

**New Castle Town Council Regular Meeting
Tuesday, February 6, 2024, 7:00 PM**

Call to Order

Mayor Art 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

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

Meeting Notice

Clerk Andis verified that her office gave notice of the meeting in accordance with resolution TC 2024-1.

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 citizens

Consultant Reports

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

Items for Consideration

Recognition for Utility Department

Administrator Reynolds said he and Public Works Director John Wenzel wanted to recognize two utility department staff members who have demonstrated extraordinary

1 care in the way they go about doing their jobs. Going the extra mile is not at all unusual
2 for all New Castle utility team members. Whether it's responding to late night waterline
3 breaks, being available and on call for water plant and wastewater plant emergencies,
4 safely working in industrial spaces, or keeping the Town current on compliance issues, our
5 entire Utility Team always takes great pride in everything that they do.
6 Tonight, we would like to extend a special thank you to Water Treatment Plant Operator
7 Kim Rider and Utility Maintenance Technician Jack Refior. The care and concern that Ms.
8 Rider and Mr. Refior bring to their positions is an amazing benefit to our community and a
9 true example of professionalism to those in the industry.
10 Public Works Director Wenzel had presented Ms. Rider and Mr. Refior with plaques. The
11 council thanked them for their hard work and dedication to the town.
12

13 **Consider Approving Ordinance TC2024-01 – Amendment of Sections 17.04.050,**
14 **17.36.040 and 13.20.060 of the Town Municipal Code to add Microbrewery as a**
15 **Permitted Use in the C-1 Zone District (1st Reading)**

16 Administrator Reynolds said ordinance TC 2024-01 is to allow the limited and defined
17 permitted operations of Micro Breweries in the Downtown C-1 Zoning District. Staff
18 explained the proposed definition of a Micro-Brewery, the possible impacts to the C-1
19 District, and possible impacts to wastewater discharge and the wastewater treatment
20 operations. Ordinance TC 2024-1 also considers an update to the Municipal Code
21 addressing how water and sewer tap fees might be calculated for Micro-Brewing
22 businesses. Staff explained how proper tap fees and EQR assignments might be calculated
23 for Micro Brewing Businesses based on product production levels.

24 Administrator Reynolds said there was a resolution and discussion at Planning & Zoning.
25 At which time more research was done and was able to properly define what a micro-
26 brewery is and how does the town make sure the town's wastewater plant can handle the
27 discharge from a micro-brewery. The utility department was able to look at all the
28 components for the wastewater regarding a micro-brewery and is the town protected. The
29 town currently does have protections in place in the municipal code as well as by state
30 laws to protect the wastewater plant.

31 Administrator Reynolds said there were discussions about how much water is used and
32 was able to create a proper EQR and tap fees for a micro-brewery. The calculation is one
33 barrel of beer equals 31 gallons. On average 8 gallons of water for every one gallon of
34 beer. The staff's suggestion is for every 500 barrels of beer would be one EQR.

35 Administrator Reynolds said P&Z recommendation was a micro-brewery is defined as an
36 established which produces up to 1000 barrels of beer a year and should be allowed as a
37 permitted use in the C-1 Zone District.

38 Councilor Leland asked about the EQR's for the restaurant side of the brewery.

39 Administrator Reynolds explained the restaurant would need to have addition EQR's. The
40 micro-brewery EQR's would be just for the brewery portion of the business.

41 Councilor Graham Riddile asked Mr. Hemelt how many EQR's he would need for his micro-
42 brewery. Mr. Hemelt said he would make 200 barrels of beer which is 48,000 beers and
43 he would need to sell about 131.5 beers per day. That is the goal and would sustain the

1 business for two-five years. He is prepared to purchase one tap.

2 Attorney Haley Carmer said the code is written as 500 barrels or a portion there of. If
3 there is a fraction of the 500 barrels there would be a ratio and that is written into the
4 ordinance.

5 Councilor Graham Riddile asked how the town could make it more friendly for a business
6 to come to town. Is there a way the town could change the EQR table to 1000 barrels to
7 be more business friendly. He said Mr. Hemelt is doing exactly what the town's
8 Comprehensive Plan says.

9 Mr. Hemelt said if he produces 2,000 barrels of beer, he would use 66,000 gallons of
10 water, which includes the cleaning process.

11 Public Works Director Wenzel said his staff understood to produce one gallon of finished
12 beer takes between 3-12 gallons of water depending on the process.

13 Councilor Leland said Mr. Hemelt or any other applicant could come and ask for an
14 adjustment of taps depending on the business.

15 Administrator Reynolds said yes, the applicant could come to the town with a business
16 model and information from the manufacturer to show how much water would be used
17 per barrel of water.

18 Councilor Carey said the ordinance is the base for any micro-brewery which would come
19 into town.

20 Councilor Hazelton said the ordinance does allow to look at each business on a case-by-
21 case bases without needing to change the code for each business.

22 Administrator Reynolds said there currently is flexibility in the code to help finance the
23 fees over time.

24
25 **MOTION: Councilor Leland made a motion to approve Ordinance TC2024-01 –**
26 **Amendment of Sections 17.04.050, 17.36.040 and 13.20.060 of the Town**
27 **Municipal Code to add Microbrewery as a Permitted Use in the C-1 Zone District**
28 **(1st Reading) Councilor Hazelton seconded the motion and it passed 5 to 2.**

29
30 **Discussion: Councilor Graham Riddile stated he would be voting “No” because**
31 **feels like the code is too restrictive. Councilor Mariscal said she would also be**
32 **voting “no”.**

33
34 **Councilor Mariscal: no; Councilor Carey: yes; Councilor Hazelton: yes; Mayor Art**
35 **Riddile: yes; Councilor Copeland: yes; Councilor Leland: yes; Councilor Graham**
36 **Riddile: no.**

37
38 **Consider Resolution TC2024-04 – Authorizing Bank Accounts and Signers on**
39 **Bank**

40 Town Clerk Mindy Andis said due to staff changes there needs to be an updated resolution
41 to authorize bank accounts and signers for the accounts. By town charter there needs to
42 be a resolution each year approving the bank accounts and signers.

1
2 **MOTION: Councilor Graham Riddile made a motion to approve the consent**
3 **agenda. Councilor Carey seconded the motion and it passed unanimously**
4

5 **Consider Resolution TC2024-05 – Cancellation of the April 2, 2024 Regular**
6 **Municipal Election in Accordance with Section 1.16.040 of the Town of New**
7 **Castle Municipal Code.**

8 Clerk Andis said The purpose of resolution is to get authorization to cancel the April 2,
9 2024, Election. As of close of business on January 29, 2024, there was not more than one
10 candidate per seat to be filled. There were no affidavits of intent to be a write-in
11 candidate.

12 The organizational meeting is scheduled to be held on April 16, 2024, at which time the
13 oaths of office will be administered to: Graham Riddile, Grady Hazelton and Crystal
14 Mariscal to serve for four-year term.
15

16 **MOTION: Mayor Riddile made a motion to approve the consent agenda. Councilor**
17 **Graham Riddile seconded the motion and it passed unanimously**
18

19 **Executive Session for a conference with the Town Attorney for the purpose of**
20 **receiving legal advice on specific legal questions under CRS Section 24-6-**
21 **402(4)(b) regarding pending litigation against Castle Valley Ranch Investors**

22 **Motion: Councilor Leland made a Motion at 7:41p.m. to go into Executive**
23 **Session for a conference with the Town Attorney for the purpose of receiving**
24 **legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) regarding**
25 **litigation filed by Castle Valley Ranch Investors, Inc. Councilor Mariscal**
26 **seconded the motion and it passed unanimously.**
27

28 **Executive Session (1) for the purpose of determining positions relative to**
29 **matters that may be subject to negotiations, developing strategy for**
30 **negotiations, and/or instructing negotiators under C.R.S Section 24-6-402(4)(e)**
31 **concerning the 6th Street Lot**
32

33 **Motion: Councilor Leland made a Motion at 7:41p.m. to go into Executive**
34 **Session for a conference with the Town Attorney for the purpose of receiving**
35 **legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) for the**
36 **purpose of determining positions relative to matters that may be subject to**
37 **negotiations concerning the 6th Street Lot. Councilor Mariscal seconded the**
38 **motion and it passed unanimously.**
39

40 Executive session concluded.

41
42 At the end of the executive session, Mayor Art Riddile made the following statement:
43

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

10
11 No concerns were stated.

12 **Consent Agenda**

13
14 January 2, 2024 Minutes

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

19 **Staff Reports**

20 Town Administrator – Administrator Reynolds reminded the council about the CML
21 conference this summer. On February 22, 2024 a housing summit hosted by the library
22 and everyone is invited to. There will be a guest speaker from Breckenridge. Breckenridge
23 has had experience on figuring out affordable housing, plans and concepts. There is a
24 question regarding the landscaping for the roundabout. The Garfield County
25 Commissioners have not really been committing funding for the project. The most recent
26 commitment was they would commit \$450,000 from their Conservation Trust Fund. The
27 commissioners have found out the money would not be legal to pull from the
28 Conservation Trust Fund. At the last council meeting there was a discussion to talk to the
29 Commissioners about the funding during the Council's joint work session with the
30 Commissioners. The opinion is, if the council does make the request during the work
31 session the answer to the questions would be since it's a work session the commissioners
32 can't make a decision. The town would need to get put onto a county commissioners'
33 agenda to speak to the commissioners and ask for funding directly and to have a decision
34 by the commissioners. Administrator Reynolds said the Capital Project Committee did
35 have their first meeting. The committee is trying to figure out grant strategies and how to
36 pay for the roundabout landscaping. The town is committed to paying \$500,000 to CDOT
37 for the roundabout, not including the landscaping. The expense to buildout the
38 landscaping at the roundabout would be \$500,000-\$700,000. The town needs to get the
39 project out to bid so the timing of the project would be as soon as CDOT is done with the
40 construction the town could finish the landscaping. Currently staff is working on a
41 traditional FMLD grant for landscaping project. Councilor Carey said it is possible to get
42 outside residents to show the impact and use of the roundabout and why it is important
43 for the county commissioners to help with the project. Administrator Reynolds said the
44 commissioners have already said they would give the town \$450,000 out of their
45 Conservation Trust Funds, so hold them to that and have the money go towards a new
46 boat ramp and possible other park projects. He will contact the county manager to be put

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1 on the commissioner's agenda as soon as possible to talk about funding. Administrator
2 Reynolds gave an update regarding the migrant issue. DOLA is sending out letters to all of
3 the municipalities saying Denver is full and has taken action to discourage migrants from
4 going to Denver. DOLA is officially asking municipalities to step up and take people. A no
5 response means can't help. Administrator Reynolds said there has been another
6 resignation from Detective Matt Polen who will be moving onto the DA's office as an
7 investigator. Administrator Reynolds said there have been a lot of Facebook comments
8 regarding the land use application in Castle Valley Ranch. The application is a sketch plan
9 and will be heard for the first time at P&Z on Wednesday, February 14, 2024. There will
10 be a link on the town's Facebook page linking to the packet on the town's website. He
11 reminded council to disregard the comments and e-mails.

12
13 Town Clerk – Clerk Andis said she, Deputy Town Clerk Remi Bordelon and Town
14 Administrator Reynolds have had three interviews for the vacant Administrative Assistant
15 to the Town Clerk position and a fourth one on Friday. Will be scheduling for second
16 interviews for next week. The hope is to have the position filled by the end of the month
17 first part of March.

18
19 Town Treasurer – Treasurer Viktoriya Ehlers said the workers comp audit is complete, the
20 opioid reporting is done, working on the annual reporting for CML, studying for the GAP 96
21 new compliance for audits and will be attending a training through CGFOA for the new
22 compliance. Also, interviewing for the third position in the finance department.

23
24 Town Planner – not present

25 Public Works Director – not present.

26 27 **Commission Reports**

28 **Planning & Zoning Commission** – Councilor Carey said there was a resolution brought
29 to P&Z for consideration regarding microbreweries for the second time. The resolution was
30 approved.

31 **Historic Preservation Commission** – Councilor Copeland was not at the meeting

32 **Climate and Environment Commission** – Councilor Leland said the news for the
33 \$10,000 in the plastic bag fee. The state law imposing the fee says the money is to be
34 used for recycling, compost, waste division and or administration enforcement. He would
35 like to ask CEC to consider the use of the money for recycling and compost. They have
36 been talking about getting rid of additional plastics beside the bags. He will bring back a
37 proposal to the council.

38 **Senior Program** – Clerk Andis passed out the Older Adult Program Annual Stats for
39 2023. She said they had appointed a chair and vice chair. They also discussed the by-laws
40 and possible changes to the by-laws.

41 **RFTA** – didn't meet

42 **AGNC** – didn't meet

43 **GCE** – didn't meet

44 **EAB** – nothing to report.

Detox – Administrator Reynolds said they are in a deficit of \$300,000. The short fall is not going to stop the project from being completed on time and opened. The opening should be the end of May first of June.

Council Comments

Councilor Carey had received a phone call from the North Rifle CPW Officer. CPW is already concerned about the food supply for the bears.

Councilor Graham Riddile said the Capital Projects Committee did a great job at the meeting.

Councilor Leland said Spellabration is April 5, 2024. Would like to have a town team this year. The theme is Under the Literacy.

Mayor Art Riddile said Founders Day was awesome. Steve Rippy gave a fantastic presentation. He thanked staff and especially Kelley Cox for the work put into the event. Mr. Rippy was named Local Historian and given the "Legacy Award" for 2024.

Items for Future Council Agenda

- The New Castle Chamber of Commerce will be at the next council meeting with an update with a discussion for funding and financing.
- Rolling Fork Food Truck – Aaron Shockley to discuss the 6th Street Lot.
- Coal Ridge Cheer Team Proclamation
- CPW Presentation regarding bears

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

The meeting adjourned at 9:53 p.m.

Respectfully submitted,

Mayor Art Riddile

Town Clerk Mindy Andis, CMC