

Town of Empire
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Board of Trustees Supplemental Meeting Minutes
July 9, 2024 ~ 6:30 pm

Remote Meeting using the Zoom Platform

1. Call Meeting to Order - Mayor Koch called the meeting to order at 6:33 PM. The meeting was held in person and through Zoom

2. Roll Call – The Empire Board of Trustees requires a simple majority of three trustees present at the meeting for a quorum.

Present: Mayor Wendy Koch, Trustee Randy Horning, Trustee Denise Tennant, and Trustee Jessie Reiman. Also in attendance were Town Attorney Wilson Scarbeary, Town Administrator Jeannette Piel, and Deputy Town Clerk Lisa Kunze.

Absent: Trustee Jacob Belcher

A quorum was present at the meeting.

3. Approval of Agenda - July 9, 2024 Supplemental Meeting Agenda

TRUSTEE TENNANT MOTIONED TO APPROVE THE AGENDA FOR JULY 9, 2024, TRUSTEE REIMAN SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The Agenda was approved.

4. West Fork Village LLC; Formal Action on the Preliminary Plat and Plan Submission

a. Review recommendation from Planning Commission

Town Administrator Jeannette Piel provided the following instructions:

Board of Trustees, we are voting on whether or not the West Fork Village Preliminary Plat & Plan (PPP) is in compliance with our Municipal Code and our Comprehensive Master Plan, you have received a recommendation from the Planning Commission in advance of this meeting. You, The Board of Trustees now have the final vote for the Preliminary Plat and Plan.

The owners of the property have the “use by right” to subdivide property that is zoned residential into smaller residential lots as long as those lots conform with Town Municipal Code. The Planning Commissions job was to evaluate the plan against our Municipal Code and our Comprehensive Master Plan (CMP). They have listed special conditions that have been discussed during the process that are not addressed in our Municipal Code or Comprehensive Master Plan.

You have a copy of the recommendation in front of you, and I will read the full recommendation into the record (See attachment dated June 26, 2024: Recommendation for West Fork Village Preliminary Plat & Plan.)

Ordinance 170, Article 1 General Provisions, Section 8 which addresses the Relationship of Ordinance 170 to the Comprehensive Master Plan states: it is the intent of the Town that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document. In case of conflict, this document takes priority. Simply put, Ordinance 170 takes priority over the CMP.

C.R.S. 31-23-206 The master plan of a municipality is an advisory document to guide land development decisions; however, the plan or any part thereof may be made binding by inclusion in the municipality's adopted code. Simply put, the CMP is not binding unless that language has been included into the Municipal Code.

When the Board discusses the PPP later in section d of this agenda item, please let me know if you want to clarify any language or definitions in the CMP or the Ordinance? The CMP is subjective, so you have to be comfortable with the language and definitions in the CMP to make your decision tonight.

If you vote to deny by voting no on approval, you have to explain your reasoning why you would deny with facts supported by our Municipal Code and the Comprehensive Master Plan.

b. Final questions for the developer

The Discussion Included:

- Increase in traffic flow. As a resident it is concerning, it will impact daily life.
- Non-full time residents are even more concerning.
- Those who live on Ball Street use Mountain Avenue as an entry point to US 40. This is because parking along US 40 causes blind spots and there is a large bump at the end of Ball.
- There are drainage issues on Mountain Ave due to runoff from US 40 down Ball Street.
- Bump is there to keep drainage along US 40 rather than running down Ball.
- In order for the bump to be fixed, drainage issues off of US 40 will have to be fixed first.

c. Discussion from the public

No Discussion from the public.

d. Discussion by the Board of Trustees

No Discussion from the Board.

e. Vote to approve, approve with conditions, or deny

We will go over the conditions that we have carried forward in this process that will be listed in this recommendation. We can add additional conditions if we need to. Let's discuss what other conditions we would require if we approve. Discussing possible conditions does not imply that the decision is already made; you can still vote no even after participating in a discussion about conditions.

These items are conditions that have been addressed and must be met with the Final Plat and Plan submission:

- Improvements to Cowles Street and Ball Street will be required to mitigate additional drainage and grading issues.
 - This is addressed on maps C2.2, C2.3, and Development Report pg. 31.
- The Town and the Developer will work together to address the best way to maintain the single-story height requirement into perpetuity.
 - This item will be addressed in the Final Plat.
- The Town and Developer will work together to address Fire Mitigation and Insurance Concerns.
 - The developer has stipulated they will be building to the 2021 building and fire codes, or the Town of Empire codes, whichever is most current at the time of the building permits.
 - We acknowledge this is an ongoing area of concern for all Coloradans and the rest of the Country as evidenced by ever-changing standards and legislation that affect homeowners and fire insurance. We are addressing fire mitigation concerns as a condition; the developer has stipulated they will be building to the 2021 building and fire codes, or the Town of Empire codes, whichever is most current at the time of the building permits. The Town can add fire mitigation language to future code that could be used during the Development Permit and Building Permits, and the Board is currently working on that language. We cannot affect insurance rates; we can only affect Town codes and building codes which are driven by insurance concerns.
 - The developers have stipulated that there will be a minimum of 10 feet between the overhanging edge of roof lines. This exceeds what is required in our Ordinance.

The developers must make every reasonable effort to resolve any boundary line disputes.

- This is addressed on Proposal Summary pg. 9.
- The Developer has addressed previous boundary line disputes by not developing in the disputed areas.
- JVA engineering evaluated the Preliminary Plat & Plan and in a letter on April 3rd listed 19 items that need to be addressed. JVA stated that a narrative from Avoriaz with details on each item would suffice for approval of the Preliminary Plat & Plan, as long as these items were addressed and the changes were made in the Final Plat & Plan.
 - Avoriaz provided this narrative, and the changes will be made for the Final Plat and Plan submission.

No further items were added as conditions.

Discussion items included;

- Concern surrounding how the water main project on Ball Street will affect Mountain Avenue.
- The construction process is going to begin on the corner of Mountain Avenue and Ball Street.
- Ball Street has pipes that need to be replaced, there is a lot of drainage going to be fixed.

- The question of, was it the responsibility of the Town or the developers? It was the understanding that it would be the responsibility of the contractors opening up the roads.
- Is it something we should add as a condition to mitigate?
- Town Attorney Wilson Scarbeary clarified that if it is adjacent to the subdivision then it would make more sense for a condition regarding drainage on the west road. You could just amend to say they will address drainage issues on adjacent roads to the east of the subdivision. Not a construction engineer but this can at least partially solve the drainage issue. Something we need to address most likely in the final plat stage.
- Andre Suissa, the developer, clarified that Ball Street has a concrete drainage pan that is to handle the drainage and the impact of the subdevelopment. The downhill runoff is resulting from US 40 drainage issues. They made sure to mitigate the gully washers going downhill on Cowles.
- Explanation sufficient and the town will discuss these issues with the road contractors in an attempt to keep it from washing out and guide it into the ditch.

The Board was satisfied with the conditions.

TRUSTEE TENNANT MOTIONED TO APPROVE THE PRELIMINARY PLAT AND PLAN FOR THE WEST FORK VILLAGE SUBDIVISION WITH THE STATED CONDITIONS, TRUSTEE HORNING SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The Preliminary Plat & Plan for the West Fork Village Subdivision with the stated conditions has been approved. Approval of the Preliminary Plat and Plan shall be effective for a period of twelve months, and a 6 month extension may be granted by the PC if requested in writing by the subdivider. Within that time, the subdivider may submit the Final Plat and Plan to the Planning Commission.

5. Public Comment

Stephanie Kline: Has concerns about the conditions of the road that will be used to transport construction materials. Will land be moved and developed before the survey so homeowners are aware where the right of way is before the development?

6. Moment of Appreciation

- Wonderful choices of restaurants in Town.
- Appreciates the town people that make it a point to be apart of the town and meetings
- Hummingbirds, the little fat ones are out!
- Quiet nights and being able to see the stars each night.
- The way the people of this Town look out for one another.
- Appreciate the countless hours the Town staff, Board and Planning Commission has put into the subdivision process.
- Nice weather when the rest of the country is experiencing a heat wave.
- Seconded in appreciation for the cooler weather.
- Looking at the mountains everyday and being able to hike right out the front door.

7. The Next Board of Trustees Regular Meeting is Tuesday, July 16th, 2024, at 6:30 pm. In person with remote access.

8. The Next Work Session/Training of the Board of Trustees Meeting is Tuesday,

August 6th, 2024, at 6:30 pm. In person with remote access.

9. Five-minute recess

- a. This concludes the action items for this supplemental meeting.
- b. We will take a five-minute break and return for the work session/ training portion of the meeting; **No action will be taken on any items, and there is no public participation.**
- c. Move to recess

TRUSTEE REIMAN MOTIONED TO RECESS FOR FIVE MINUTES, TRUSTEE HORNING SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The motion was approved.

5-MINUTE BREAK

10. Work Session Items

- a. Human resources/ Job update
 - i. Personnel Policy Update

Town Clerk Jennifer Boswell explained the staff and management have completed the internal evaluation of current benefits the Board requested. See Attachment “Managements Recommendation.” Discussion included the configuration of sick time/vacation time and rollover and donation options. The Board requested further cost evaluation and will discuss at the regular meeting on July 16, 2024.

- ii. Town Administrator Job Update

We have two candidates for the position of Town Administrator. I have emailed out a doodle poll to the committee for your availability, so please complete that by Thursday so we can set up our interviews!

- b. Triangle of Doom (three Ordinances that conflict with each other)
 - iii. Ordinance 272: Model Traffic Code
 - iv. Ordinance 170: Recommended updates
 - v. Fire Mitigation and Defensible Space

Town Administrator Piel used the attached drawing to illustrate the competing policies with these 3 town codes. Before they can be updated, we need more input from the community and further Board discussion to set priorities. These issues were discussed, and the town is encouraged to complete the survey in the upcoming newsletter. From there, the Board will determine priorities to include in next year’s budget.

11. Training

- a. Goal statement – Deputy Town Clerk Kunze led the board in a final discussion where they chose to adopt the attached goal for their term.
- b. Parks DREAM continued – all Trustees were asked to complete their dreams and issues for the next training session. The Planning Commission will also be completing this to provide a Vision for the Parks Committees that will be formed in the next month.
- c. Brainstorm for duration of term - item Tabled in the interest of time.

12. Adjourn Meeting

TRUSTEE HORNING MOTIONED TO ADJOURN, TRUSTEE TENNANT SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The meeting was adjourned at 9:15 PM

(Mayor Wendy Koch)

(Deputy Town Clerk Lisa Kunze)

DRAFT