



To: Mayor and Town Council
From: Clint Kinney, Town Manager
Date: June 29, 2018
Re: Info Update

BIG NEWS FROM THE SUPREME COURT

Last Friday (June 22), In *South Dakota v. Wayfair*, the Supreme Court ruled that state and local governments can require vendors to collect sales tax on internet sales. According to the court, in a 5-to-4 decision, “economic and virtual contacts” are enough to create a “substantial nexus” allowing the municipalities to require collection. In a 1967 case, the Supreme Court ruled that state and local governments could not require businesses to collect sales tax unless the business has a physical presence in the state, this was re-affirmed in another 1992 case. With this new 2018 ruling, in order to require a vendor to collect sales tax, the vendor must still have a “substantial nexus” with the state. The court found a “substantial nexus” in this case based on the “economic and virtual contacts”. The guidelines are not hard and fast, but any company conducting \$100,000 worth of business or having 200 separate transactions would likely be required to collect sales tax. We have already been collecting from on-line retailers with a presence in Colorado; but with this ruling hot off the press, we don’t know how exactly it will affect the Town financially. That said, without a doubt, this is good news for municipalities like us who rely on sales tax collections, AND, MORE IMPORTANTLY, for brick and mortar retailers that wanted to level the playing field of how sales taxes are collected.

LITTLE RED IS LOOKING TO EXPAND

In a letter we received this week, Little Red School House has let the Town know it continues to be interested in expanding. Because the Town owns the land and the buildings they utilize and leases them to Little Red for \$1/year, they wanted to first approach their Landlord (the Town) about this potential expansion. To their credit, they are lining up the necessary permissions and support as they develop a plan. Their initial ideas would keep any future buildings within their current leased area and would absolutely protect and maintain the Red School House. Without a doubt, child care and pre-school services are in high need. The letter from Little Red is attached. I will plan to get this topic scheduled on an upcoming Council meeting agenda for further discussion.

SAFETY FIRST

Dig we must, for a better Village. We are anticipating the safety improvement project at Town Park Station to begin construction in mid to late July. As the Council is aware, the project includes moving the uphill RFTA bus stop further uphill to better align with the downhill stop, improving lighting in the area, and changing the crosswalk configuration to incorporate all of these changes. The project went out to bid last year, but because of timing

and budget constraints, it wasn't completed. We will be using savings from the pool repair project (completed earlier this summer and way under budget) and applying them to this pedestrian safety project (because this bid price came in over budget). Overall, the dollars are available and this much anticipated project will get underway next month.

VILLAGE HALL UPDATE

East West is currently preparing a draft lease for the use of building 6 for the Town to review. We expect to receive this very soon. As this document continues to develop, East West continues to meet with potential operators of the F&B portion of the facility. They are working to coordinate all of the F&B options available in Base Village so that they are balanced and meet the needs of the area. They did run an ad in the papers over Food and Wine weekend and received a few responses that they are investigating. They have hired a firm to complete the interior design of the building. This firm will coordinate the programming needs of all four "areas" of the building. The full design will need to wait until an F&B tenant is in place. Because we know the facility will not be up and operational by this ski season, we continue to investigate high quality "pop up" options that will still be able to bring some activity to the area. A standalone bar on the outdoor deck and other food options are being explored.

As a side note, with the sale of the Mall last week, we have learned (through very polite and appropriate means) that the new mall owners do not intend to renew our lease for the current Ice Age Discovery space. Our lease for the current space will effectively end at the end of the summer season. We are currently exploring a couple of alternative options; stand by for details.

TID BITS

- Congratulations to "Big Ed" Fuller on his promotion to Road Superintendent. Ed has been with the Village for 20 years, so he knows his way around.
- A big thank you is owed to all of the Recreation Staff for powering through a critical and significant reorganization the last couple of months. Congrats to Brianne Newcomb and Lydia Furrow on their respective promotions. Due to some staff turnover, we were able to make some significant organizational improvements in a budget neutral way. We are in a great position going forward.
- Welcome back to Greg Shugars in Transportation. Greg will be switching jobs from a lead driver to an administrative role.
- Congratulations to Owen Green on his promotion to Group Sales Specialist.
- Welcome to Friederike French as the new National Sales Manager.
- There are all sorts of opportunities to celebrate the birth of our great nation in the Village next week. One highlight to keep in mind will be the party on the Base Village lawn from 7:30 to 9:30. The event is going to have games, free deserts, circus entertainers, and other ways to celebrate Thomas Jefferson's little missive to King George III.
- Speaking of celebrating democracy; one of the greatest ways to give back to the community is through public service. Starting on August 7, interested candidates for Town Council and the Mayor can pick up election packets and petitions. Signed petitions will need to be returned by August 27.

- We haven't even hit July yet, and we are already planning for Labor Day. This year, JAS is going to change up their transportation plan. Instead of using the Village Shuttle to get guest to the venue, JAS will be working with the School District to use their buses. Of course, we will continue run our routes with an increased level of service for that weekend, but if you want to get dropped off at the front door of the venue, be sure to jump on a school bus.
- The public hearing draft of the Comprehensive Plan is ready to read. Be prepared to laugh, cry, and feel every range of human emotion as you peruse the document. The meat of the document is only 55 pages long (way shorter than the Federalist Papers) so most every patriot will be able to happily read it.
- The Wood Road project is proceeding. The retaining wall for the bus shelter is poured and curb and gutter work will start soon. In order stay ahead of schedule, this crew may start working on Saturdays.
- The burro race at the previous week's rodeo was hot and heavy. While a younger, less experienced TOSV team may have tried to "be creative" in their approach to winning this high-falutent (and likely flatulent) event, a group of very experienced and lively TOSV staff prevailed (code for the older folks crushed the younger folks). The grudge match is already scheduled for next year.
- Trees are being trimmed at Town Park and in the median.
- Be sure to attend the Fridays on the Mall event each Friday this summer. This goes without saying, but all the cool kids are there.
- We had 17 applicants enter the lottery for the Creekside Condo drawing last week. A cool kid won the lottery.
- We are working on ways to meet the Town Council's strategic goal to increase community engagement. Some ideas include having an Ice Cream Social – "Get the Scoop" with Town Council or a Coffee with Council event – "Spill the Beans" with Town Council. A discussion on these idea is planned for the July Work Session.
- New crosswalks and signage have gone in for trail crossings on Divide Road (near the start of the Rim Trail) and on Owl Creek Road, where Highline Trail meets Tom Blake Trail.



CC: Department Directors