

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

Remote Meeting using the Zoom Platform Meeting ID: 879 9618 0511 Passcode: 479200
<https://us02web.zoom.us/j/87996180511?pwd=OTNWT2JZcGcvMHd0SXRUVUpLSkgvdz09>

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: February 21st, 2023**
5. **Vote to approve the Renewal of the Local Liquor License for Empire Sweet Shop & Grill**
 - a. Report from Police Chief Lorenz
 - b. Report from Town Clerk Piel
6. **Vote to approve a Donation of \$500.00 to Charlie's Place:** Clear Creek County is requesting a one-time contribution toward the County's RENEW/Department of Local Affairs Grant, Renewable and Clear Energy Initiative, and a letter of support for the County's Grant Application to upgrade the Shelter Facility. The RENEW grant focuses on the initiation and replacement of infrastructure with an energy efficient solution. The approach would be to combine the energy efficient HVAC system with the installation of solar PV at the animal shelter site. We have written a letter of support toward the grant application, and if the grant is accepted, the \$500.00 donation will be requested as part of matching funds.
7. **Announcement:** We currently mail the Newsletter to all PO Boxes in Empire, and to our Water customers who have a mailing address outside of Empire. We also put the Newsletter on the Website, put a link on Facebook, post it on the Post Office Bulletin Board, the Front Door of Town Hall, and the Visitor Center Bulletin Board. There are copies available in Town Hall and in the Visitors Center. But we still have people in Town who don't receive the Newsletter. We want to do everything we can to include our entire community, so we would also like to start emailing the Newsletter. Anyone who would like to receive the Newsletter by email, please email your name and the word "Newsletter" to Clerk@EmpireColorado.us. If you know someone who doesn't receive it, please encourage them to send an email so we can get them on the list!
8. **Discussion:** Additional Information for Zoning Request from Avoriaz LLC with Andre and Justin Suissa
9. **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")**
10. **Annexation for Harmony Domes:**
 - a. **Resolution 23-02: A Resolution of The Town of Empire, Colorado of Substantial Compliance and Intent to Annex**
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. "Things are HOPPIN' in Empire! 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 with this event or any future events, please email Clerk@EmpireColorado.us.

d. Admin:

- i. Habitat for Humanity will be completing some upgrades and repairs to the Bus Stop on the Northwest corner of Mountain Avenue and Ball Street on Friday, March 24th, 2023.

e. Planning Commission:

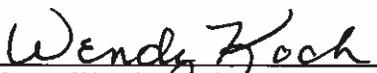
- i. All Planning Commission meetings are in-person with remote access.
- ii. The Regular Meeting will be held on Wednesday, March 29th, 2023, at 6:30 pm.

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 April 18th, 2023, at 6:30 pm. In-person with remote access**

15. **Adjourn Meeting**


(Mayor Wendy Koch)


(Town Clerk Jeannette Piel)

TOWN OF EMPIRE
30 East Park Avenue –P.O. Box 100 Empire CO 80438-0100
303/569-2978 – 303/569-2282 fax

Board of Trustees Regular Meeting
March 21, 2023

1. Call to Order

The meeting was called to order at 6:34 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 Shannon Hickman. Trustee Lorrain Singmaster, Police Chief Andrew Lorenz, Attorney Brandon Dittman, Town Clerk Jeannette Piel.
A quorum was present at the meeting.

3. Approval of Agenda

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

4. Approval of Minutes: February 21st, 2023

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

5. The Board adjourned as the Board of Trustees and convened as the Liquor Licensing Board.

TRUSTEE ROBERTSON MOTIONED TO ADJOURN AS THE BOARD OF TRUSTEES AND CONVENE AS THE LIQUOR LICENSING BOARD, TRUSTEE OWEN PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

6. Liquor Licensing Board:

- a. Vote to approve the Renewal of the Local Liquor License for Empire Sweet Shop & Grill.**

Chief Lorenz informed the board he had no findings. Clerk Piel reported Town Invoices were current. Public Hearing was open and closed with no comment.
TRUSTEE OWEN MOTIONED TO APPROVE THE RENEWAL OF THE LOCAL LIQUOR LICENSE FOR EMPIRE SWEET SHOP & GRILL, TRUSTEE ROBERTSON PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

7. The Board adjourned as the Liquor Licensing Board and reconvened as the Board of Trustees.

TRUSTEE TENNANT MOTIONED TO ADJOURN AS THE LIQUOR LICENSING BOARD AND RECONVENE AS THE BOARD OF TRUSTEES, TRUSTEE ROBERTSON PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

8. Vote to approve a Donation of \$500.00 to Charlie's Place:

Clear Creek County is requesting a one-time contribution toward the County's RENEW/Department of Local Affairs Grant, Renewable and Clear Energy Initiative, and a letter of support for the County's Grant Application to upgrade the Shelter Facility. The RENEW grant focuses on the initiation and replacement of infrastructure with an energy efficient solution. The approach would be to combine the energy efficient HVAC system with the installation of solar PV at the animal shelter site. We have written a letter of support toward the grant application, and if the grant is accepted, the \$500.00 donation will be requested as part of matching funds.

TRUSTEE ROBERTSON MOTIONED TO APPROVE A DONATION OF \$500.00 TO CHARLIE'S PLACE, TRUSTEE OWEN PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

9. Announcement: Newsletters.

We currently mail the Newsletter to all PO Boxes in Empire, and to our Water customers who have a mailing address outside of Empire. We also put the Newsletter on the Website, put a link on Facebook, post it on the Post Office Bulletin Board, the Front Door of Town Hall, and the Visitor Center Bulletin Board. There are copies available in Town Hall and in the Visitors Center. But we still have people in Town who do not receive the Newsletter. We want to do everything we can to include our entire community, so we would also like to start emailing the Newsletter. Anyone who would like to receive the Newsletter by email, please email your name and the word "Newsletter" to Clerk@EmpireColorado.us. If you know someone who does not receive it, please encourage them to send an email so we can get them on the list!

10. Discussion: Additional Information for Zoning Request from Avoriaz LLC with Andre and Justin Suissa.

Andre & Justin presented their ideas for this project.

Board discussions:

- Wendy Koch – Is the property on the other side of the creek phase 3? (Andre: Phase 2 and 3 is the RV Park, phase 3 possible bridge)
- Linda Robertson – Concerned about density, strain on water resources and aging sewer system.
 - By affordable housing, do you mean housing that people for whom work in the county can qualify?" (Andre: No, the project is not government qualified. It will be a private development.)
- Susan Owen – How does this project help the residents? (Andre: Additional taxes and a potential bridge).
- Lorry Singmaster - Concerned about the strain on water resources and aging sewer system. (Andre: Town stated there are 60-70 more taps to be utilized).

- Shannon Hickman – Define affordable. (Andre: Affordable new housing for the region)

Public Discussion:

- Tony Robertson – NO PC or BOT discussion with the residents had happened before tonight.
 - PC voted to rezone without knowing what they were going to do.
 - Concerns about PC members being coerced to vote yes when there is no need for R/C zoning for homes. No one is desiring to have this rezoned (neighbors).
 - We already have affordable housing.
 - This high-density development adversely affects the view corridor and does not fit with the town's values as stated in the recently completed Master Plan.
 - Concerned about high-density development taxing the town's aging infrastructure.
 - Commercial zoning would adversely impact the neighboring properties, which are all zoned R1.
 - Concerns about possible STR's – we do not want that.
 - We do not want RV's.
 - Offered a 20% increase in the purchase price and will complete a smaller project.
 - Offered 20% increase from purchase price, again.
 - He has built two homes in two years. \$500K is not high.
- Alan Fistell – Extra housing brings down value and desire to live here.
 - Concerned about water issues, it will burden our resources.
 - Can you build now? (Andre: Currently, they can build one house)
 - No reason to change to R/C to build houses.
- Peggy and Bernie Hubner – Affordable housing is not \$500K.
 - At 950 square feet, where do the bicycles, etc., go? Are they one story? (Andre: They will have garages)
 - There are already issues with R/C not cleaning up their properties. Will you have a property management company?
 - He likes R1.
 - Opposes RV Park
 - Consider grades.
 - There is a pop off valve where Mountain Avenue should be. If you are going to build something there, you will need to reroute it.
- Terry Grey – asked about Cowles Street widening. (Andre: This is up to the Town).
 - This street will pick up traffic.
 - An RV Park will also increase traffic on this street.

- Larry Modesitt – Access to his property is difficult due to muddy roads. Who pays for the feasibility study, water, and sewer changes? (Andre: This will happen later)
 - How is the Town going to take care of the roads?
 - Has any of the water and sewer knowledge changed? Does the Town have this information? (Andre: Attorney Brandon Dittman- This is just a concept right now)
 - How is the Town going to pay for the roads with more homes?
 - Is Andre going to use fire resistant material? (Andre: There is no requirement to do so. He will follow code)
 - PC minutes are not posted for 2022.
 - He did not know about this meeting until today. Residents need to know sooner about these meetings.
- Eileen Wheelock – People around this development area should have all the details.
 - This will quadruple traffic on these streets. The streets are not up to par now.
 - Does not like the fact that the street does not go all the way through as it is a fire risk.
 - Marshal Fire spread so fast due to building materials. Need to use less flammable building materials.
 - The number of these homes will cause the use of water to be much higher.
- Jason Belcher - \$500K is not affordable.
 - Why did you choose here? (Andre: Lives 30 minutes away, loves the area)
 - Strain on water, sewer, and roads.
 - Does not see any benefit of R/C zoning.
- Bob McGurk – concerns about water usage. Has there been a recent study? (Andre: Empire stated 60-70 more taps available) (Andre: Engineers will complete these later)
 - One thousand square feet is pretty small.
 - Against R/C. It opens it up for STR.
- Margi Kaspari – Neighbors and friends live here because of the small-town atmosphere, and we have each other's back.
 - \$500K is not affordable.
 - R/C zoning will turn into second homes to make a profit. This will bring in strangers and not community.
 - How many RV's? (Andre: 8-10)
 - No desire for an RV park. We are about natural preservation.
- Corey Novak – Why are you not here in person if you live 30 minutes away. (Andre: Wife has immune suppressed and pregnant.)
 - How long will it take to build twenty-one homes? (Andre: 6 months)
 - Have you developed residential before (Andre: No, has been on HOA's Board of an Apartment complex)
 - Do we need a park?
 - How does R/C zoning help the residents?
- Bob Croke - Likes the plan.
 - Really good concerns about the water, sewer, and roads.
 - Zoning is important and the Town needs to think about that.
 - Are the lot sizes 4800 square feet? (Andre: Yes)
 - On the north side of the property have you spoken to the other homeowners? (Andre: Have no intent of harming anyone's property).
 - He does not want this to get ugly, the developer, residents and the Town should work together).

- Chad Craven – Thank you to Mayor Wendy and the BOT for hearing the Town’s concerns.
 - BOT- Please protect the Town. Vote No.
 - Do not zone commercial in the middle of a residential area.
 - If you say yes, there will be 21 STR’s.
 - Once approved, we cannot go back.
 - They can still build houses.
- Sean Stauffer – Likes the small town and appreciates good craftsmanship. 21 STR does not sound like what the residents want. Keep R1.

11. 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 OWEN MOTIONED TO DENY 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 PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The Ordinance failed.

12. Annexation for Harmony Domes:

- a. **Resolution 23-02: A Resolution of The Town of Empire, Colorado of Substantial Compliance, and Intent to Annex**

TRUSTEE TENNANT MOTIONED TO APPROVE A RESOLUTION OF THE TOWN OF EMPIRE, COLORADO OF SUBSTANTIAL COMPLIANCE AND INTENT TO ANNEX, TRUSTEE OWEN PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

Resolution 23-02 is effective immediately.

13. Reports:

- a. Mayor: (CCEDC, CDOT, CCFA)
 - i. The Town is having meetings with CDOT. CDOT is working on the crosswalks on Highway 40. Highway 40 Wildlife Bridge is being worked on as well.
 - ii. Mayor Wendy will be reviewing the RFP for the Comprehensive Organizational Analysis of the Clear Creek Fire Authority.
- b. Police:
 - i. Chief Lorenz provided a monthly report with stats and updates. There were twenty-one calls from February to today. One abandoned vehicle, five agency assists, two animal calls, three assaults, one attempted homicide, two traffic violations, one traffic crash, one warrant and one weapons offense.

- 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. “Things are HOPPIN’ in Empire! 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 with this event or any future events, please email Clerk@EmpireColorado.us.
- d. Admin:
- i. Habitat for Humanity will be completing some upgrades and repairs to the Bus Stop on the Northwest corner of Mountain Avenue and Ball Street on Friday, March 24th, 2023.
- e. Planning Commission:
- i. All Planning Commission meetings are in-person with remote access.
 - ii. The Regular Meeting will be held on Wednesday, March 29th, 2023, at 6:30 pm.

14. Public Comment

- Eileen Wheelock – Thanked Vas for being in person. Other presenters should come in person. To try to make something happen in the community, become a member of the community.

15. New Business from Board of Trustee Members:

No New Business

16. The Next Board of Trustees Regular Meeting is April 18th, 2023, at 6:30 pm. In-person with remote access.

17. 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 9:19 PM.

Wendy Koch J Piel
(mayor) (town clerk)

Town of Empire

30 East Park Avenue, Empire, CO, 80438 | 303-569-2978 | clerk@empirecolorado.us

Rick M. Garcia, Executive Director
Colorado Department of Local Affairs
1313 Sherman Street, Suite #518
Denver, CO 80203

Todd Leopold, Regional Manager
Colorado Department of Local Affairs
1313 Sherman Street, Suite #518
Denver, CO 80203

March 15, 2023

RE: Application to the Energy & Mineral Impacts Assistance: RENEW grant program for Clear Creek County Animal Shelter Energy Upgrades

Dear Executive Director Garcia:

I am writing on behalf of the Town of Empire to express our support of Clear Creek County's application for funding to implement energy upgrades to the Clear Creek/Gilpin County Animal Shelter (a.k.a. Charlie's Place). Charlie's Place not only serves a critical function, but also holds a dear place in the hearts of the community. Today, Charlie's Place continues to experience the support from municipalities and residents that made its mission to provide a safe haven for homeless animals possible when it first opened in 2007.

Over the past year, the HVAC system at the Clear Creek/Gilpin County Animal Shelter has experienced significant issues that have led to the installation of several space heaters in the facility to compensate for the lack of an efficient heating and cooling system in the building in the short-term. As Charlie's Place approaches the end of a long, cold winter with only these space heaters to warm the animals and staff, we are committed to supporting the County's efforts to ensure that next winter is different by replacing the heating, ventilation, and cooling (HVAC) system. Charlie's Place is in desperate need of a solution to the issues that it has in order for it to continue providing the safe environment that it has in the past.

We are also staunchly in support of Clear Creek County's efforts to implement clean and renewable energy solutions throughout the County. The addition of solar panels to the Animal Shelter facilitates sustainability and advances clean energy strategies that will be important for the future health of our community.

In summary, we fully support Clear Creek County's project to replace the HVAC system and implement solar panels at Charlie's Place, and appreciate your consideration of this application. We pledge our support both in this letter and in the form of a one-time contribution to the local match in the event that this application for funding is awarded.

Sincerely,



Wendy Koch, Mayor of Empire

ZONING: CROKE / SUISSA - We have Ordinance 267 listed again since we tabled it at the last meeting. Before that agenda item though, we have MADE time for a discussion with the developers who are requesting the rezoning. We have an amended application with the new owners' names. Technically, voting on a zoning change should only be about approving the location, not approving the project. But it is difficult for all of us to separate the two concepts. Rezoning the entire property to RC gives the impression that the whole area will be commercial. Andre and Justin will show you some of their ideas, which are focused on affordable housing.

I sent the following list to the developers to give them a clear understanding of the options:

- 1) If the whole property remains R-1, you can start building houses right away (with PC approval of the building project). You could also start building right away even if you had an application in for a possible subdivision later on.
- 2) If the whole property is being requested as RC, you have to have zoning change approval before any part of the project can start, which will take several months before final approval.
- 3) If the zoning change for the entire property is not approved, you also have the option of splitting the property into separate plats to be zoned differently (a subdivision). For example, the areas with houses could still be zoned R-1, and only the area by the creek would be requesting an RC zoning change. This is common on larger properties with the intention of mixed use and may be easier for the Board to understand the developers' intentions. If houses are built in an area zoned RC, there is still the possibility of commercial development in the area because of the zoning, and this leaves the door open for future property owners to change the character of the property and no longer retain the residential feel. This is usually the biggest hurdle for mixed use developments - determining what the future land use could be based on the approved zoning, and ensuring there are no unintended consequences. The process would be to subdivide and would require a plan be submitted to the Planning Commission, and the Board and Planning Commission would hold a joint public hearing once all the documentation was completed.

TOWN OF EMPIRE,
COLORADO

ORDINANCE 267

Failed
3-21-23

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”)

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Empire possesses the authority to zone, rezone, change, supplement and revise the zoning classifications or designation of property and to regulate land uses within the Town; and

WHEREAS, Board of Trustees (the “Board”) shall hold a public hearing and act upon an application for proposed zoning amendments; and

WHEREAS, the Applicant has submitted an application for the rezoning of EMPIRE COUPON PLACER #1298 PARCEL ONE (the “Subject Property”) from the Residential District (“R-1”) to the Residential Commercial (“R-C”) (the “Application”); and

WHEREAS; the Empire Planning Commission held a public hearing on October 26th, 2022 and issued a recommendation to approve the Application; and

WHEREAS, the Board conducted a public hearing following the provision of lawfully required notice to the public; and

WHEREAS, the Board herby finds that the Application for the proposed rezoning meets the criteria established by Empire Municipal Code Art. VII, Section 3 for approval; and

WHEREAS, the Board finds that the proposed rezoning would “encourage the most appropriate use of land throughout” the Town consistent with C.R.S. § 31-23-301(1); and

WHEREAS, the Board hereby approves the Application with the conditions provided herein.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EMPIRE, THAT:

Section 1. The recitals set forth above are incorporated as if set fully forth herein.

Section 2. The Town of Empire Board of Trustees hereby approves the Application for rezoning from Residential (R-1) to Residential Commercial (R-C).

Section 5. The Town Clerk and other appropriate Town Staff are authorized and instructed to revise the official zoning map for the Town of Empire so that the zoning designation

described in this Ordinance is illustrated in graphic form. Failure to amend the official zoning map in accordance with this Ordinance shall not, however, have the effect of limiting, preventing or precluding the effect or effective date of this Ordinance.

Section 6. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 7. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED AND PASSED ON FIRST READING THIS 21ST DAY OF MARCH 2023.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS ___ST DAY OF _____ 2023.

TOWN OF EMPIRE, COLORADO

Wendy Koch, Mayor

ATTEST:

Jeannette Piel, Town Clerk

Failed
3-21-23

COPY

**TOWN OF EMPIRE, COLORADO
RESOLUTION 23-02**

**A RESOLUTION OF THE TOWN OF EMPIRE, COLORADO OF SUBSTANTIAL
COMPLIANCE AND INTENT TO ANNEX**

WHEREAS, a written petition has been filed with the Town Clerk requesting the annexation of certain property to be known as the Harmony Domes Annexation, as more particularly described below; and

WHEREAS, the Board of Trustees desires to initiate annexation proceedings for the Harmony Domes Annexation in accordance with the Municipal Annexation Act, Section 31-12-101, et seq., Colorado Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EMPIRE as follows:

Section 1. That the Board hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the Board hereby accepts the annexation petition for the Harmony Domes Annexation, more particularly described as situated in the County of Clear Creek, State of Colorado, to wit:

The subject property consists of multiple mining claims addressed at 433 Park Ave., Empire Colorado. The subject property consists of the Heckla, Emma, Gold Dust, Butte, and Cambrian mining claims as well as a portion of tract within section 28 which is a total of 683, 148 square feet or 15.68 acres. A portion of the property and the claims listed above are currently located within unincorporated Clear Creek County.

The subject site is located within Section 28, Township 3 South, Range 74 West of the 6th Principal Meridian within the Town of Empire, Colorado.

Section 3. That the Board hereby finds and determines that the annexation petition for the Harmony Domes Annexation is in substantial compliance with the Municipal Annexation Act in that the annexation petition contains the following:

- (1) An allegation that it is desirable and necessary that such area be annexed to the municipality;
- (2) An allegation that the requirements of Colorado Revised Statutes sections 31-12- 104 and 31-12-105 exist or have been met;
- (3) An allegation that the signers of the petition comprise more than fifty percent of the landowners in the area and own more than fifty percent of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality;

EXHIBIT A

A public hearing on the Harmony Domes Annexation shall be held at the Empire Board of Trustees Meeting on Tuesday April 18th, 2023.

Public Comment

Sign-up Sheet

March 21, 2023

If you would like to address the Empire Board of Trustees at this meeting, please place your name on the sign-up sheet. You will be recognized to speak during the "Public Comment" portion of the agenda.

This is a governmental meeting held to conduct the business of the Town of Empire. We welcome you here and thank you for your time and concern. If you wish to address the Board, this is the time set on our agenda for you to do so. **When you are recognized, please stand, state your name and then address the Board.** Your comments will be limited to 5 minutes. This is the appropriate time on the meeting agenda for you to address the Board on matters that are not scheduled for public hearing. The Town Board may not respond to your comments during this meeting, rather they may take your comments and suggestions under advisement and your questions will be directed to the appropriate person or department for follow-up.

The Town Board requests that all speakers conduct themselves in a respectful and civil manner and avoid disorderly behavior or personal attacks against any individual. In the event any person interrupts the business of the Board or acts in a disorderly or disrespectful manner, the Board may require such person to cease the offensive behavior and/or to leave the meeting. Thank you.

Please sign your name below if you wish to speak to the Board.

~~Tony Robertson~~
~~Erica Black~~
~~Sherrill Black~~
~~Larry Modesitt~~
~~Bernie Hubner~~
~~Peggy Hubner~~
~~Terry Gray~~
* Eileen Wheeler
~~Bob Fissett~~

Zoom:
~~Margi Kaspari~~
~~Corey Novak~~
~~Bob Croke~~
~~Chad Craven~~

~~Larry - do not~~
~~know last name,~~
~~he could not~~
~~unmute himself,~~
~~Chief Lorenz~~
~~sent him a msg~~
~~to email his~~
~~comments.~~