



DATE: January 19, 2018
TO: Mayor and Council
FROM: Ryan Mahoney, Town Manager
RE: Weekly Update
CC: Department Heads

TGIF! It's been a busy week trying to stay current with all of the things we have going on in town. It looks like this trend may continue over the weekend if the anticipated snowfall comes as predicted. Cutting to the chase...

- B Talks is scheduled for February 8th from 5:30 – 7:30 pm at the Roaring Fork Club. You all received an email from Geoff Hasley that detailed the event including instructions for the RSVP.
- Staff continues to field questions regarding the water rate increase. As requested at the last Council meeting, I followed up with the citizen that came to express concerns over the increase. He and I had a productive conversation and my impression was that he walked away from that feeling satisfied that he was able to get all his questions answered.
- The Mayor and I met with a citizen this week regarding the trash receptacles at 7-11. Apparently these have been a long standing eyesore and at times allow trash to be blown around the vicinity. I am reaching out to 7-11 to brainstorm ideas for a containment structure to be built. There does not appear to be a specific requirement we can cite to force a solution so this will require cooperation between the Town and that business. I have reached out to one contact to see if we could possibly have this become an Eagle Scout project whereby materials would be furnished by 7-11 and the work completed by the scout and his team.
- I met with Sam Mamet from the Colorado Municipal League this week over breakfast. We discussed a number of topics including the latest at this year's legislative session. As we progress through the session I will keep you posted on important matters that may affect us. Not related to the session but a very important bit of news came from Sam this week regarding the state's ability to collect sales tax from out of state vendors. Think on-line sales. The following is an excerpt I received via email:

The Supreme Court has agreed to decide whether states may require out-of-state retailers to collect sales tax.

In Quill Corp. v. North Dakota (1992), the Supreme Court held that states cannot require retailers with no in-state physical presence to collect sales tax. South Dakota asks the Supreme Court to overturn Quill in South Dakota v. Wayfair.

In March 2015 Justice Kennedy wrote a concurring opinion stating that the "legal system should find an appropriate case for this Court to reexamine Quill." Justice Kennedy criticized Quill in Direct Marketing Association v. Brohl for many of the same reasons the State and Local Legal Center (SLLC) stated in its amicus brief in that case. Specifically, internet sales have risen astronomically since 1992 and states and local governments are unable to collect most taxes due on sales from out-of-state vendors.

Following the Kennedy opinion a number of state legislatures passed laws requiring remote vendors to collect sales tax. South Dakota's law was the first to be ready for review by the Supreme Court.

In September South Dakota's highest state court ruled that the South Dakota law is unconstitutional because it clearly violates Quill and it is up to the Supreme Court to overrule it. In October South Dakota filed a certiorari petition asking the Supreme Court to hear its case and overrule Quill.

It is possible (though not yet certain) the Court will hear this case this term meaning it would issue an opinion by the end of June 2018.

The SLLC filed an amicus brief asking the Court to hear this case. Tillman Breckenridge, Bailey & Glasser, wrote the SLLC amicus brief which the following organizations joined: the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the United States Conference of Mayors, the International City/County Management Association, the International Municipal Lawyers Association, the Government Finance Officers Association, the International Public Management Association for Human Resources, National School Boards Association, the School Superintendents Association, and the National Association of Elementary School Principals.

- Improvements to the Whitewater Park are getting underway. Town staff has finalized the administrative approvals for the work to begin which will aim to improve the overall experience in the structures. Improvements include the addition of a bypass on river left through both features, modifications to the lower wave to improve experience at higher water, reducing power in the upper wave and shoring up parts of the channel that changed with last year's high water.
- Several of you attended the kick off meeting for the Mid Valley Comprehensive Plan update. The idea is to complete the update in April which is an aggressive schedule. Staff made several suggestions as well as the Council members in attendance. You can access the following webpage to submit comments and get updates on progress: http://www.eaglecounty.us/Planning/News/Planning_commission_to_begin_review_of_Mid-Valley_Area_Community_Plan/.
- Chief Knott is out of town for a few days, he will return late Monday Night, January 22nd. Aaron Munch will be in charge at the Police Department and can be reached at (970) 456-8309.

Planning

- Pitkin County Recycling Meeting – Staff attended the Pitkin County recycling meeting on Wednesday. Pitkin County will be drafting their revised ordinance and having conversations with their trash haulers in February. Staff anticipates taking Pitkin County's changes to the Basalt Green Team at their February 12th meeting to see if the Town has interest in amending the Town's waste hauler regulations. The Basalt Police Department expressed interest in having zones that specifies days in which haulers could pick up trash and recycling in large part as it would greatly aid in enforcing the Town's bear protection ordinance. Carbondale's Green Team is looking at individual hauler regulations. Aspen and Pitkin County Staff did not want to address this in their ordinances.
- Development Review – Staff is working hard on getting the approval documents ready for recording for several recently approved projects, including the Habitat's Basalt Vista Project.
- P&Z – The P&Z reviewed the Lane Conservation Subdivision at its January 16th meeting and heard comments from Mary Wolfer (Miss Mary) regarding the relationship between growth and

child care. Staff will forward the P&Z's comments on the Lane Subdivision to the Town Council shortly. The P&Z is anxious to move forward on the Town Master Plan update and would like to schedule a worksession with the Council.

Public Works

- We have taken down the garland, holiday lights, and wreaths in Willits and are now working on Old Town where we are also changing out the banners. The new banners for Willits will be going up when they arrive in April.
- We continued to break up ice and clear drainages on Willits Lane and Courts as temperatures warmed up.
- We greased and lubricated every truck, plow, and piece of heavy equipment at the shop as part of our preventative maintenance protocol.
- We teamed up with CDOT and milled out a drain pan at the bottom of Original Rd. and Hwy 82 to help improve drainage and icing issues.
- Repaired and rewired broken light pole that was hit by a vehicle on East Valley Road.
- Rearranged and added ecology blocks for winter sanding material storage and confinement at our shop.
- The Concrete bases are being poured today in the holes that we excavated on Frying Pan Rd for the new electronic speed display signs that we will be installing shortly.
- We are continuing our efforts with the green team and Core to reduce our carbon footprint and have ordered programmable thermostats for the Public Works shop and the Art Base.
- The water department worked on fixing a difficult leak in the vault at well #9 and continued to review and give input on the new Roaring Fork Club waterline project. Tim Vogel our facilities tech. finished his training on the weekend water sampling duties and will start his first rotation of that this weekend.