

Regular Meeting Agenda
February 21, 2023 ~ 6:30 pm

Remote Meeting using the Zoom Platform Meeting ID: 868 7950 5735 Passcode: 258796
<https://us02web.zoom.us/j/86879505735?pwd=R1Y2bDRRMTE0NkM3WVBIQnpRVnN0dz09>

If you would like to address The Board of Trustees at this meeting, please place your name on the sign-up sheet or indicate that through the chat function on the online Meeting Platform. You will be recognized to speak during the “Public Comment” portion of the agenda. Discussion is limited to 5 minutes and please state your name and address your comments to the Board. Thank you for your cooperation. Also, please silence your phones and do not use them during the meeting out of consideration for your Board Members and Staff who are presenting information during the meeting.

1. **Call Meeting to Order**
2. **Roll Call** – The Empire Board of Trustees requires a simple majority of four trustees present at the meeting for a quorum.
3. **Approval of Agenda**
4. **Approval of Minutes: January 17th, 2023**
5. **Ordinances:**
 - a. **Ordinance 267: An Ordinance of The Town of Empire, Colorado, Approving an Application for The Rezoning of Empire Coupon Placer #1298 Parcel One, Within the Town of Empire, From The Residential District (“R-1”) to The Residential Commercial District (“R-C”)**
Recommendation from Planning Commission
6. **Vote to approve the Renewal of the Local Marijuana License for Serene Wellness LLC**
 - a. Report from Police Chief Lorenz
 - b. Report from Town Clerk Piel
7. **Announcement:** The Town of Empire provided a letter of support for the Clear Creek and Gilpin County Governments’ application for a Shooting Range Grant from the Colorado Department of Parks and Wildlife. This Grant will be used for the completion of an accessible and responsible regional public shooting facility.
8. **Update:** Empire Wildlife Overpass from Peak Consulting on behalf of CDOT
The Final Office Review (FOR) meeting is scheduled for April 10. The project plans to go to bid in June with construction kicking off in September and continuing through 2024. Of note, the fence alignment and rockfall fence design has shifted since the last update and field review:
 - a. The wildlife fence west of the overpass on the south side of US 40 will not run along Mountain Avenue as previously discussed. This alignment would have required the removal of many trees and was deemed too impactful. Instead, the fence will run on the slope beneath the highway. They sought to find the “least steep” parts of the slope with the fewest interferences. There are some construction and maintenance challenges with the fence on steep slopes and some concerns about snow loading on the fence. They plan to address these issues through a custom design, e.g., more closely spaced fence posts (12’ vs 16’) or possible additional fence stays.
 - b. The rockfall fence around the wildlife overpass on the north side of US 40 has been redesigned so that the fence runs entirely along the roadway instead of partially up on the cliffs to ease construction, maintenance and avoid gaps in the fence between fence types. To manage this, two types of rockfall fence will be used, 1) ground nail fence where the cliffs abut the roadway, and 2) concrete barrier topped with fencing in areas with debris flows.

9. **Update:** US 40 Resurfacing and Improvement Project set for 2024

CDOT, Michael Baker Intl., & Pinyon Environmental Inc., along with the Town of Empire, will have our 3rd planning team meeting next week to continue refining the design for crosswalks, parking, access points, ADA curb ramps, and other design improvements throughout the Town as part of the resurfacing project. Of note, the current plans include conduit to be installed under the highway to allow the Town to run water lines and electricity to the two Traffic Calming Medians on each end of Town. This will facilitate brighter street lighting and the ability to install license plate readers as well as more attractive landscaping that can be better maintained.

10. **Update:** Ball Placer Project

The Town is working with Diane Kielty of the Clear Creek Watershed & Forest Health Partnership (CCWFHP, The Partnership), in the hopes of securing a grant for an updated feasibility study for the Bard Creek Water Rights that are associated with the Ball Placer Property. We have previous feasibility and engineering studies from over twenty years ago when Clear Creek County owned the water rights and was investigating a possible project. Water volumes have changed and may have an impact on our ability to access water. Phase one of this long-term project was to show community interest and do our Due Diligence in filing an application in 2021 to hold conditional water rights. “Conditional” means that we have legal requirements to keep these water rights while they are not actively being used. Phase two will be to obtain updated studies to evaluate what is possible as far as water rights, water storage, a water pipeline to transport the water, and an engineering report on whether the land could support a reservoir or water storage of any kind. These issues all need to be addressed before any infrastructure work can be completed in the Ball Placer and before any development projects can be considered. We are hopeful that we can find grant funding available for each of these items over the next several years, and CCWFHP is committed to helping Empire look for these opportunities.

11. **Reports:**

a. Mayor: (CCEDC, CDOT, CCFA)

b. Police:

- i. Chief Lorenz will provide a monthly report with stats and updates.
- ii. All Short-Term Rentals within Town limits must be licensed with the Town of Empire. Please contact Town Hall if you have been operating a Short-term Rental and need to apply for a license.
- iii. Code Enforcement and Town Clean-Up activities will start this Spring, with a clean-up day scheduled this summer with dumpsters to help residents get rid of unwanted items that are too large for your regular trash service.
- iv. “WAYS THE COMMUNITY CAN HELP:” If you see something that you would like to complain about, you need to fill out a complaint form so that we have an official complaint to respond to. Mentioning it in passing to a staff member is not an official complaint. Mentioning it in Public Comment in the Board Meeting is not an official complaint. You must fill out a complaint with the Police Department. That is the best, most efficient way to communicate your concerns to the Police Department. We can provide you with a complaint form after the Board Meeting if you need one.

c. Events:

- i. We are hosting an Easter Egg Hunt in Theobald Park on Saturday, April 8th, 2023 from 2-3 pm. If you would like to help us plan something fun for the kids, please email Clerk@EmpireColorado.us.

d. Admin:

- i. 2023 OHV Permit Renewals have been sent out, with an extension on the due date to March 1st, 2023.

- ii. 2023 Business License Renewals have been sent out, with an extension on the due date to March 1st, 2023.
 - iii. You may see some rearranging in Town Hall as we are creating additional workspaces to accommodate additional staff members. Please be patient as we make important changes.
 - e. Planning Commission:
 - i. All Planning Commission meetings are in-person with remote access.
 - ii. The Regular Meeting will be held on Wednesday, February 22nd, 2023, at 6:30 pm.
12. **Public Comment:** Public comment is limited to 5 minutes per person. The Board does not respond to questions during this time. For operational questions, please email the clerk.
13. **New Business from Board of Trustee Members:**
14. **The Next Board of Trustees Regular Meeting is March 21st, 2023, at 6:30 pm. In-person with remote access**
15. **Adjourn Meeting**

(Mayor Wendy Koch)

(Town Clerk Jeannette Piel)