

TOWN OF EMPIRE
30 East Park Avenue –P.O. Box 100 Empire CO 80438-0100
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Board of Trustees
September 21, 2021

1. Call to Order

The meeting was called to order at 6:46 PM.

The meeting was held in person and through Zoom – a web-based video conferencing platform. It took several minutes to confirm that everyone could see and hear the meeting.

2. Roll Call

Present: Mayor Wendy Koch, Mayor Pro-Tem Linda Robertson, Trustee Lisa Kunze, Trustee Michael Ellington, Police Chief John Stein, Police Officer Andrew Lorenz, Town Attorney Brandon Dittman, Town Clerk Jeannette Piel.

Absent: Trustee Denise Tennant

A quorum was present at the meeting.

3. Approval of Agenda

TRUSTEE KUNZE MOTIONED TO APPROVE THE AGENDA FOR SEPTEMBER 21, 2021, TRUSTEE ROBERTSON PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

4. Approval of Consent Agenda. These items will be approved collectively with one vote.

a. Approval of Minutes from August Regular Meeting

TRUSTEE ROBERTSON MOTIONED TO APPROVE THE CONSENT AGENDA FOR SEPTEMBER 21, 2021, TRUSTEE KUNZE PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

5. Resolutions:

a. Resolution 21-07 - A Resolution of The Town of Empire, Colorado Declaring Certain Road Millings as Surplus Property

TRUSTEE KUNZE MOTIONED TO APPROVE RESOLUTION 21-07: A RESOLUTION OF THE TOWN OF EMPIRE, COLORADO DECLARING CERTAIN ROAD MILLINGS AS SURPLUS PROPERTY, TRUSTEE ROBERTSON PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

b. Resolution 21-08 - A Resolution of The Town of Empire, Colorado Ratifying the Execution of The First Savings Bank Landlord's Agreement

i. First Savings Bank Landlord's Agreement

ii. Personal Guaranty by Steve Skalski

TRUSTEE ROBERTSON MOTIONED TO APPROVE RESOLUTION 21-08: A RESOLUTION OF THE TOWN OF EMPIRE, COLORADO RATIFYING THE EXECUTION OF THE FIRST SAVINGS BANK LANDLORD'S AGREEMENT, TRUSTEE KUNZE PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

- c. **Resolution 21-09 - A Resolution of The Town of Empire, Colorado Ratifying the Execution of a Lease Purchase Agreement with First Government Lease Co. For a Police Vehicle**

- i. First Government Lease Co. Lease Purchase Agreement

TRUSTEE KUNZE MOTIONED TO APPROVE RESOLUTION 21-09: A RESOLUTION OF THE TOWN OF EMPIRE, COLORADO RATIFYING THE EXECUTION OF A LEASE PURCHASE AGREEMENT WITH FIRST GOVERNMENT LEASE CO. FOR A POLICE VEHICLE, TRUSTEE ROBERTSON PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

6. Submission of the 2022 Proposed Budget to the Town of Empire Board of Trustees:

- a. This is the first draft of the budget and will be available in Town Hall for the public to view. The public can make comments about the proposed budget at any Board meeting between now and final adoption of the budget in December.
- b. A budget workshop will be scheduled for the board to discuss and finalize the proposed budget.
- c. "Notice of Budget" will be published in the Courant on November 10th to announce the public hearing for the adoption of the proposed budget.
- d. A public hearing will be scheduled on Tuesday, December 14th at a Board of Trustees regular meeting for the Board to consider the final adoption of the proposed budget and hear any comments from the public.

7. Announcement:

- a. Paul Whillock is now a full-time employee and our Public Works Crew Chief.
- b. Christian Straughn has been hired as part of our Public Works Crew.
- c. Trina Whillock is now a full-time employee. Half of her time is with the Police Department, and the other half is with the Administrative Office. She is training as a Code Enforcement Officer and Zoning Officer.

8. Announcement:

- a. Sue Hauser has resigned from the Planning Commission. Sue has served on several boards and committees in many different capacities, most recently as Mayor and Planning Commission Chairperson. She has given years of service to the Town, and we greatly appreciate all her efforts. Sue was instrumental a few years ago in securing grant funding to bring in our playground in Minton Park. We wish her all the best in whatever she undertakes in the future.
- b. Sally Rush will fill in as the interim Planning Commission Chairperson. We are still searching for individuals who are interested in the vacancies on both the Board of Trustees and Planning Commission. We hope you are inspired and will consider joining us! All meetings are open to the public, come to a meeting and see what it's all about.

9. Update – Ball Placer, Welcome Park, Minton Park:

- a. **Update – Ball Placer:** We have had continuous work being done in the Ball Placer this summer. Mayor Wendy Koch was able to secure approximately 41,260 cubic yards of fill dirt for the Ball Placer as well as the labor and equipment to level and smooth it out. Mayor Koch was also able to procure topsoil to begin spreading over

the top of the fill dirt. This puts us years closer to our ultimate goal of developing the Ball Placer. Mayor Koch has also helped with the coordination of additional dirt to fill several ponds along Bard Creek Road that are no longer able to be filled with water. In addition to the dirt, the Mayor was very fortunate to procure, at no cost, some of the road millings from the I-70 highway project, totaling approximately 163,800 tons, which has a value in excess of \$800,000.00. The work to “scarf” the top layer of asphalt off the road and the trucks that are hauling the millings are not allowed on I-70 during the day because it slows down traffic; this is mandated by CDOT. Therefore, any road construction project of this kind, in any town, is restricted in that way and must haul materials at night. We are genuinely sorry for the inconvenience. The road millings are being stockpiled in an open area lower down in the Ball Placer. Once the road repairs have been made, any remaining road millings will be taken to the lower area of the Ball Placer. It has been brought to the attention of the Town that there are concerns of the Ball Placer being turned into a dump, parking lot, storage units, or RV parking. This is not the case; the Town is not turning this area into any type of parking area or dump. We have only allowed fill dirt to be dumped in the main area of the Ball Placer, which is what we need to level the area for future development. We have designated a separate area to stockpile the millings.

- b. **Update – Welcome Park:** We have also had continuous work being done in the newly designated park on the east end of town this summer. It does not officially have a name, but it is the first opportunity the Town has to welcome people driving westbound on Hwy 40. We used some of the fill dirt for the park and had labor and equipment from the same contractor. We brought in enough road millings to cover the parking area of the park 6 inches deep. Anything we do on that parcel must be classified as recreation and public purpose, which is why it is designated as a park. The parcel is much larger than the section you can see with road millings at the moment. That area of the parcel was a deep ravine that could not be developed into anything until it was filled in. Once we filled it in with the fill dirt, we used road millings to put on top of the dirt work, so the dirt does not erode away. We moved quickly on this project to preserve the dirt and the work that was done before the snow falls. Any further development needs to be planned, budgeted, and approved before moving forward. We have several other capital improvement projects at the top of the list before we can develop that land, but we are eager to see it happen. It is important that we are all aware that Asphalt Paving Company did not dump or cause the spill in that area earlier this month. However, they did volunteer their time and equipment over several days to remove and clean up the spill at the park and did so during the work week so that the Town would look good on the weekend when visitors come through. So, many thanks to them for showing the Town that kindness and respect.
- c. **Update – Minton Park:** The remaining road millings given to the Town are being stockpiled in an open area lower down in the Ball Placer. The millings that were dumped on the open field were put there by mistake, the contractor was supposed to stockpile the material in another area, not in the field, they made a mistake. We spoke to them immediately and instructed them to stockpile the materials in the parking area at the top of the Ball Placer, and also lower down. The contractors that made the mistake will come back and remove that material using their equipment. The Mayor, Board, and Staff are every bit as upset over this mistake as the residents are. We will make every effort to remove all the millings, including screening the dirt if needed, we will bring in topsoil and reseed the entire area with native grass seed. The area

between the Cemetery and Pavilion will remain an open field. We do not, and never have had any plans to turn that field into parking of any kind. It was an unfortunate mistake, but everyone is pulling together to mitigate the damage that was done, and we have been working on mitigation plans since the first day. We will use road millings on the Cemetery Road which starts at South Main Street, travels past the ball fields and Pavilion, and circles in front of the Cemetery. Again, we understand that this has been an inconvenience to many of you as it is a slow process, but please know that the Town and Mayor Koch hear you and understand your concerns. This temporary inconvenience will result in a long-term benefit to the Town. We ask that you please continue to be patient with us through this process, and when we are done, we will have a much better road to the park, a significant improvement to all of our parking areas, along with a field that has been diligently restored. We are currently waiting on the equipment and volunteer support from Asphalt Paving Company as well as working on renting a large loader for the Town which will cost approximately \$2,500-\$3,000 per week as we do not own this type of equipment. Once we are done making the necessary repairs in town, we will then be able to sell the remaining millings at anywhere from \$4.00 - \$5.00 per ton. Again, the value of the road millings is in excess of \$800,000.00, and Mayor Koch was able to get this material for the Town at no cost. We have ample material to make all of our repairs and improvements, and still have a large amount left over that will bring revenue in for the Town. Mayor Koch has put in a tremendous amount of work making this happen. The position of Mayor is volunteer – Mayor Koch puts in 40 hours a week and does not get paid. She only receives a \$300.00 per month reimbursement for gas to attend meetings in her official capacity.

10. Update – New Well and Water Treatment Facility Project (Total Estimated Cost \$2,083,000.00):

- a. 2020 Planning Grant – This phase of the project cost \$10,000.00 and was fully reimbursed to the Town through the grant we received from Colorado Water Resources and Power Development Authority (CWRPDA) for Project Needs Assessment.
- b. Design & Engineering Grant – the project design is over 60% and will be complete by the end of this year. This phase of the project costs \$249,000.00 and will be fully reimbursed to the Town through the grant we received from Colorado Water Resources and Power Development Authority (CWRPDA) for Design & Engineering.
- c. State Revolving Fund (SRF) Loan Application – We have submitted a loan application for the remainder of the project cost. The Drinking Water Revolving Fund (DWRF) Credit Department is recommending an \$824,000 Disadvantaged Communities Direct Loan, and \$1,000,000.00 Principal Forgiveness. This means that we would have \$1,824,000.00 available to us through reimbursement for project costs, but we would only have to pay back \$824,000.00. These terms have been proposed to the DWRF Committee but have not been approved and finalized.
- d. Additional Grant Funding – we are still eligible to apply for other grants between now and the completion of the project, hopefully by the end of 2022, which could decrease the amount of our loan. We will apply for the Energy/Mineral Impact Assistance Fund Grant (EIAF) in February 2022, with a maximum possible award of \$600,000.00.

11. Public Comment: If you are commenting on the Traffic & Safety on North Main Street,

that issue is a separate agenda item after the reports. Please share your comments at that time.

- Brian Buckland asked about the watershed plan and how the asphalt millings will affect it.
- Margie Kaspari presented herself on behalf of Friends of Clear Creek with a formal complaint demanding that the town remove the asphalt millings immediately. She expressed that the town is destroying the glacial moraine and requested a timetable strategy.
- Sally Rush asked if the town would be using the asphalt millings to repair the town roads first, will any repairs be done on Bard Creek Road, can the town work with the county to fix county roads, how long until the trucks are done bringing in asphalt, and will removal be done in daylight? She would like to see a “Ball Placer Committee” to create a plan for the Ball Placer.
 - Chief Stein responded that Bard Creek Road is a county road and the county’s responsibility.
 - Mayor Koch responded that APC will clean up the area when they are finished delivering asphalt.
- Allen Whitney asked for clarification from Chief Stein about the roads and where the town’s and county’s responsibility for the roads starts and stops.
- Mojo Lucas was concerned about the asphalt millings.
- Glenda Guanella expressed that she was very sad by what she was seeing over at the park and ball placer, asked if the town has any buyers and if it will be gone by spring?
- Mojo Lucas Inquired about tourism grants.

12. Reports:

- a. Budget: Report was given as an agenda item.
- b. Mayor: (CCEDC, CDOT, CCFA)
 - i. The Town of Empire is looking for Town Residents to fill Two Volunteer Positions on the Empire Board of Trustees, and the Planning Commission. Applicants must be a resident of Empire for at least one year.
 - ii. CDOT funding has been approved for a proposed Wildlife Bridge over Hwy 40 east of Town, just west of the Empire Junction intersection. The project is still in the early design phase, so we do not have any details or drawings. We will keep you updated when we receive more information.
- c. Police:
 - i. Chief Stein will provide a monthly report with stats and updates.
 - ii. Jeremy Jones from CCFA has reported that although it seems dry right now, we are nowhere close to needing a fire ban.
 - iii. A Huge Thank You to ASPHALT PAVING COMPANY, the contractors that brought in equipment, operators, and even a crew with shovels to help clean up the spill at the Welcome Park. They spent several days removing the material and we are grateful for their help.

- iv. Free Gun locks are available in the Town Offices.
- d. Events:
 - i. October 30th – Trick-or-Treat in the Park and Chili Cookoff. We are planning to have trick-or-treating in Theobald Park from 4-5 pm, and a Chili Cookoff and potluck in Town Hall from 5-7 pm on Saturday, October 30th. Halloween is on Sunday October 31st. Details will be in the October Newsletter, please contact the Clerk if you would like to volunteer for this event!
- e. Admin:
- f. Public Works: (Parks, Streets)
- g. Water/Wastewater:
 - i. WE DID NOT FLUSH FIRE HYDRANTS TODAY. The Clear Creek Fire Authority has loaned us equipment to test the flow of our fire hydrants, which will allow us to receive an ISO rating that could help to lower our homeowner's insurance policies. Since both flushing the hydrants and testing the hydrant flow will use a large quantity of water, we will reschedule and do both at the same time. This will save a significant amount of water from our storage tanks. As soon as we schedule a date or dates within the next couple of weeks, we will let you know. We are excited to do this testing and hopefully have some information that will help everyone in town.
- h. Planning Commission:
 - i. All Planning Commission meetings are in-person with remote access.
 - ii. This month, the Planning Commission will hold a regular meeting on Wednesday, September 29th, 2021, at 6:30 pm.

13. **New Business: Traffic & Safety on North Main Street**

- Frank Ferris is the main spokesperson for the community on North Main Street. He presented the town with concerns regarding speeding on North Main Street. Frank requested that the town create a task force team to come together and find a solution for the speeding.
- Lisa Kunze asked if CDOT could lower the speed limits. She expressed to the town residents that the board members heard their concerns.
- Jackie McGurk was offended by Linda Robertson's unawareness of the severity of the speeding concern and asked if she thought they were lying about the speeding on North Main. She expressed that she understands that there will always be traffic and understood more when the dump was in town still. She stated that the town needs police in Law Enforcement.
- Chad Craven expressed his concerns about the speeding on North Main Street.

- Henry Whitney expressed his concerns about the speeding on North Main and worried that kids are going to get hit by cars.
- Irene Wheelock stated that she does not reside on North Main however, she has noticed lots of traffic due to Dairy King. She invited the town board to come sit on her porch with coffee to watch the traffic. Expressed concerns of overgrown trees blocking the speed limit signs on North Main Street.
- Randy Wheelock expressed his concerns about the traffic and speeding on North Main Street. He stated that he guarantees some of the traffic is driving upwards of 40-45 mph. He said that he chased some of the drivers to catch their speed.
- Sherriff Rick Albers stated that he hears the resident's complaints and volunteered for the purposed meeting for a task force.
- Alan Whitney Inquired about the requirements to become a board member.
- Mojo Lucas inquired about the number of citations issued each month in connection with speeding issues on US 40.
- Daryl Malas from MHJC stated that the radar signs are very effective. He apologized for the driving issues being reported on North Main Street. He said that the members of his club are respectful and obey the rules of the road. They have adopted the trail to Bill Moore Lake and acknowledged that not everyone is abusive but unfortunately there are those few bad apples that ruin it for everyone. They use the "stay the trail" information to educate the off-road community. He also explained that COVID-19 increased the activity on the trails, and he is hoping that there will be a decrease in off road use after COVID-19. He suggested the town/county use radar speed trap signs but that there will always be "bad apples". He said the highlight is that not everyone that accesses the areas are abusing these trails. He has over 400 members in his club and that he educates all his members.
- Emily Andrews inquired about speed statistics.
- Chief Stein suggested that CDOT or the county could donate speed trap strips or signs.
- Randy Wheelock presented himself as the County Commissioner, saying that he talked to the Sherriff regarding the speeding issues. He stated that Karl from county road and bridge said that he would be placing counters on North Main Street next spring.
- Fred Nelson said that he has traffic counters and has placed them higher up on North Main Street and down lower on North Main Street and reported that most people are respectful but stated that unfortunately every now and then there are bad apples.
- Sherriff Rick Albers said that he is willing to work with the town on the North Main Street task force.
- Frank Ferris thanked the town board for acknowledging the North Main Street speeding concerns. He said it is important and sounds like the town and residents have a lot of ideas. He stated that he would like to begin setting up a meeting to strategize. He stated that whoever is going to be the best to get to a solution is welcome at the meeting and that he would like to collect data and research.
- Chief Stein proposed a task force for North Main Street. He said that it can be an email group, nothing official, for the purpose of information and then it can bring in other entities. He would like to start small and informal.

14. The Next Board of Trustees Meeting is October 19th, 2021, at 6:30 pm.. In-person with remote access.

15. Adjourn the Meeting

TRUSTEE KUNZE MOTIONED TO ADJOURN THE MEETING, TRUSTEE ROBERTSON PROVIDED THE SECOND, ALL WERE IN FAVOR, MOTION PASSED.

The meeting was adjourned at 9:02 PM.

Wendy Koch
(mayor)

J. P. ...
(town clerk)