

**New Castle Town Council Meeting
Tuesday, August 7, 2018, 7:00 p.m.
New Castle Community Center
423 W. Main Street**

Call to Order

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

Pledge of Allegiance

Roll Call

Present	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 Tim Cain, Assistant Town Attorney Haley Carmer and members of the public. (Town Treasurer Lyle Layton attended via phone conference)

Meeting Notice

Town Clerk Melody Harrison verified that her office gave notice of the meeting in accordance with Resolution TC 2018-1.

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

Clerk Harrison told the council that staff wanted to add an item to the end of the agenda, requesting that the council make a motion to provide direction to staff on how to proceed in filling the vacant council seat. The council agreed.

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.

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Items for Consideration

Update: Finance – Treasurer Lyle Layton

Town Treasurer Lyle Layton greeted the council. He reviewed the six-month financial report for the council. He noted that as of June 30, 2018 the 2018 budget was at 58%. He felt that the town was doing well, but cautioned that it would be beneficial if everyone were careful with spending.

Roaring Fork Transportation Authority Presentation

Mr. Ralph Trapani, Roaring fork Transportation Authority (RFTA) representative, greeted the council. Mr. Trapani gave a power point presentation regarding RFTA's 2040 plan and their consideration of placing a tax issue on the November 6, 2018 ballot.

After the presentation, Mr. Trapani and Dan Blankenship, RFTA CEO, had a short discussion with the town council and asked if the council would be in support of their mil levy issue. The council was generally in support of the mil levy.

Executive Session (1) for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b)

The council decided they did not need to hold the executive session.

Consider Resolution TC 2018-18 – A Resolution of the New Castle Town Council Approving a Conditional Use Permit for an Automotive Repair and Maintenance Facility to be Located on Property Within the Commercial-1 Zone District

Town Administrator Dave Reynolds told the council they would be considering a Conditional Use Permit application for property located at 731 W Main Street. The applicant was Mike Rieger, and Mr. Rieger's existing business was located immediately next door to the west. Administrator Reynolds said that per town zoning regulations, the listed permitted uses of the subject property in Zoning Type C1 do not include Automobile Service Stations. In such cases that a property owner wishes to establish a use for a property that is outside of the listed permitted uses, it is required that the owner / applicant apply for a Conditional Use Permit.

Staff has determined that Zoning District C1 specifically allows for the application of a Conditional Use Permit for an "Automobile service station, with or without minor repairs."

Administrator Reynolds said that the purpose of the hearing was to determine if the nature of the proposed Automobile Service Station was appropriate to the location, appropriate to the character of the surrounding development, allowed for estimated traffic capacities and impacts to adjacent streets and minimized the potential environmental and visual effects to the town, residents, and visitors.

Administrator Reynolds said that the Council will be asked to approve or deny the Conditional Use Permit application, and may do so with the suggested conditions or with any additional changes to the conditions as council saw fit.

Administrator Reynolds said that on July 25, 2018 the Planning and Zoning Commission (P&Z) held a public meeting to discuss this application, hear public comment, hear the applicant's comments, study the staff findings, and consider a recommendation to Town Council of approval or denial of the application.

The meeting was attended by the property owners Jon and Leslie Krick, the business owner and applicant Michael Rieger, as well as several neighbors and residents wishing to speak either in favor of, or denial of, the application.

Administrator Reynolds felt it was worth noting that several residents spoke in favor of the application based on Mr. Rieger's excellent reputation as a valued business owner in New Castle, and their desire to not see Mr. Rieger relocate to another town in order to improve his business. Residents did confirm that the street appeal of Mr. Rieger's current business may not be as desired and they did not wish to see a repeat of the current business in the new location.

One resident who owns a home within view of the proposed new business did recommend against approval based on concerns of his view of the property, expectations of cleanliness on the property, and concerns of the business employees and customers parking on Main Street which might use up valuable parking spaces. However, the resident also voiced a positive opinion for the value that Mr. Rieger brought to the Town as a needed and respected business.

Administrator Reynolds said that the property owner, Jon Krick, spoke and addressed questions concerning his intent to have Mr. Rieger keep the property neat and clean at all times. Mr. Krick confirmed that he would insist on holding Mr. Rieger to a reasonably high level of site cleanliness and that he understood the need to have the property maintained in a way that did not detract from the appearance of the west end of town.

Administrator Reynolds said that the P&Z discussed the need to limit after hours parking to five cars with daytime parking allowing up to twelve cars. They also discussed options for screening the front of the property, but ultimately decided it best to have the property owner or applicant submit a landscape or screening proposal to Town Council for review.

Administrator Reynolds said that during the regularly scheduled P&Z Meeting held on July 25, 2018, the P&Z voted unanimously (6-0) in favor of approval of the Conditional Use Permit with the following conditions:

1. All representations of the Applicant in written Application materials and in verbal presentations submitted to the Town or made at public hearings before the Planning Commission or Town Council and reflected in the minutes thereof 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. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed, with such show-cause hearing open to the public and the Applicant or owner being able to present testimony or offer other evidence on their behalf;

4. 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;
5. The storage of new or used auto parts, tires and related items shall be confined indoors;
6. Continuous automotive idling shall be confined indoors and have adequate ventilation; idling of automobiles and use of power tools outside shall be restricted to 15 minutes per vehicle or use, respectively;
7. All automotive work shall be performed indoors except for minor visual and diagnostic analysis;
8. Hazardous chemicals such as motor oil, anti-freeze, and brake fluid shall be collected and disposed of by a professional company that specializes in the disposal of hazardous chemicals;
9. Outside storage of hazardous chemicals such as motor oil, anti-freeze, and brake fluid is prohibited and all such fluids shall be stored in containers that are approved by the necessary state and/or federal agency;
10. The interior of the building on the Property shall contain at least two fire extinguishers that are designed for automobiles and chemicals commonly used in automotive service stations;
11. Vehicles offered for sale shall not be stored on the Property;
12. Five off-street parking spaces shall be required on the Property;
13. Applicant shall prepare a landscape plan for the Property that is acceptable to both Applicant and the Town to present to Town Council;
14. A vehicle shall not be parked in the parking space designated as #5 of the site plan submitted with the Application while service staff are gone from the Property, and overnight parking on said space is prohibited;
15. Stacked parking in the five on-site parking spaces shall only occur during daytime business hours;
16. No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the applicable procedures set forth in Chapter 17.84 of the Town Municipal Code; and
17. The use approved in the Application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council will be completed and that the use and improvements will be in accordance with the approved Application site plan and development schedule. The conditional use certificate must be issued within one year of the date of final approval by Town Council, or the Application is deemed withdrawn by the Applicant and is of no further force and effect.

Conditions that were considered but not adopted by P&Z included:

- Planting of pine trees along Main Street
- Requirement that the Conditional Use Permit be renewed on an annual basis

Following the July 25th P&Z meeting, staff met with Mr. Krick to further review and understand the potential for parking and landscaping on the site.

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Mr. Krick suggested a plan of slightly adjusting the five current defined parking spaces in order to allow room along the Main Street side of the property for large decorative planters that will help screen and add visual appeal to the area most affected by the parking of vehicles.

Mr. Krick also suggested that the previously underutilized, and not previously considered, portion of open area to the west of the building may be available for parking of four to six cars. Using that area of the lot for parking was not directly addressed at the P&Z meeting, but might be considered as a way to move cars away from the more direct line of sight from Main Street.

Staff's original recommendations included the identification of parking spot (spot #5) as a daytime only spot due to the existence of a Town sewer easement under the space. Upon further review staff now realized that the restriction was not needed.

Administrator Reynolds said that based on the findings of the Planning and Zoning Commission on July 25, testimony from the residents in attendance during the meeting and considering the latest findings and offered concessions by the owner of the property, Mr. Krick, and applicant, Mr. Rieger, staff recommended the following:

That Council approve the Conditional Use Permit Application with the following changes to the attached Resolution No. TC 2018-18;

Item E. All storage of any type, to include but not be limited to new or used auto parts, tires, and related items shall be confined to indoors. All outdoor space is for customer and employee parking only.

Item N. Applicant acknowledges that there is a sewer easement running across the west side of the property and are willing to, upon short notice, temporarily relocate any vehicles which may block the maintenance of a Town owned utility on the property.

Item O. Applicants shall avoid the stacking of vehicles in the primary paved parking area. Applicant will limit the daylight total parking of customer and employee vehicles to twelve vehicles. Applicant will limit the after 5:00 p.m. and weekend parking to five total vehicles on the outside of the building. Applicant will adjust the marked parking spaces by shifting them approximately three feet to the south and will add no less than three large seasonal planters with maintained decorative plants. Planter sizes to be no less than 24" in diameter x no less than 24" tall.

Administrator Reynolds noted for the council some letters of support on the dais that were received earlier in the day, as well as the P&Z minutes.

Mr. Rieger greeted the council. He said that his need to expand his business was driven by his customers. He said he began his business as a one-man, one-bay shop and realized very quickly there was more demand for his services than he expected. Within a few years, he hired two technicians, an estimator and a receptionist. Mr. Rieger explained that they were struggling to keep up with the work, and they did not have enough space at the existing location, which contributed to the congestion in the parking lot. He also said they were having to turn work away.

Councilor G Riddile asked Mr. Rieger if the conditions were acceptable. Mr. Rieger said that in previous years he had experienced a significant increase in tire changes when winter came, and he was concerned that he would not be able to store the old tires inside the building. He said he would make every effort to haul them away in a timely fashion, and once he hired another technician they would be more efficient. He asked the council to consider allowing him an outside storage area behind the building for tires. Mr. Rieger said that he had lived in New Castle for 17 years, and he wanted the area to look nice as well, and would make every effort to keep it nice. Councilor Hazelton said that he thought the wording in Item C should be changed to say that any complaints should go to the Council at the discretion of the Town Administrator. He felt that making Mr. Rieger return to council any time there was a complaint was unnecessary. Councilor G Riddile said that the language was boiler plate and did use the word 'may'. Mr. Rieger said he was a bit concerned about the complaint process as well.

Mayor A Riddile said he felt that it was very important that the area be kept as clean as possible all the time.

Mr. Rieger said that part of the reason for the conditional use permit was to expand the business, but also to keep it presentable and more customer-friendly.

Councilor G Riddile confirmed that Mr. Rieger was okay with the conditions as listed in the resolution. Mr. Rieger said that he was okay with them, but he was concerned about the parking item. He said they would do their best, and the parking area at the existing business would be used as overflow. Sometimes people simply left their cars in his parking area, unbeknownst to him until he arrived at work. Also, he said there were circumstances where a vehicle is dropped off for repair and it is not drivable and work would have to be performed in the parking lot. He said it was rare, but it did happen.

Councilor Owens congratulated Mr. Rieger on the success of his business and his need to expand. Councilor Owens said that he felt that the Town's concerns were about aesthetics. He felt that the renewal of the CUP should be every 24 months, then the council could review how the conditions were being met. Councilor Hazelton said he thought that the conditions being met was handled in item C relating to complaints. The council agreed that placing a renewal on the CUP to ensure the standards were being met was redundant because the complaint process would address whether standards were being met.

Mayor A Riddile told the council again that several letters of support had been received. Councilor Leland said that he had spoken to John Webber of Elk Creek Mining Company who was also supportive of the CUP.

Mayor A Riddile opened the public hearing at 8:26 p.m.

Karen Smith, 201 Castle Valley Boulevard. Ms. Smith said that Mr. Rieger had serviced her vehicle for more than six years and she would love to see his business expand because it would be so much easier to get in to. Ms. Smith felt that Mr. Rieger's business was very good for New Castle and she recommended the CUP be approved.

Haley Wood, 526 Honeysuckle Drive. Ms. Wood said she recently turned 16 and was new to cars. She said that Mr. Rieger was very supportive and helpful in guiding her as to which car to buy, and then looked at the vehicle at no charge. Ms. Wood said that she thought Mr. Rieger was a valuable asset to the community.

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Kathy Reed, 121 N 5th Street. Ms. Reed said that Mr. Reiger had worked on her vehicles for years and did an awesome job, and she sent many people to him. Richard Reneau, 449 Wagon Wheel Circle. Mr. Reneau said he had been using Mr. Rieger for several years and he had done a great job and he also recommended Mr. Rieger to other people because he did good work and was fairly priced. Ms. Smith said that Mike Rieger was very honest as well, and Mr. Reneau agreed. Elyse Hutchinson, 389 Grand Butte Lane. Ms. Hutchinson told the council that three years earlier she was promoting something called Shop Hop amongst the citizens and businesses in New Castle. Mr. Rieger approached her and said that he understood that his business was not necessarily a place where people dropped in, but he was interested in participating and providing the grand prize for the contest. She said that Mr. Rieger very much wanted to be a part of the local business community. Rob Smith, 5033 CR 335. Mr. Smith said that he managed a local business who took all their trucks to Mr. Rieger's mechanic shop. Mr. Smith said he took his personal truck there as well, and he felt they did great work and were honest. Nicholas Krick. Mr. Krick said he was not a resident of town, but wanted to offer his support and appreciation of Mr. Rieger's business. He said that his wife drove a lot for her job and used Mr. Rieger's shop for regular maintenance of her truck. Mr. Krick felt that the business was a great fit for the community. Mayor A Riddile closed the public hearing at 8:32 p.m.

MOTION: Councilor G Riddile made a motion to approve Resolution TC 2018-18, A Resolution of the New Castle Town Council Approving a Conditional Use Permit for an Automotive Repair and Maintenance Facility to be Located on Property Within the Commercial-1 Zone District with the conditions as listed in the staff report for items E, N and O, and adding a condition that the applicant may construct an enclosure for the purposes of tire storage on the southwest portion of the property. Mayor A Riddile seconded the motion and it passed on a roll-call vote: Councilor Copeland: yes; Councilor Owens: yes; Mayor A Riddile: yes; Councilor Leland: yes; Councilor G Riddile: yes; Councilor Hazelton: yes.

Consider Ordinance TC 2018-5, An Ordinance of the New Castle Town Council Adopting by Reference the 2015 Building Codes

Administrator Reynolds talked at length regarding the reasons and process by which staff had studied and developed the ordinance to adopt the 2015 building codes. He noted for the council some amendments to the building codes that would be adopted as well. Administrator Reynolds explained to the council that some of the amendments were issues that were not thoroughly studied, and said that staff may come back in the future with an additional ordinance to adopt those items. Administrator Reynolds also said that staff recommended adopting the permit fee schedule in the codes since the town had not updated their fees since 2003. Reiterating, Administrator Reynolds said that staff recommended adopting the 2015 Building Codes, with the proposed amendments with the idea that the outstanding items would be studied.

Mayor A Riddile opened the public hearing at 9:10 p.m.

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Vance Hutchinson, 389 Grand Butte Lane. Mr. Hutchinson said that he was a builder. He asked about the 2009 Energy Efficiency Code, and if that would be updated to the 2015 version. Administrator Reynolds said that the staff was recommending that the town stay with the 2009 version because it was working well, and the builders were scoring high marks with the required testing. He said that there was a chapter in the 2015 Residential Code book that required energy efficiencies that did not work well with the 2009 version. The ordinance as proposed eliminated that chapter so that there would be no confusion.

Mr. Hutchinson voiced concern regarding the fee schedule, stating that adoption of the new schedule was an increase of approximately sixty percent, raising a \$7,300 permit fee to over \$13k. He felt that permit fees in New Castle exceeded the national average. He asked that the council consider it carefully because everything had a consequence. Permit fees being increased would increase the cost of a home and there was already a problem in the area in that there was no affordable housing for teachers and first responders. Mr. Hutchinson offered that the council could be the pioneer of affordable housing.

Mayor A Riddile closed the public hearing at 9:19 p.m.

MOTION: Mayor A Riddile made a motion to approve Ordinance TC 2018-5, An Ordinance of the New Castle Town Council Adopting by Reference the 2015 Building Codes on first reading. Councilor Leland seconded the motion.

Discussion: Assistant Town Attorney Haley Carmer told the council that the ordinance would adopt the electric code the state adopted, for several reasons. The first was because the town did not enforce or inspect electric, the state did that. Also, statutes required that towns adopt the minimum standards of what the state adopts.

The motion passed on a roll-call vote: Councilor Leland: yes; Councilor Copeland: yes; Councilor G Riddile: yes; Councilor Owens: yes; Councilor Hazelton: yes Mayor A Riddile: yes.

Councilor Leland said that the Town Clerk kept a master calendar, and the re-adoption of the building codes could be placed on that calendar.

Procedure to Fill Vacant Council Seat

Attorney Carmer told the council that statute said that if a council seat became vacant within 90 days of the next general election, then a special election must be held to fill the seat. Because Councilor Metzger resigned on the 92nd day before the next election, the council had the option to appoint the seat if they wished. If no one was appointed within 60 days of the vacancy, then the seat could be placed on the next general election ballot. She said staff was looking for direction on how the council wanted staff to proceed filling the seat.

After a thorough discussion with Clerk Harrison and Attorney Carmer, the council directed staff to advertise for letters of interest from qualified applicants for appointment to the vacant seat. The council set the submittal deadline as August 31, 2018, and interviews would be conducted at the September 18, 2018 council meeting.

MOTION: Councilor Leland made a motion to approve the appointment of a qualified citizen to the vacant council seat, and that staff should advertise for letters of interest, due to the clerk's office by August 31, 2018. Councilor Hazelton seconded the motion and it passed unanimously.

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Consent Agenda

July Bills of \$922,824.04

New Castle Diner Hotel & Restaurant Liquor License Renewal

MOTION: Councilor Leland made a motion to approve the consent agenda. Councilor Hazelton seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – Administrator Reynolds reminded the council that their retreat would be on September 15, and asked them to e-mail any ideas they had for the agenda. He also reminded them that there would be a special council meeting on August 14, 2018 for conducting two interviews for the treasurer position as well as two interviews on August 20, 2018. Staff would finish their interviews on August 20 and would be able to report to the council.

Administrator Reynolds said that at the last council meeting a citizen had asked the council to consider allowing off-road vehicles on town streets. He said he had attempted to meet with them but they were not returning his calls. Administrator Reynolds said there had also been a discussion at a prior council meeting regarding over-length RVs parked on town streets, and he had attempted to contact that resident as well. Administrator Reynolds said that the Trails Conference had been a huge hit, as well as the drum circle the evening before. Administrator Reynolds said there would be a debrief on the trails conference at an upcoming council meeting, and that Burning Mountain Festival plans were in full swing. Administrator Reynolds said that the LoVa grant application had been submitted, and the town should hear about awards in November.

Town Clerk – Clerk Harrison told the council that her Deputy Clerk would be out for two weeks so her office was short-staffed. Clerk Harrison asked the council if they would make a motion to hold the August 20, 2018 special meeting.

MOTION: Mayor A Riddile made a motion to hold a special council meeting on August 20, 2018. Councilor Owens seconded the motion and it passed unanimously.

Town Planner – not present

Public Works Director – not present

Commission Reports

Planning & Zoning Commission – Councilor Leland said the P&Z would meet on September 5 to look at the Downtown Plan.

Historic Preservation Commission–nothing to report

Climate Action Advisory Committee – nothing to report

Senior Program – Clerk Harrison said that she was the alternate for Senior Programs, and there would not be a meeting in August because Judy Martin had surgery, but she was prepared to attend the September meeting.

RFTA – nothing to report

AGNC – nothing to report

GCE – Councilor Leland said GCE would be sponsoring an electric vehicle sale, and several local dealerships were involved offering discounts on electric vehicle purchases.

BEWG – nothing to report

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EAB – Mayor A Riddile said that at the meeting a gentleman spoke about the Oil & Gas Health Information and Response Program for Colorado.

Council Comments

Councilor G Riddile said that Steve Craven had reported that Hilltop was not interested in coming to New Castle.

Councilor G Riddile said that the Trails Conference had gone very well, and he thanked all the town staff for their involvement.

Councilor Leland said that he had spoken to Oli Johanssen who felt that it may be important to install a Tesla charging station in town, because Tesla charging ports are different than other vehicles.

Councilor Leland said that he had posted the Main Street Lane Diet on the town Facebook page and more than 5,000 people had seen it. It was getting a lot of likes.

Councilor Leland gave the council members the list of interview questions for the treasurer position and asked what the council thought.

Mayor A Riddile reminded the council that the Coal Ridge High School Golf Tournament would be on August 18, 2018 and the town was sponsoring three golf carts. Clerk Harrison said that she had eight people already, and she needed four more. Councilor Owens said he would love to play.

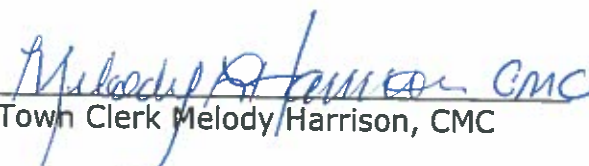
MOTION: Mayor A Riddile made a motion to adjourn. Councilor Hazelton seconded the motion and it passed unanimously.

The meeting adjourned at 9:52 p.m.

Respectfully submitted,



Mayor Art Riddile



Town Clerk Melody Harrison, CMC

