

Town of Empire
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Board of Trustees Regular Meeting Minutes
October 15, 2024 ~ 6:30 pm

1. Call Meeting to Order – Mayor Wendy Koch called the meeting to order at 6:37 PM. The meeting was held in person and through Zoom.

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

Present: Mayor Wendy Koch, Trustee Randy Horning, Trustee Denise Tennant, Trustee Jessie Reiman and Trustee Stephanie Kline. Also in attendance were Town Attorney Wilson Scarbeary, Town Administrator Jeannette Piel and Deputy Town Clerk Lisa Kunze. Police Chief Andrew Lorenz joined for the police report.
Absent: Trustee Jacob Belcher
A quorum was present at the meeting.

3. Approval of Agenda - October 15, 2024 Regular Meeting Agenda

TRUSTEE HORNING MOTIONED TO APPROVE THE AMENDED AGENDA FOR OCTOBER 15, 2024, TRUSTEE REIMAN SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The Agenda was approved.

4. Approval of Consent Agenda

- a. Minutes September 17, 2024 Regular Meeting
- b. Minutes September 19, 2024 Executive Session
- c. Minutes October 1, 2024 Work Session & Training
- d. Minutes October 3, 2024 Executive Session

TRUSTEE TENNANT MOTIONED TO APPROVE THE CONSENT AGENDA FOR OCTOBER 15, 2024, TRUSTEE HORNING SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The Consent Agenda was approved.

5. Ordinances

- a. Second Reading and Public Hearing for Ordinance 272: Adopting the 2024 Edition of the Model Traffic Code for Colorado for the Regulation of Traffic Within the Town

The Board has previously held discussion on this item, aside from references to parking that have been updated. No further questions from Trustees.

- i. Public Hearing

No Public Testimony.

- ii. Final Vote to Adopt by Board of Trustees

TRUSTEE REIMAN MOTIONED TO APPROVE THE SECOND READING OF ORDINANCE 272: ADOPTING THE 2024 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO FOR THE REGULATION OF TRAFFIC WITHIN THE TOWN, TRUSTEE TENNANT SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION

PASSED.

Ordinance 272 is adopted. The Ordinance will be effective November 23, 2024 which is 30 days after publication in the Clear Creek Courant.

- b. First Reading for Ordinance 274: An Ordinance of The Town of Empire, Colorado Imposing a Temporary Moratorium on The Submission, Acceptance, Processing, And Approval of Certain Land Use Applications and Declaring an Emergency

Town Administrator Piel explained the necessity of this Ordinance given many competing priorities that will not allow town staff to update code and properly train new staff to develop processes for new applications in the categories listed in the proposed Ordinance. A moratorium is typically granted for a 6-month period, and any developments in process are not affected. Also, this will not affect any building permits and could be extended if necessary.

Trustee Horning noted the incorrect expiration date of May 16, 2024 and staff will correct this by second reading if passed.

- i. Public Discussion

No Public Comment.

- ii. Vote to Approve First Reading by Board of Trustees

TRUSTEE HORNING MOTIONED TO APPROVE THE FIRST READING OF ORDINANCE 274: AN ORDINANCE OF THE TOWN OF EMPIRE, COLORADO IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF CERTAIN LAND USE APPLICATIONS AND DECLARING AN EMERGENCY, TRUSTEE REIMAN SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The first reading of Ordinance 274 is approved. A Second Reading and Public Hearing will be held at the next Board of Trustees meeting on November 19, 2024. The First Notice of the Public Hearing will be posted in the Clear Creek Courant on Thursday, October 24, 2024.

6. Resolutions

- a. Resolution 24-29: A Resolution of the Board of Trustees for The Town of Empire Approving a Subdivision Improvement Agreement for The West Fork Village Subdivision

- i. Discussion by Board of Trustees

Town Administrator Piel and Town Attorney Wilson Scarbeary walked through the Subdivision Improvement Agreement (SIA) and explained it is a legal agreement between the town and the developer outlining the two streets to be constructed, detailing water line, utility and other agreements. The roads and all public improvements will be deeded back to the town, per our land use code. The infrastructure work is warrantied and shows all costs, including inflation, time schedules and a provision for future negotiations required in all phases.

Trustees discussed various terms and agreement details until all were confident the agreement was being faithfully executed by our Town Attorney and all parties.

- ii. Public Discussion

Linda Roberston: her main concern is asphalt roads that will add to the drainage problems, and “having you guys review this at this meeting.” She feels Trustees should have been given this a week ago to review. She also “was told to discuss the reimbursement.”

- iii. Vote to Approve Agreement

TRUSTEE REIMAN MOVED TO APPROVE RESOLUTION 24-29: A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF EMPIRE APPROVING A SUBDIVISION IMPROVEMENT

AGREEMENT FOR THE WEST FORK VILLAGE SUBDIVISION, TRUSTEE HORNING SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

Resolution 24-29 was adopted and is effective immediately.

b. Resolution 24-30: A Resolution of The Board of Trustees for The Town of Empire Approving an Intergovernmental Agreement to Form the Clear Creek County Multijurisdictional Housing Authority

i. Discussion by Board of Trustees

Town Administrator Piel reviewed this agreement, where the town's contribution is \$2,000 per year for the first 3 years. The hope is the housing authority can sustain itself. The beginning contributions will cover Salary and benefits to bring on a Director to run the housing authority. Spoke about this at the end of last year, will be reflected in our 2025 budget.

ii. Public Discussion

No Public Discussion.

iii. Vote to Approve Agreement

TRUSTEE TENNANT MOVED TO APPROVE RESOLUTION 24-30: A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF EMPIRE APPROVING AN INTERGOVERNMENTAL AGREEMENT TO FORM THE CLEAR CREEK COUNTY MULTIJURISDICTIONAL HOUSING AUTHORITY, TRUSTEE KLINE SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

Resolution 24-30 was adopted and is effective immediately.

7. West Fork Village LLC; Formal Action on the Final Plat and Plan Submission

a. Presentation by Avoriaz, LLC.

Andre' Suissa, Developer: The proposal is for 15 new lots and one reconstituted lot for a total of 16 lots. Also, there will be 2 new roads coming into a cul de sac.

- Hilltop Circle is the name of the new road; all roads will have a 50 ft right away and water quality ponds on both streets.
- Neighborhood trail that connects both cul de sacs and a trail to the creek.
- Various drainage improvements. Largest of which is the rip wrap.
- The road will not be turning into an asphalt road and will be consistent material.
- Concrete drainage pans to help divert water and make improvements.
- Straightening of South Ball Street.
- Finally, we are removing the overhead power lines that will improve the view corridor; also not developing areas that butt up to existing lots to satisfy neighbors.
- Also put in restriction to limit height to 25 ft from front door elevation up to peak. That is giving away 10 ft for houses.

General summary. Snow storage. Working out easements. We have spent a significant amount of time with the planning commission, JVA engineers and other authorities. We have done everything to meet all requirements and conditions requested by the Empire Board and Planning Commission.

b. Staff Report

Staff report is integrated with the attached worksheet.

c. Subdivision Improvement Agreement

Discussed previously for approval in agenda item 6a.

d. Review Recommendation from Planning Commission

The Planning Commission has recommended the Board approve, with conditions, the West Fork Village Final Plat and Plan submission. Their suggestion is that these conditions still need to be met. The Board's task tonight is to take the same conditions the planning commission recommended and add any conditions Trustees feel necessary. Any Trustee may abstain if they are not comfortable.

e. Board of Trustees Examines Plans and Evaluates

Trustees and the developers viewed the plans including grading/drainage and newly described topography, with the developers explaining they attempted to address the concerns of citizens and their view corridors.

The Subdivision Improvement Agreement was accepted by approving Resolution 24-29 earlier in the agenda. After further discussion, the following conditions were added to the previous ten:

Condition #11 6.1.6 (b) The Town requires a performance and payment bond, maintenance bond, and irrevocable letter of credit, cash, and or other acceptable means which is sufficient to assure financial capability for the completion of the improvements or repairs required, before a development permit will be issued.

Condition #12 If the legal team has additional requirements as legal documents are executed, the developers will address those concerns to the satisfaction of the legal team, before a development permit will be issued.

Condition #13. If the engineering team has additional requirements as they complete their evaluation the developers will address those concerns to the satisfaction of the engineering team, before a development permit will be issued.

f. Discussion From the Public

Linda Robertson: She feels that 16 tract houses don't fit what we want in Empire. Allowing 25 ft is not what we were told in the beginning; they lied to us again. 25 ft is two stories. Lot #13 is full of succulents and native grasses. Asphalt on hilltop drive means less dirt for the water to soak into. She has big concerns because the town's sewer easement road is currently in her driveway. They have not tried to accommodate the neighbors whatsoever. The easement is halfway on lot 13 and halfway on her lot on the plans, but currently it is all the way on her lot and she wants it moved to a dedicated road. She is trying to protect some privacy. Half of it should be on lot 13. Rick Sprague said they did not put it far enough to the west. Affects lot 13. Move the sewer easement road which is currently on her driveway. Good thing she has low blood pressure, these meetings make her blood pressure spike.

g. Further Discussion by the Board of Trustees

Discussion points are as follows:

- Cost to the town to fix roads once construction is complete is covered by Clear Creek County's best practice standards. Excavators will patch any damage they cause and will have pictures as proof during all phases. A timeframe was discussed as a condition, but with good documentation the town and developer agree the repairs will be ongoing throughout all construction phases.
- The town's Right of Ways (ROW) will be protected on all roads into and connecting to the subdivision. Developers agree that Cowles and Ball Streets will be restored to pre-construction condition at the completion of the development permit. This is outlined in Section 12 of the Subdivision Improvement Agreement (SIA.)
- The developers will have 36 months to complete the infrastructure approved in the Final Plat & Plan during the Development Permit Phase.

Town Administrator Piel read into the record the previous 13 conditions discussed by both the Planning Commission and the Board of Trustees

h. Determine Next Steps: Ready to Vote or Vote to Continue to a Supplemental Meeting
TRUSTEE HORNING MOTIONED TO APPROVE, WITH THE PREVIOUSLY READ THIRTEEN CONDITIONS, THE FINAL PLAT AND PLAN FOR WEST FORK VILLAGE, TRUSTEE TENNANT SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, FOUR WERE IN FAVOR, ONE ABSTAINED, MOTION PASSED.

The Empire Board of Trustees approved, with 13 conditions, the West Fork Village Final Plat & Plan submission. We've identified the previously read conditions to include in the recommendation to approve.

TRUSTEE TENNANT MOTIONED TO TAKE A 5-MINUTE RECESS, TRUSTEE REIMAN SECONDED. ALL WERE IN FAVOR.

8. Intergovernmental Agreements

a. Discussion for IGA for CCFA

Town Administrator Piel began this discussion by explaining the proposed changes, including 3 new board seats and funding options. This IGA continues the fire authority with a few updates. Needs to get approved by November to continue the fire authority as it is, with a few updates. They will come together once a year and the parties will receive a detailed report from the fire authority. This will be much easier for everyone to come together. The Board will receive updates as staff receive them for future discussion.

9. Presentation of the 2025 Budget

a. Presentation by Town Administrator Piel

Town Administrator Piel explained the budget numbers presented tonight are approximations and in rough draft form as much of the year-end information is still coming in, including the \$4 million grant accounting. Trustees will be approving the total of the general fund, and each fund has their own totals on the revenue and expenditure sides. Some personnel information, although public, may be confidential and require an executive session.

Some water heaters in town were blown out by a sudden and unexpected pressure spike in the water system during construction. The town is evaluating how to reimburse the insurance claims of affected residents, and this amount will be covered by the grant due to the unique situation with turning on and off valves supervised by engineers. If residents were affected during the time frame of the spike, they are encouraged to contact the town with evidence of damage to discuss reimbursement.

b. Discussion by the Board of Trustees

TABLED due to time.

c. Discussion by the Public

No public discussion

d. Further Discussion by the Board of Trustees

No further discussion.

10. Reports:

a. Police Department

i. Monthly report and stats from Chief Lorenz

See attachment.

b. Public Works

i. Update on Water Main Replacement Project

Still have a few weeks to go, less and less emergencies and finding out things we have had no ideas about.

c. ROMP/OHVs

i. Update on County Resolution R-24-52

See attachment.

d. Upcoming Events

i. SCARECROW CONTEST – Bring your homemade Scarecrows to Theobald Park parking lot from 10 AM to Noon on Saturday October 19th. Rules include all Scarecrows must be family oriented with no political statements; Maximum of 5 ft high and 5 ft wide; no store-bought Scarecrows and you may donate them to the town after the contest!

ii. SAVE THE DATE for **TOWN HALLOWEEN** on Saturday Oct 26th – Trick or Treating in Town Hall from 4 to 5 PM; Chili Cookoff & Scarecrow Contest with voting in Town Hall from 5-7 PM. Residents must be present to vote and winners will receive prizes: \$50 for 1st place, \$25 for 2nd place and \$10 for 3rd place.

e. Planning Commission

i. All Planning Commission meetings are in-person with remote access.

ii. The next Regular Planning Commission Meeting will be held on Wednesday, October 30, 2024, at 6:30 pm.

iii. The next Supplemental Meeting for the Planning Commission will be held on Wednesday, November 13, 2024, at 6:30 pm.

f. Answering Questions from the Previous Meeting

There were no questions to be answered from the previous meeting.

11. Board of Trustees Goal for the 2024 - 2026 Term: Ongoing

The Town of Empire will increase revenue within this Board of Trustee term by supporting the economic needs of current and future businesses by capitalizing on our unique location and the traffic it provides, without compromising the non-monetizable assets that gives Empire its' unique charm.

12. Public Comment: Public comment is limited to 3 minutes per person. The Board does not respond to questions during this time. For operational questions, please email the clerk.

No Public Comment.

13. Moment of Appreciation – At each of our Board and Planning Commission Regular Meetings, we want all of you to tell us what you appreciate about Empire. It can be anything. What's the first thing that comes to your mind, or what's the first thing you show people when they visit, or what do you miss the most when you are away. Short and sweet – please keep it positive!

- Almost done, ready to go home.
- All agreed it is late but we appreciate the small town we serve.

14. New Business from Board of Trustee Members

No new business.

15. The Next Board of Trustees Work Session/Training is Tuesday, November 5th, 2024, at 6:30 pm. In person with remote access.

16. The Next Board of Trustees Regular Meeting is Tuesday, November 19th, 2024, at 6:30 pm. In person with remote access.

17. Adjourn Meeting

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

The meeting was adjourned at 10:32 PM.

(Mayor Wendy Koch)

(Deputy Town Clerk Lisa Kunze)