

TOWN OF EMPIRE
30 East Park Avenue –P.O. Box 100 Empire CO 80438-0100
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Board of Trustees Regular Meeting
February 21, 2023

1. Call to Order

The meeting was called to order at 6:32 PM.
The meeting was held in person and through Zoom.

2. Roll Call

Present: Mayor Wendy Koch, Mayor Pro-Tem Linda Robertson, Trustee Denise Tennant, Trustee Susan Owen, Trustee Lorry Singmaster, Police Chief Andrew Lorenz, Attorney Colleen McCroskey, Town Clerk Jeannette Piel.

Absent: Trustee Shannon Hickman.

A quorum was present at the meeting.

3. Approval of Agenda

TRUSTEE ROBERTSON MOTIONED TO APPROVE THE AGENDA FOR FEBRUARY 21, 2023, TRUSTEE TENNANT PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

4. Approval of Minutes: January 17th, 2023

TRUSTEE ROBERTSON MOTIONED TO APPROVE THE JANUARY 17, 2023, MEETING MINUTES, TRUSTEE TENNANT PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

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”)**

TRUSTEE ROBERTSON MOTIONED TO TABLE 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”) UNTIL THE MARCH 21, 2023 BOARD OF TRUSTEE REGULAR MEETING, TRUSTEE OWEN PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, FOUR WERE IN FAVOR, ONE WAS NOT, MOTION PASSED.
Comments were made concerning commercial zoning being in the middle of a residential zone. Trustees would like more information.

6. Vote to approve the Renewal of the Local Marijuana License for Serene Wellness LLC

- a. Report from Police Chief Lorenz -No issues
- b. Report from Town Clerk Piel – Current on all Town bills

TRUSTEE TENNANT MOTIONED TO APPROVE THE RENEWAL OF THE LOCAL MARIJUANA LICENSE FOR SERENE WELLNESS LLC, TRUSTEE OWEN PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

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 about 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 and Officer Whillock discussed the shots fired call, with two suspects in custody. For the month of February, the department had 3 agency assists, 3 animal calls, 24 case reports, 1 ticket, 2 auto accidents, 1 protection order and 1 death.
 - 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 significant 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

- Margi Kaspari – Thanked Town Hall. Requested update on Ball Placer. North and South Main Street need to be fixed and requested letter reflecting responsibility is Clear Creek County. She is against the Croke zoning change to R/C. The Town should not want to be known for OHV’s and Jeeps, but rather to be known for hiking and skiing.
- Eileen Wheelock – She did not receive shelter in place notification with the shots fired incident, as suspects were already in custody. Update on CDOT FOR Meeting. Question on the US40 resurfacing adding additional lighting. Concerns about parking between Dairy King and the gas station. Concerns about the light at the storage units.
- Randy Wheelock – Enforce parking issues. Concerns about speeding and statistics. Good decision on the Board of Trustees needing more information on the zoning change to R/C. He does like the affordable housing option.
- Robin Raulf-Sager - Asked about the time shots were fired and number of suspects. Agrees with Margi’s comments. Concerns about the parking behind the gas station.

13. New Business from Board of Trustee Members:

Trustee Robertson asked about the Farmers Market. The Town is expecting to have this in 2023 and will need a produce vendor.

14. The Next Board of Trustees Regular Meeting is March 21st, 2023, at 6:30 pm. In-person with remote access.

16. Adjourn Meeting

TRUSTEE TENNANT MOTIONED TO ADJOURN THE MEETING, TRUSTEE ROBERTSON PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The meeting was adjourned at 7:33 PM.

(mayor)

(town clerk)