

Posted on March 5, 2021 at: _____



**TOWN OF WIGGINS
WORK SESSION
AGENDA
March 10, 2021 at 7:00 P.M.**

**304 CENTRAL AVENUE
WIGGINS, CO 80654**

**NOTE: MEETING WILL BE HELD VIA ZOOM
GO TO wigginsco.com FOR THE LINK**

	AGENDA ITEM	ESTIMATED TIME
1.	Discussion on Updating to the 2018 IRC Building Code	45 minutes
2.	Discussion Regarding Potential Ballot Election to Sell Town Land	15 minutes
3.	Discussion Regarding Economic Development Incentive Policy	20 minutes
4.	Other Items/Updates	15 minutes
5.	Future Agenda Topics	5 minutes

The Board of Trustees may adjourn for brief Special Meeting after the Work Session



STAFF SUMMARY

Board of Trustees Work Session

March 10, 2021

DATE: March 5, 2021

AGENDA ITEM NUMBER: 1

TOPIC: Updating Town of Wiggins Building Codes

STAFF MEMBERS RESPONSIBLE: Hope Becker, Planning & Zoning Administrator
Beau Warden, Building Inspector & Public Works Supervisor

BACKGROUND:

The Town of Wiggins currently uses the 2003 International Building Codes (IBC), the 2003 International Mechanical Code (IMC), and the 2003 International Residential Codes (IRC) when performing commercial and residential inspections. Each code is promulgated by the International Code Council. The IRC is a comprehensive, stand-alone residential code which establishes the minimum regulations for new one-and two-family dwellings and townhouses. It also applies to remodeling issues. The IBC provides regulations about practices used in commercial construction. The IMC provides the minimum requirements for mechanical systems. The Town of Wiggins has not updated its building codes since 2005.

The Town of Wiggins has recently experienced a growth in housing. While the current building codes are adequate for the current inspector to provide inspections and Certificates of Occupancy, they do not provide the most current and updated codes to provide homeowners additional savings and protection from the elements of nature. The International Code Council also provides supplemental codes to help ensure residents and business owners that contractors will have the most current and up to date minimum requirements to follow in fire safety, zoning codes, property maintenance codes, energy conservation codes, swimming pool and spa codes, etc. Many of these supplemental codes are separate and small in comparison to the 2018 IBC or IRC codes but they provide additional support to the building codes.

Building codes are designed to protect buildings from harsh events such as fire, windstorms, and extreme temperatures. It protects the people and property housed within the building. They ensure structural integrity; electrical, plumbing and mechanical system safety. New things are always learned from catastrophic events allowing for new technologies and methods to be created to make buildings stronger and energy efficient. Updating the codes every three years allows for new technologies, materials, and better approaches to health and safety to be used in the next generation of buildings to potentially prevent less damage during catastrophic events.

SUMMARY:

The Board of Trustees expressed a desire that the Town adopt a newer version of building codes. In response to this, staff has begun the process of investigating the differences between the 2003 codes and the 2018 codes, including versions of the various specific companion codes (i.e. fire and energy codes) to determine which codes would be the best options for the Town. Staff has also requested advice from the Town's contracted commercial building inspector, Pro Code, and the Town's attorney to determine the proper steps for updating and adopting newer building codes. Attached to this summary is a brief explanation of the various codes.

Below is the process staff proposes to follow:

- Receive feedback and suggestions from Trustees in March 10th Work Session
- Hold an open house meeting with builders and contractors in late March or early April to gather input.
- Create a 2003-2018 building code comparison for presentation to the Board.
- Present additional data, information, and suggestions to the Trustees at the April 14th Work Session.
- Draft an ordinance for Trustee consideration at the May or June meeting.

FISCAL IMPACT:

Updating the building codes and adopting additional companion codes/supplements will have minimal impact to the town budget. Staff will need to spend time familiarizing themselves with the new code and has spent time researching the code information. The Town Attorney will expend time answering questions and will review/amend the ordinance for your consideration.

APPLICABILITY TO TOWN OBJECTIVES AND GOALS TO PROVIDE SERVICES:

The Town of Wiggins continues to make efforts to update all policies, procedures, and regulations to ensure the safety of all community members and businesses within the corporate limits of the Town. Updating the building codes and its supplements will ensure homeowners a level of safety that may provide them savings in home owners insurance and potentially a safer home from the elements of nature.

QUESTIONS/INFORMATION REQUESTED FROM THE BOARD OF TRUSTEES

- Does the Board of Trustees agree with staffs proposed process?
- Does the Board of Trustees have any additional feedback and/or suggestions for staff?

Building Code (IBC)	The International Building Code contains regulations about practices used in commercial construction.
Residential Code (IRC)	The International Residential Code contains information and regulations applying to residential construction, including both new construction and remodeling issues.
Mechanical Code (IMC)	The International Mechanical Code® (IMC®) establishes minimum requirements for mechanical systems using prescriptive and performance-related provisions
Existing Building Code (IEBC)	The IEBC establishes minimum regulations for upgrades and improvements addressing the alteration, addition or change of occupancy in existing buildings.
Fire Code (IFC)	The IFC establishes minimum regulations for fire prevention and fire protection systems
Fuel Gas Code (IFGC)	The International Fuel Gas Code® (IFGC®) establishes minimum requirements for plumbing systems.
Green Construction Code (IGCC)	The International Green Construction Code (IGCC) regulates construction of new and existing commercial buildings.
Energy Conservation Code (IECC)	IECC establishes minimum regulations for energy-efficient buildings.
Wildlife-Urban Interface Code (IWUIC)	The International Wildland-Urban Interface Code establishes a set of minimum standards to reduce the loss of property from wildfire .
Plumbing Codes (IPC)	The International Plumbing Code (IPC) is a set of rules, regulations, guidelines and practices that govern the installation and repair of plumbing systems.
Property Maintenance Codes (PMC)	The International Property Maintenance Code (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings.
Private Sewage Disposal Code (IPSDC)	The International Private Sewage Disposal Code (IPSDC) is a model code that regulates minimum requirements for the installation of new or the alteration of existing private sewage disposal systems .
Performance Code for Buildings and Facilities (ICCPC)	The ICCPC clearly defines the objectives for achieving the intended levels of occupant safety, property protection and community welfare.
Zoning Code (IZC)	The International Zoning Code (IZC) is a model code that regulates minimum zoning requirements for new buildings.
Solar Energy Provisions (ISEP)	The ISEP is organized such that it provides the best and most comprehensive tool for the design, installation and administration of both solar thermal (or solar heating and cooling) and photovoltaic systems.



STAFF SUMMARY

Board of Trustees Work Session March 10, 2021

DATE: March 2, 2021

AGENDA ITEM NUMBER: 2

TOPIC: Special Election – Sale of Town Owned Land

STAFF MEMBER RESPONSIBLE: Tom Acre, Town Manager

BACKGROUND:

The area north of the Kiowa Park subdivision bounded by Main Street on the east, Johnson Street on the west, and County Road P on the north is currently owned by the Town of Wiggins. This area has previously been presented to the Board of Trustees and the public as a potential future location of public facilities such as a library and administration building. In addition, future park elements such as picnic shelters/pavilions, playgrounds and a pool were shown as potential facilities that could be built this land and on the west side of Johnson Street, various multi-use fields and ball fields were shown as potential uses.

Staff previously presented to the Board of Trustees the potential for additional single family residential development on a portion of the land north of the current Kiowa Park subdivision. The proceeds of the land sale would be used to begin the development of the park/playfield elements west of Johnson Street. These funds could be leveraged with grants and other future budgeted future funds. The Trustees gave direction to staff to further pursue this action.

SUMMARY:

The land under consideration for potential sale currently has the zoning designation “Conservation”. Uses by right include golf courses, playgrounds, parks, open space and non-animal agriculture uses. Buildings such as a libraries and administration building are not included as a use by right or listed as allowed by special use.

Since the land is owned by the town, includes a trail and is designated as being in the “Conservation” Zone District by the Town, State statute C.R.S. § 31-15-713(1)(a) requires that before this property can be sold, the sale must be approved by a vote of the citizens. The ballot can be considered at a special or regular election, can be initiated by ordinance by the Board of Trustees and needs to outline the specifics of the sale to include the sale price and identify the purchaser. A copy of the Conservation Zone district section from the Town of Wiggins Land Development Code and the C.R.S. reference are attached.

The following is a potential timeline to accomplish this.

- 30 - 60 days: Appraisal, identify purchaser of property and draft ordinance
- 30 days: Develop, adopt and publish ordinance
- 30 days (after publication): Notice of election
- 60 days: election
(but no closer than 32 days before November election)

FISCAL IMPACT:

Adopting this resolution will have minimal impact to the town budget as the cost of an election is a budgeted item. There would be staff and Town Attorney time developing this item.

APPLICABILITY TO TOWN OBJECTIVES AND GOALS TO PROVIDE SERVICES:

Selling Town land to enable continued development and using the proceeds to partially fund park and sports field development supports the Town's resources. Presenting a ballot question to the citizens supports transparency in government.

QUESTIONS/INFORMATION REQUESTED FROM THE BOARD OF TRUSTEES

- Does the Board of Trustees have any questions of Staff?
- Does the Board of Trustees want staff to make further adjustments to the schedule?
- Does the Board of Trustees want staff to draft an ordinance setting ballot language for consideration at future regular meeting for adoption?

Land Development Code – Conservation Zone District

2.13 Conservation District (CON).

A. Purpose. The Conservation District is established to preserve the environment and natural character of the landscape within the district. Land within the district may be protected from development, but may also be used for trails, buffering between developed land uses, and preserving valuable natural features. In addition, this district is to provide open space areas for passive, active, and developed recreation activities.

B. Uses-By-Right.

1. agricultural uses with the exception of animal feeding operations, provided no structures are necessary
2. golf courses
3. playgrounds
4. public and private parks, open space areas and natural features

C. Special Review Uses.

1. recreation facilities, ballfields, etc.
2. fairgrounds
3. fishing ponds
4. parking areas for all uses in this district
5. trails
6. public utility distribution mains, lines, etc., which are underground facilities
7. campground areas for tourists used for camper units, camp trailers, and tents
8. cemeteries
9. outdoor theaters
10. schools
11. water and sewer treatment facilities
12. water storage reservoirs

13. other recreation uses, with or without accompanying structures
14. concession stands, club houses, and commercial sales related to recreational uses locate inside or attached to club houses, fairgrounds buildings, and other similar uses
15. correctional facility
16. major facilities of a public utility, as defined in this Ordinance

C.R.S. 31-15-713

Current through all laws passed during the 2020 Regular and First Extraordinary Legislative Sessions and Measures approved at the November 2020 General Election

- [CO - Colorado Revised Statutes Annotated](#)
- [TITLE 31. GOVERNMENT - MUNICIPAL](#)
- [POWERS AND FUNCTIONS OF CITIES AND TOWNS](#)
- [ARTICLE 15. EXERCISE OF MUNICIPAL POWERS](#)
- [PART 7. PUBLIC PROPERTY AND IMPROVEMENTS](#)

31-15-713. Power to sell public works - real property

(1) The governing body of each municipality has the power:

(a) To sell and dispose of waterworks, ditches, gasworks, geothermal systems, solar systems, electric light works, or other public utilities, public buildings, real property used or held for park purposes, or any other real property used or held for any governmental purpose. Before any such sale is made, the question of said sale and the terms and consideration thereof shall be submitted at a regular or special election and approved in the manner provided for authorization of bonded indebtedness by section 31-15-302 (1)(d).

(b) To sell and dispose of, by ordinance, any other real estate, including land acquired from the federal government, owned by the municipality upon such terms and conditions as the governing body may determine at a regular or special meeting. With respect to such land acquired from the federal government, which land is located within or contiguous to the municipality, such terms and conditions shall be designed to prevent speculation and assure that benefits accrue to the municipality when the sale or disposition of said land is for municipal expansion or residential purposes. Nothing in this paragraph (b) or in section 31-15-101 (1) shall be construed to invalidate the acceptance of federal land by a municipality or the sale and disposal by a municipality of land acquired from the federal government, where such acceptance or disposal was consummated prior to April 1, 1976, and municipal authority for any such acceptance or disposal is hereby confirmed.

(c) To lease any real estate, together with any facilities thereon, owned by the municipality when deemed by the governing body to be in the best interest of the municipality. Any lease for a period of more than one year shall be by ordinance. Any lease for one year or less than one year shall be by resolution or ordinance.

(2) All leases and deeds of conveyance executed and acknowledged by the proper officers of such municipalities and purporting to have been made pursuant to the provisions of this section shall be deemed prima facie evidence of due compliance with all the requirements of this section.

(3) Any town holding title to any land settled and occupied as the site of such town pursuant to and by virtue of the act of congress entitled "An Act for the relief of the inhabitants of cities and towns upon the public lands.", approved March 2, 1867, 43 U.S.C. sections 718-723, and an act of congress entitled "An Act respecting the limits of reservations for town sites upon the public domain.", 43 U.S.C. sections 725-727, and any amendments thereto may dispose of and convey the title to such land in the manner provided in this section.

History

Source: L. 75: Entire title R&RE, p. 1120, § 1, effective July 1. L. 76: (1)(b) amended, p. 697, § 2, effective April 6.

▼Annotations

Notes

Editor's note: (1) The provisions of this section are similar to provisions of several former sections as they existed prior to 1975. For a detailed comparison, see the comparative tables located in the back of the index.

(2) 43 U.S.C. secs. 718-723 and 725-727, referenced in subsection (3), were repealed, effective October 21, 1976. A savings provisions was contained in the act repealing said sections, stating "repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent . . . existing on Oct. 21, 1976", and said references have been left in this section for historical reference.

Case Notes

ANNOTATION

Annotator's note. Since § 31-15-713 is similar to former § 31-12-102 prior to the 1975 repeal and reenactment of this title, and laws antecedent thereto, relevant cases construing those provisions have been included in the annotations to this section.

The only power formerly possessed by a town over property was the power "to sell and dispose of" it and nothing short of a deed of conveyance was a compliance with the statute because the term "sell and dispose of" as used in this statute meant to get rid of, to finish with, to fully relinquish all interest in the property, to transfer and convey the same. Centennial Props., Inc. v.

City of Littleton, 154 Colo. 191, 390 P.2d 471 ; City of Idaho Springs v. Golden Sav. & Loan Ass'n, 29 Colo. App. 119, 480 P.2d 847 (1970).

But a city could properly convey real property, yet retain a possibility of reverter to it, because possibility of reverter is merely the possibility that the land will come back to the grantor, and the holder of a bare possibility of reverter did not have a present "vested" interest or "estate" in the land. City of Idaho Springs v. Golden Sav. & Loan Ass'n, 29 Colo. App. 119, 480 P.2d 847 (1970).

Subsections (1)(a) and (1)(b) demonstrate a legislative intent to distinguish between property held or used for any governmental purpose, the sale of which must be approved by election, and any other real estate, which may be sold by ordinance. Although town held subject property for several years, it did not use or hold it for any governmental purpose. Although town entered into lease and option agreement in the context of relocating town hall to the subject property, the contingencies for construction failed to materialize. Therefore, the applicable statutory provision was subsection (1)(b), which applies to "any other real estate", and not subsection (1)(a), which applies to property held for "any governmental purpose". Because town did not use or hold subject property for any governmental purpose, no election was required for the approval of its sale. New Stanley Assocs., LLLP v. Town of Estes Park, 200 P.3d 1118 (Colo. App. 2008).

Consideration of potential uses for subject property, without any dedication to a particular use, is not a governmental purpose within the meaning of subsection (1)(a). Moreover, town's retention of subject property for the purpose of using its sale proceeds for construction of infrastructure for a performing arts center site is not a governmental purpose. The relevant statutory provisions address the use or purpose for which real estate is held and not the use or purpose of the proceeds from its sale. Further, appropriation of public funds for the acquisition of subject property does not mean the property is held for a governmental purpose. The general assembly has recognized two types of property in subsection (1), and the distinction is not based on the method of appropriation of funds for the property. Equating the acquisition of property by means of appropriated municipal funds pursuant to § 31-15-302 with "any governmental purpose" under subsection (1)(a) would render meaningless the distinction between subsections (1)(a) and (1)(b). New Stanley Assocs., LLLP v. Town of Estes Park, 200 P.3d 1118 (Colo. App. 2008).



STAFF SUMMARY

Board of Trustees Work Session March 10, 2021

DATE: March 2, 2021

AGENDA ITEM NUMBER: 3

TOPIC: Economic Development Incentive Policy

STAFF MEMBER RESPONSIBLE: Tom Acre, Town Manager

BACKGROUND:

The subject of economic development incentives has previously been discussed by the Board of Trustees at various times. Economic development incentives are commonly used as a tool for retaining and attracting businesses in communities such as Wiggins. Incentives can include a rebate or forgiveness of such things as sales tax, property tax, and/or permit fees. These incentives can be given either upfront or as part of a performance agreement. Whether the business is a target industry or sector desired by the town, the investment by the business, potential tax revenues and number of jobs created by the business is also considered when offering incentives. The Town has and should continue to consider incentives on a case-by-case basis.

SUMMARY:

Attached to this staff summary is a draft of an economic development policy based on previously presented information found in Town files. Having an economic development policy that staff can use to guide discussions with prospects and/or existing businesses conveys that the Town of Wiggins is open for business. Prospects will often ask if there is a policy and having a document available that explains this can be helpful.

Staff is working with the Morgan County Economic Development Corporation who is developing an information piece for Wiggins. Having an economic development incentive policy to include will help when marketing to attract new business and industry to locate in Wiggins. The economic development incentive policy will be another tool to diversify the economy, provide primary and secondary jobs, and increase the tax base for the Town of Wiggins.

FISCAL IMPACT:

Adopting an economic development incentive policy will not negatively impact the town's budget. Implementing the economic development incentive policy once in place should become a positive impact to the Town's budget as existing businesses extend and new businesses choose to locate in Wiggins.

APPLICABILITY TO TOWN OBJECTIVES AND GOALS TO PROVIDE SERVICES:

Having an economic development incentive policy supports the Board of Trustees goal of attracting new businesses and retain or expand existing businesses.

QUESTIONS/INFORMATION REQUESTED FROM THE BOARD OF TRUSTEES

- Does the Board of Trustees have any questions or suggestions for Staff on this item?
- What target industries should the incentive policy apply too?
- Does the Board of Trustees want staff to draft a resolution and present an economic development policy for consideration at a future regular meeting for adoption?

Town of Wiggins Colorado

Retail and Industrial Economic Development Incentive Policy

Purpose

This Economic Development Incentive Policy is adopted to provide incentives for the expansion of existing businesses within the Town of Wiggins and to encourage the location of new businesses within the Town, thereby stimulating the local economy by providing additional employment opportunities and expanding the tax base required to provide Town services. This Policy does not commit the Town to providing economic incentives in every instance, nor does it restrict the Town from providing additional incentives in a specific instance. The Policy contains specific criteria, guidelines and procedures necessary to effectively and fairly administer economic development incentives.

Eligibility Criteria

Economic Development Incentives shall be available on a case-by-case basis to new or expanding business that meet the following criteria:

Job Creation

- Business must create X new jobs or have an increase of X% (but not less than 1 new full-time employee) over the base number of persons employed at the facility.
- Average annual wages paid to full-time employees shall be equal to or greater than county average individual wage by industry (as documented by Colorado Department of Labor and Employment).

Capital Investment

Business must invest at least \$xxx,xxx in the facility, or an investment of an amount less than \$xxx,xxx will qualify if such investment is at least equal to the assessed value of the existing facility located within the Town limits.

Incentives

Incentive Agreements range from five (5) to a maximum of fifteen (15) years. The Town of Wiggins will include performance criteria in Incentive Agreements such as number of new employees, generation of a certain amount of sales tax available for rebate and time period a business have to reach these thresholds. The requirement that a business remain in Wiggins for a specific period beyond the incentive period or repayment of incentives will be required may also be included. Companies that continue to expand may re-apply for new incentives. For expansions, incentives are calculated based on the amount of each new investment. New or expanding businesses that meet the Eligibility Criteria may apply for the following incentives.

