2nd reading) Councilor Mariscal**  
34 **seconded the motion and it passed on a roll-call vote: Councilor Mariscal: yes;**  
35 **Councilor Carey: yes; Mayor Pro Tem Hazelton: yes; Councilor Copeland: yes;**  
36 **Councilor Leland: yes; Councilor G. Riddile: yes.**  
37

38 **Consider Ordinance TC2023-10 – Ordinance 2021 Building, Residential,**  
39 **Mechanical, Fuel Gas, Plumbing Code Model Electric Ready and Solar Ready Code,**  
40 **Fire Code Adoption and Addition Section 15.06 Regarding Construction**  
41 **Management Plans and amending Title 15 of the town Municipal Code**  
42 **Accordingly. (2nd reading)**

1 Planner Paul Smith said after the first reading of the proposed ordinance, Staff revised  
2 two sections of the draft ordinance:  
3

- 4 1. Fee amounts for construction management violations were moved to the
- 5 town's fee schedule to facilitate ease of future price adjustments;
- 6 2. Amendments to IRC section R309.6 & R309.6.1 in Chapter 15.10.020 of
- 7 the municipal code were deleted. Chapter 15.30 – Colorado electrical and
- 8 solar ready codes shall now govern.
- 9

10 **Summary of major changes to 2021 code adoption:**  
11

12 On balance, only very select sections of the 2021 ICodes have been amended. In all  
13 cases where code amendments were considered, a more restrictive alternative was  
14 provided. Moreover, Staff has made minor updates to Chapter 15 of the Municipal Code  
15 (parts not included in the ICodes) to better suit the current state of construction in New  
16 Castle. The following is a summary of all the major amendments to the ICodes currently  
17 contemplated by Staff:  
18

- 19 ▪ Addition of Section 15.06 regarding Construction Management;
- 20 ▪ Addition of the state of Colorado Model Electric and Solar Ready Code;
- 21 ▪ Contractor licenses and testing are eliminated;
- 22 ▪ Prohibition of excavation permits (unless subject to Section 15.36
- 23 Grading Permits);
- 24 ▪ Permit fees aligned with Town of New Castle Schedule of Fees;
- 25 ▪ Clarification of required construction documents;
- 26 ▪ Stricter provisions for issuance of temporary certificate of occupancy;
- 27 ▪ Improved requirements for foundation drains and damp proofing;
- 28 ▪ Added requirements for gutters and downspouts;
- 29 ▪ Prohibition of atmospherically vented appliances;
- 30 ▪ Water & sewer stub outs required prior to foundation installation;
- 31 ▪ Requirement for energy consultant review at plan submittal
- 32 ▪ Clarification of freeze protection system controls for ice/snow melt
- 33 systems;
- 34 ▪ Automatic sprinkler systems aligned with county requirements;
- 35

36 During the last adoption in 2018, Staff committed to updating the building codes every six  
37 years. As the six-year goal approaches, Staff asked the Council to consider these updates  
38 as a step in improving the safety and wellbeing of the residents of New Castle both now  
39 and in the future.  
40

41 **MOTION: Councilor G Riddile made a motion to approve Ordinance TC2023-10-**  
42 **2021 Building, Residential, Mechanical, Fuel Gas, Plumbing Code Model Electric**  
43 **Ready and Solar Ready Code, Fire Code Adoption and Addition Section 15.06**  
44 **Regarding Construction Management Plans and amending Title 15 of the town**  
45 **Municipal Code Accordingly. (2nd reading) Councilor Mariscal seconded the**

1 **motion and it passed on a roll-call vote: Councilor G. Riddile: yes; Councilor**  
2 **Mariscal: yes; Councilor Leland: yes; Councilor Carey: yes; Mayor Pro Tem**  
3 **Hazelton: yes; Councilor Copeland: yes.**

4  
5 **Executive Session for a conference with the Town Attorney for the purpose of**  
6 **receiving legal advice on specific legal questions under CRS Section 24-6-**  
7 **402(4)(b) regarding pending litigation against Castle Valley Ranch Investors**

8 **Motion: Councilor Leland made a Motion at 7:39 p.m. to go into Executive**  
9 **Session for a conference with the Town Attorney for the purpose of receiving**  
10 **legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) regarding**  
11 **litigation filed by Castle Valley Ranch Investors, Inc. Councilor Carey seconded**  
12 **the motion and it passed unanimously.**

13  
14 Executive session concluded.

15  
16 At the end of the executive session, Mayor Pro Tem Grady Hazelton made the following  
17 statement:

18  
19 "The time is now 8:19p.m. and the executive session has been concluded. The  
20 participants in the executive sessions were: Councilor Mariscal, Councilor Carey, Councilor  
21 Hazelton; Councilors Copeland, G Riddile, Councilor Leland, Town Administrator Reynolds,  
22 Town Clerk Andis, Town Planner Smith, Town Attorney McConaughy, Assistant Town  
23 Attorney Haley Carmer and Town Treasurer Ehlers. For the record, if any person who  
24 participated in the executive session believes that any substantial discussion of any  
25 matters not included in the motion to go into the executive session occurred during the  
26 executive session, or that any improper action occurred during the executive session in  
27 violation of the Open Meetings Law, I would ask that you state your concerns for the  
28 record."

29  
30 No concerns were stated.

31  
32 **Consider Approval of Longview Phase 1 Subdivision Improvement Agreement**  
33 **(SIA)**

34 Assistant Attorney Haley Carmer said in June 2023 Longview PUD got approved. Phase 1  
35 of the PUD is a small portion of three lots on the northwest side of Longview. The  
36 Subdivision Improvement Agreement (SIA) is related to the three lots. There will be a  
37 couple of Filings in conjunction with the SIA. There will be an ordinance approving the  
38 PUD recorded along with a boundary line adjustment with the golf course. There is an  
39 amended overstated subdivision exemption map which deals with the larger parcels that  
40 are more than 35 acres. The map will show how the boundary lines have adjusted  
41 overtime to account for the change of where the golf course area is and where future  
42 development is. The map will be recorded, the roundabout dedication will be dealt with at  
43 that time, the Phase 1 plat will create the three lots and three future filings which includes  
44 the commercial, mixed use and the apartments. With the SIA is the cost estimate of  
45 \$57,000.00 with a 15 percent contingency \$65,550.00. Attorney Carmer has looked at the

1 Letter of Credit and it is good. The SIA is the standard form with specifics for this filing.  
2 The SIA doesn't address the boundary line or the subdivision exemption map, those are  
3 addressed in the PUD ordinance from June 2023.

4  
5 Councilor Leland said there have been problems in the past regarding the Performance  
6 bond to be released. There was a developer who had asked to have the credit reduced  
7 and the council agreed. Then, at the end of the process the town needed a lot more  
8 money than what the letter of credit provided for. How does the town make sure that  
9 doesn't happen again? Attorney McConaughy said the developer had asked for the  
10 security tap fee to be waived and it was granted. That ask was for debt not to pay for  
11 streets. He said the town needs to rely on the town engineer not to approve a release  
12 until what needs to be done is done. Attorney Carmer explained the is language in the  
13 agreement that whatever gets released can't reduce the letter of credit passed what is  
14 need to finish the project.

15  
16 **MOTION: Councilor G. Riddile made a motion to approve Longview Phase 1**  
17 **Subdivision Improvement Agreement (SIA). Councilor Copeland seconded the**  
18 **motion and it passed on a roll-call vote: Councilor Leland: yes; Councilor**  
19 **Mariscal: yes; Councilor Copeland: yes; Councilor Carey: yes; Mayor Pro Tem**  
20 **Hazelton: yes; Councilor G. Riddile: yes.**

21  
22 **Consider Resolution TC 2023-14 - A Resolution of the Town Council of the Town**  
23 **of New Castle Adopting a Directory of Fees and Charges for the Town**

24 Clerk Andis said each year staff presents Council with proposed changes and updates to  
25 the Town's Directory of Fees and Charges. This year staff would like to recommend  
26 additions and updates to the list of Fees and Charges which include:

27 p.4 Section 2 A:	Dog License	Increase by \$10.00
28 p.5 – p.7 Section 3:	Multiple Changes - Building	
29 p.7 Section 4 A:	Business License	Increase by \$25.00
30 p.8 Section 4 A 2c:	<del>Special Event Business License</del>	
31 p. 15 – 18 Section 16 A-K:	Water, sewer and affiliated services	3% increase
32	Bulk Water	6.5% increase
33	Raw Water	3% increase Will
34 do more research at the beginning of the year for hard service numbers, will reevaluate in		
35 the spring		
36 p. 18 Section 16 J:	Trash Removal Service	4% increase

37 These new fees, if approved, will be effective January 1, 2024.

38 She said the reasoning for the increase for the dog license is 1) the fee has not changed  
39 for several years 2) the town would be in line with the surrounding neighboring towns and  
40 on average they are charging \$20.00 for fixed dogs and 3) the town now has a dog park.  
41 Councilor Leland asked if approved to provide the council with an update to see how the  
42 response is with people registering their dog. Mayor Pro Tem Hazelton asked how  
43 residents can register their dogs. Clerk Andis said there is a fillable application on the

town's website, they can e-mail, mail or drop it off to the town. They can pay over the phone or pay with a check when they mail or drop off the application. Mayor Pro Tem Hazelton had suggested putting signage at the dog park with a QR Code. Clerk Andis said she would look into having something at the dog park. Planner Smith explained the building permit changes. Clerk Andis explained the need to increase the business license fee from \$25.00 to \$50.00 is because there is so much staff time and tracking involved with business licensing. Administrator Reynolds said the proposed increase to the bulk water is the town is low compared to neighboring towns and the cost of maintenance has increased. Clerk Andis said last year the state had passed a bill to where municipalities can no longer charge for a special event business license. That is the reason for taking the fee out of the fee schedule.

**Motion: Councilor Leland made a motion to approve Resolution TC2023-14 – A Resolution of the Town Council of the Town of New Castle Adopting a Directory of Fees and Charges for the Town. Councilor Copeland seconded the motion and it passed unanimously.**

#### **Consider a Motion to Cancel or Reschedule the January 2, 2024 Regular Council Meeting**

Administrator Reynolds said the only items for the next council meeting is house keeping items and the meeting is right after a holiday weekend. Items could be added to the agenda if the council decides to have the regular council meeting. The council agreed to have the regular council meeting as scheduled for January 2, 2024.

**Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) regarding the Town Clerk and 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.**

**Motion: Councilor Leland made a Motion at 8:48 p.m. to go into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) regarding the Town Clerk and 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. Mayor Pro Tem Hazelton seconded the motion and it passed unanimously.**

Executive session concluded.

At the end of the executive session, Mayor Pro Tem Hazelton made the following statement:



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2 "The time is now 9:35p.m. and the executive session has been concluded. The  
3 participants in the executive sessions were: Councilor Mariscal, Councilor Carey; Mayor  
4 Pro Tem Hazelton; Councilors Copeland, G Riddile, Councilor Leland, Town Administrator  
5 Reynolds. For the record, if any person who participated in the executive session believes  
6 that any substantial discussion of any matters not included in the motion to go into the  
7 executive session occurred during the executive session, or that any improper action  
8 occurred during the executive session in violation of the Open Meetings Law, I would ask  
9 that you state your concerns for the record."

10  
11 No concerns were stated.

### 12 **Consent Agenda**

13 December 5, 2023 Minutes

14 Hacienda San Miguel Hotel Restaurant Liquor License Renewal

15 **MOTION: Councilor Leland made a motion to approve the consent agenda.**  
16 **Councilor Carey seconded the motion and it passed unanimously.**  
17  
18

### 19 **Staff Reports**

20 Town Administrator – Administrator Reynolds said staff will be attending the senior lunch  
21 at the River Center and then at 2pm will be having BINGO at the senior housing at Castle  
22 Valley Ranch on Wednesday, December 20, 2023. Staff will be delivering gifts to the  
23 seniors at both senior housing Friday, December 22, 2023. Kelley Cox has been collecting  
24 donated gifts for the seniors and had several gift-wrapping parties to wrap all the gifts. He  
25 said he has gotten good feedback from staff about the employee Christmas party. Staff  
26 appreciated the change in location and change in the day. Administrator Reynolds said  
27 there was a town manager's meeting in Carbondale with Carbondale town manager and  
28 the county manager to talk about the migrant situation. What is being asked of New  
29 Castle from Carbondale is a message that this could happen to any town and to keep open  
30 communications. There is a possibility of an ask for money. He said there should be  
31 further discussion on having a plan in place in case the town has a similar situation  
32 happen. Having a plan in place ahead of time to know what the town's position is, just one  
33 more planning tool in case it happens in New Castle. He did receive an email from  
34 Department of Local Affairs (DOLA) representative letting municipalities now that migrants  
35 coming into the towns, and it is happening. DOLA is involved in the issue in Carbondale  
36 and in Denver. Administrator Reynolds will be meeting with DOLA on January 4, 2024,  
37 and this will be a topic to be discussed. Currently there are a few agencies trying to help  
38 the situation, but there are issues with the agencies. Councilor G. Riddile asked how  
39 quickly the town wants to have a policy in place. Administrator Reynolds said he would  
40 like to have a well thought out plan and to take the time to have the town's partners  
41 involved such as the churches and the River Center. Councilor Carey said she did speak  
42 with Rob Stein and Carbondale Mayor Ben Bohmfalk their message was to have a plan.  
43 Mayor Bohmfalk said Carbondale got involved because of security problems. The problems  
44 have been with vehicles. She said the ask could be as more shelters are being opened to  
45 make sure people are safe for the winter, there will be additional cost involved. The Town  
46 of Carbondale is trying to contract with a third-party vendor to prepare food, so they are

1 not relying on people bringing food. The Town of New Castle could anticipate an ask from  
2 Carbondale for some finance assistance. Mayor Pro Tem Hazelton suggested forming a  
3 committee to look at the situation further. To have a short term and a long-term plan.  
4 Councilor Marcial said there is already families moving to New Castle.  
5 Town Clerk – Clerk Andis said the council candidate packet will be available for pick up  
6 starting January 2, 2024. She reminded Councilor Hazelton, Councilor G. Riddle and  
7 Councilor Mariscal their term will be up in April.  
8 Town Treasurer – Treasurer Viktoriya Ehlers said she received the final property tax  
9 evaluations, and the numbers came in slightly lower than budgeted. She said she feels the  
10 town is good with the expenditures and the revenues that have not been accounted for,  
11 therefore the budget does not need to be changed. She will be closing the year out and  
12 starting 2024.  
13 Town Planner – not present  
14 Public Works Director – not present.

### 16 **Commission Reports**

17 Planning & Zoning Commission - didn't meet.  
18 Preservation Commission – didn't meet.  
19 Climate and Environment Commission – didn't meet  
20 Senior Program – didn't meet  
21 RFTA – didn't meet  
22 AGNC – didn't meet  
23 GCE – Councilor Leland handed out the 3<sup>rd</sup> Quarter 2023 Report (Exhibit A)  
24 EAB – nothing to report.  
25 Detox – Councilor Mariscal handed out an update (Exhibit B). She said the next meeting  
26 will be on site in January.

28 **MOTION: Councilor Leland made a motion to extend the meeting past 10:00pm**  
29 **Councilor G. Riddle seconded the motion and it passed unanimously.**

### 31 **Council Comments**

32 Councilor Mariscal said she was informed by Chief Burrows she has been selected again  
33 for the Emergency Communications Board.  
34 Mayor Pro Tem Hazelton said the senior gift sharing which was put together so quickly  
35 was very special. Has enjoyed the different Christmas messages on the message board.

### 37 **Items for Future Council Agenda**

38 Further discussion regarding migrants.  
39 Councilor Leland would like to discuss affordable housing.  
40 Councilor Carey would like to discuss traffic calming devices.  
41 Further discussion in an executive session regarding Town Clerk and Town Treasurer  
42 position.



1 **MOTION: Mayor Pro Tem Hazelton made a motion to adjourn. Councilor Carey**  
2 **seconded the motion and it passed unanimously.**  
3

4 The meeting adjourned at 10:02 p.m.  
5

6 Respectfully submitted,  
7  
8  
9

10  
11 \_\_\_\_\_  
12 Mayor Pro Tem Grady Hazelton  
13  
14  
15

16 \_\_\_\_\_  
17 Town Clerk Mindy Andis, CMC

DRAFT