

**AGENDA  
BOARD OF TRUSTEES  
TOWN OF WESTCLIFFE  
TUESDAY, FEBRUARY 22, 2022  
PATTERSON HALL – 1000 MAIN  
REGULAR MEETING**

**5:30 p.m.**

**Join by Zoom**

Meeting ID: 818 8294 8012

Passcode: 709468

By Phone: 253-215-8782

1. Call to Order
  2. Pledge of Allegiance
  3. Roll Call
  4. Recognition of Visitors
  5. **Consent Agenda**

Note: All items listed under the Consent Agenda are routine and approved with one motion. There will be no separate discussion of these items unless a Board Member or citizen so requests, in which case the item may be removed from the Consent Agenda and considered separately, at the discretion of the Board of Trustees.

    - a. Approval of minutes
    - b. Treasurer's Report
    - c. Approval of Bills
  6. Old Business  
None
  7. New Business
    - a. Presentation Brandon Schoch candidate for sheriff.
    - b. Presentation Lloyd Rich Smith candidate for sheriff.
    - c. Consideration of a request to approve a lease with Bootleggers Mercantile for a portion of the alley on the west side of the building.
    - d. Consideration of a request to approve Resolution No. 1-2022 canceling the April 5, 2022 election.
    - e. Discuss vacation and sick policies regarding the Healthy Families and Workplaces Act (HFWA) and consideration of approving Resolution No. 2-2022.
    - f. Recommendation to use the American Rescue Program funds towards the Hermit & Memorial Park Priority program and scheduling a workshop.
    - g. Discuss the Master Plan.
  8. Additions to Agenda
  9. Staff & Committee Reports
  10. Public Comment – The purpose is to request placing items on future agendas and scheduling informational presentations. There is a 3-minute limit for presentations.
- Adjourn

**BOARD OF TRUSTEES  
TOWN OF WESTCLIFFE  
MONDAY, JANUARY 17, 2022  
REGULAR MEETING**

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**CALL TO ORDER**

Mayor Pro-Tem Cole called the meeting to order at 5:30 P.M.

**ROLL CALL**

**The following members were present:** Mayor Pro-Tem Cole, Mr. Frickell, Ms. Snow, Mr. Wilhelm, and Mr. Mowry

**ABSENT:** Mayor Wenke and Mr. Nordyke

**PLEDGE OF ALLEGIANCE**

Mayor Pro-Tem Cole led the Pledge of Allegiance

**OTHERS PRESENT**

Sheriff Byerly, Elliot Jackson-via Zoom, Gabriel Shank, Wanda Jennings, and Kathy Reis

**Financial:**

- a. Treasurer's Report: Clerk Reis submitted written reports. With 8% percent of the year having elapsed, General Fund has collected 9.4 percent of budgeted revenues and spent 3.8 percent of budgeted expenditures. Capital Fund has collected 2.9 percent of budgeted revenues and spent 0.2 percent of budgeted expenditures. Sales tax for November was up by 17.67 percent, which is up 15.29 percent from the previous year-to-date.

<b>Account balances:</b>		<b>Dec. Expenditures Paid in Jan.</b>
<b>General Fund Checking:</b>	\$ 682,684.99	\$ 59,818.61
CSafe-GF Core 11:	\$ 133,475.48	
CSafe-3% Tabor Reserve:	\$ 35,010.58	
CSafe-General Fund Reserve-14	\$ 161,754.96	
<b>Municipal Court Checking:</b>	\$ 1,482.70	\$ 0.00
<b>Tennis Court Checking:</b>	\$ 25,035.34	\$ 0.00
<b>Conservation Trust Fund Checking:</b>	\$ 38,016.68	\$ 0.00
<b>Capital Fund Checking:</b>	\$ 413,664.34	\$ 14,092.17
CSafe-CF Core 12:	\$ 220,076.90	
Total C.D.s plus interest:	\$ 203,665.08	

**APPROVAL OF CONSENT AGENDA**

- a. Approval of minute's-December 20, 2021 Regular minutes  
b. Treasurer's Report  
c. Approval of Bills

**Mr. Wilhelm** moved, and **Mr. Frickell** seconded to the consent agenda. Motion carried.

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**OLD BUSINESS**

None

**NEW BUSINESS**

**a. Sheriff's 2021 4<sup>th</sup> quarter report.**

Sheriff Byerly reported that of the total 1231 calls, 308 (25%) were in Westcliffe; 26% traffic stops; 33% medical calls; 26% motor assists, the remaining were miscellaneous calls. There were a few more thefts than in the past.

Sheriff Byerly announced he would not be running for the next election. Mr. Frickell thanked him for his service to the community, making it a better place than when he started, and I will be sorry to see him leave. The other board members agreed.

**b. Designate the Town Hall bulletin board as the official posting place for public notices.**

This formality needs to be done at the beginning of each year. When the Town Hall is not open to the public due to COVID concerns, notices are posted on the windows in front and back of the building and our website.

**ACTION:** Ms. Snow moved, and Mr. Mowry seconded to approve the Town Hall bulletin board as the official posting place. Motion carried.

**c. Schedule a summer Christmas party.**

After some discussion, everyone agreed to hold the Town summer gathering on June 25<sup>th</sup>. This includes the Board of Trustees, Planning Commission, staff and subcommittee members, and spouses. A suggested location would be at Hermit Park, with details on food to be determined later.

**d. Adopt final Parks, Open Space, Trails, and Main Street Master Plan.**

This is the formality to adopt the plan, keeping in mind it is a living document and may be changed.

**ACTION:** Mr. Mowry moved, and Mr. Frickell seconded to approve the final Parks, Open Space, Trails, and Main Street Master Plan. Motion carried.

**BOARD OF TRUSTEES  
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**NEW BUSINESS CONTINUED**

**e. Consideration of approving the revised Façade Grant application, process, and appoint a committee.**

After discussion, it was determined that preference be given to those that did not receive funds in the previous round. This will be added to the application. Twenty-five thousand dollars were budgeted for this. The maximum amount that may be approved is \$5,000.00; it is a 50/50 match.

Mr. Mowry pointed out the wording on number 7 needs to be changed; it is confusing. He also wanted to clarify the area being approved on Third Street to Rosita Avenue, as most buildings are residential. This will be changed on the application and map to reflect that it only goes to the alley on Third Street.

The new procedure for submitting the applications will be as follows: Applications will be submitted to the Town Clerk reviewed by the Town Manager to vet the applications. He will submit all the applications with his comments to the review committee.

The following board members volunteered to be on the committee: Gary Frickell, Cathy Snow, and Paul Wenke.

It was discussed whether or not to do more than one cycle; it will depend on the dollar amount of requests received. After some discussion, an announcement for the grant is available will be published, with applications due by a specific date.

**ACTION:** Ms. Snow moved, and Mr. Frickell seconded to approve the application form for the Business Façade Program 2022. Motion carried.

**ACTION:** Mr. Mowry moved, and Mr. Wilhelm seconded to appoint Gary Frickell, Cathy Snow, and Paul Wenke as the review committee. Motion carried.

**f. Consideration of appointing a Master Plan review committee.**

The Planning Commission requested the following to be appointed to the Master Plan review committee: John Van Doren (chair), Paul Wenke, Bob Fulton, Naomi Smith, and Chuck Jagow. After their review, it will be reviewed by the Planning Commission. After both reviews, it will be sent to the Board of Trustees for approval.

**ACTION:** Mr. Frickell moved, and Mr. Mowry seconded to appoint the above as named to the Master Plan review committee. Motion carried.

**BOARD OF TRUSTEES  
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**NEW BUSINESS CONTINUED**

**g. 2022 regular Election update.**

Mayor Pro-Tem Cole explained various steps that need to happen before our next board meeting that required this to be on the agenda.

Clerk Reis explained that there are four Trustees seats opened, three petitions have been received and certified, with one petition not yet being returned. There has been one petition for the Mayor's seat returned and certified.

To keep the staggered terms for the Trustees, the candidate with the lowest number of votes would take a two-year term. The last day for a write-in candidate allowed by our Municipal Code is January 31<sup>st</sup>. If we don't have a write-in candidate and one of the four trustees running agrees to take the two-year term, we could cancel the election.

She explained she needs direction due to February 2<sup>nd</sup> being scheduled for the draw by lot determining the placement on the ballot. We are required to mail UACOCA ballots for the military voters on February 18<sup>th</sup>. We would need to print the ballots the week of February 7<sup>th</sup>. The election would cost approximately \$2,500 for postage, election judges, and required publications; this includes the envelopes (\$1,000 that have already been purchased).

It was noted that Mayor Wenke is not in favor of canceling the election.

Attorney Buchner explained that this is informational at this point.

Mr. Frickell volunteered to take the two-year seat. After much discussion, the consensus was to cancel the election if we don't have more certified petitions than seats open and there isn't a write-in candidate affidavit received.

Due to Mr. Frickell volunteering to take the two-year term, all seats are unopposed, and there isn't a write-in candidate; a resolution will be drafted directing the Clerk to cancel the election.

**h. Consideration of rescheduling the February meeting.**

The February meeting is on a Town approved holiday. The meeting was rescheduled for Tuesday, February 22<sup>nd</sup>.

**ACTION:** Mr. Wilhelm moved, and Mr. Frickell seconded to reschedule the meeting for February 22<sup>nd</sup>. Motion carried.

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**NEW BUSINESS CONTINUED**

**i. Consideration of request to apply for a grant for the EV chargers with Charge Ahead Colorado.**

Charge Ahead of Colorado, an entity that makes grant funds available. Charge Point is a for-profit company. Charge Point worked with Charge Ahead Colorado for Silver Cliff on a successful grant.

Town Manager Shank presented two quotes:

Quote #1: two fast chargers and one slow charger, allowing four vehicles to be charging at the same time, the total project would be approximately \$100,000; 80% is covered by the grant, with a 20% match from the Town.

Quote #2: two small chargers (taking 1-3 hours to charge) allowing four vehicles to charge at the same time, the total project could be up to \$26,000, it would be a 20% match for the Town.

It will create revenue for the Town. The units are programable, allowing the Town to determine the cost for the usage. It comes with a five-year maintenance plan built into the price of the units. They will work with Black Hills to ensure we have what we need to accomplish the project.

There is currently power at the Bluff. Another option is to put some in the Rosita parking lot or a combination of the two areas.

He also stated that there is money in the curb, gutter, and sidewalk line-item budget that could be used for this.

The Town's match for Quote #1 and Quote # would be \$25,000.

After further discussion, it was determined that the best option would be to install the charges at the Rosita parking lot. The power pedestals at the Bluff would need to be locked, preventing use other than the Festivals.

Ms. Snow recommended that the Town applies for four chargers, two fast, two slow, to be put in the Rosita parking lot with a cost to the Town of no more than \$30,000.

**ACTION:** Mr. Mowry moved, and Mr. Wilhelm seconded to apply for the grant for EV Chargers as discussed. Motion carried.

**BOARD OF TRUSTEES  
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**NEW BUSINESS CONTINUED**

- j. Considerations of request to approve the revised Town Clerk/Administrator job description.**

The purpose is to give the Town Clerk the authority to fire and hire the employees directly under her supervision (Section 4 was added as below). This does not include Gabriel or employees under his jurisdiction.

- 4. Supervisory Responsibilities.** The Town Clerk is responsible for the hiring, training, management, administration, and termination of all Town employees assigned to the Office of Clerk, in accordance with the policies and procedures as set forth in the Town Municipal Code. The Town Clerk is not responsible for supervision of the Town Manager or his/her assigned employees.

**ACTION:** Mr. Frickell moved, and Mr. Wilhelm seconded to approve the revised Town Clerk/Administrator job description. Motion carried.

**STAFF & COMMITTEE REPORTS**

- a. Report from Town Clerk**

No Report

- b. Report from Town Manager**

No Report

- c. Report from Town Attorney**

No Report

Ms. Snow moved, and Mr. Wilhelm seconded to adjourn. Motion carried.

**ADJOURN**

Recorded by:  
Kathy Reis, CMC  
Town Clerk



**REVENUES RECEIVED IN JANUARY 2022****GENERAL FUND**

<b>Cash</b>		
KLRZ	2022 Business License	25.00
For The Love of Healing	2022 Business License	25.00
Martin & Tope Real Estate	2022 Business License	25.00
Crazy Women's Downtown Townhome	2022 Business License	25.00
Gary's Glamping	2022 Business License	25.00
Salty Pine Floral & Boutique	2022 Business License	25.00
Sage Esthetics & Wellness	2022 Business License	25.00
Tumble Weed Coffee	2022 Business License	25.00
Nordyke Sanitation	2022 Business License	25.00
<b>Credit Card</b>		
Kirkpatrick Bank	2022 Business License	25.00
Andrews Realty (Paul Andrew)	STR & Business License	240.00
Doug Bayer	Bldg Permit/403 Hermit Rd/Gutters	108.00
Matthew Baker	Bldg Permit/210 S. 2nd/Gutters	132.00
Cinco Investments (Dark Skies Suites)	Business License	25.00
<b>Checks</b>		
Ravens, LLC	2022 Business License	25.00
Ravens Off Main, LLC	2022 Business License	25.00
Patio Off Main	2022 Business License	25.00
JDH Construction (Tease Salon)	2022 Business License	25.00
Linda Miller RN	2022 Business License-New	40.00
D&W Services	2022 Business License	25.00
Bootleggers Mercantile, LLC	2022 Business License	25.00
Greenstone Artworks	2022 Business License	25.00
Sangre de Cristo Art Gallery	2022 Business License	25.00
Pencil Passions (Andrew Mast)	2022 Business License	25.00
Peaks Integrity Wealth Management, LLC	2022 Business License	25.00
Sugarlump, Inc LLC	2022 Business License	25.00
SII Investigations Adjusting, LTD	2022 Business License	25.00
Greenleaf Forestry & Wood Products	2022 Business License	25.00
Awesone House, Starry Skies, Big Mtns.	2022 Business License	25.00
Mtn. Land Properties	2022 Business License	25.00
Mountain Envy Boutique, LLC	2022 Business License	25.00
All Aboard Westcliffe	2022 Business License	25.00
Harmonized Brain Centers	2022 Business License	25.00
Wet Mountain Tribune	2022 Business License	25.00
Wapiti Ranch Realty & Auction, LLC	2022 Business License	25.00
Unisearch, Inc.	2022 Business License	25.00
Pay & Save, Inc. (Lowes)	2022 Business License	25.00
The Mountain Publishing, CO., INC	2022 Business License	25.00
Sangre Solutions	2022 Business License	25.00
Oakley Construction	2022 Business License	25.00
Yoder's Home Furnishings, LLC	2022 Business License-New	40.00
Sol Vista Health Services (West Central, Inc.)	2022 Business License	25.00

## Treasurer's Report February 4, 2020

Wild Iris Gallery of Westcliffe	2022 Business License	25.00
Luis Marquez, D.C.	2022 Business License	25.00
Frontier Kitchens & Interiors, LLC	2022 Business License	25.00
Paladin Propane Partners, LLC	2022 Business License	25.00
Griffon Design & Drafting Co., LLC	2022 Business License	25.00
Inn on 69, LLC	2022 Business License	25.00
J.R.'s Fuel Stop, Inc.	2022 Business License	25.00
Varone, Laura (Flip)	2022 Business License	25.00
Watson Red House (Elizabeth Watson)	2022 Business License	25.00
Watson Land Company, Inc.	2022 Business License	25.00
Mattie's Lofts, LLC	2022 Business License	40.00
Mattie Burt Realty, Inc.	2022 Business License	25.00
Full Circle Wellness, LLC	2022 Business License	25.00
Ben Troyer	Bldg Permit/ 150 Jerry Drive/New Residence	5,070.00
Ben Troyer	Bldg Permit/148 Jerry Drive/New Residence	5,160.00
Custer County Treasurer	2021 Special Assessments/Clerk Fees	341.90
Passion for Pottery	2022 Business License	25.00
Boutique Off Main	2022 Business License	25.00
Westcliffe Farmers Market	Park Damage Deposit & Rental Fee	325.00
Valley Ace Hardware	2022 Business License	25.00
Carolyn's Hair & Nail Salon	2022 Business License	25.00
CC Alumni Scholarship Fund	Park Damage Deposit & Rental Fee	125.00
Factory Fitness, LLC	2022 Business License-New	40.00
Melissa Harth Massage Therapy	2022 Business License	25.00
Bear Peak, LLC	2022 Business License	25.00
Main St Mailboxes	2022 Business License	25.00
Sunflower Natrual Foods	2022 Business License	25.00
The Lamp Post Lodge, LLC	2022 Business License	25.00
Custer County Treasurer	Sales Tax-Clerk Fees	7.25
Valley View Construction LLC	Bldg Permit/6 Crestone Ct./Replace windows	230.00
The Sunflower Patch	2022 Business License	25.00
Main Street West, LLC	2022 Business License	25.00
Imedia Smith (Janet Smith)	2022 Business License	25.00
Peregrine Coffee Roasters	2022 Business License	25.00
Hair Friends, Inc.	2022 Business License	25.00
Pay and Save, Inc.	Renew Liquor License	53.75
Antler Inc	2022 Business License	25.00
Main Street 213, LLC (Chappy's)	2022 Business License	25.00
Integrimark, LLC	2022 Business License	25.00
Chrisina Macleod (Three Sisters Medincine)	2022 Business License	25.00
All the Range	2022 Business License	25.00
Paul Wenke	Bldg Permit/One Enterprise Dr./New Warehouse	4,200.00
Jonathan Miller	Bldg Permit/100 Granite Ct./New Residential Build	5,020.00
Pinon Plumbing LLC	Excavation Permit/307 S 2nd St	200.00
Anne Hewitt (Anne's Grooming)	2022 Business License	25.00
Heavenly Holistic Healing, LLC	2022 Business License	25.00
John Goebel (HomeSmartPreferred Realty)	2022 Business License	25.00
Native Woods	2022 Business License	25.00
Hidden Garden Cottage, LLC	2022 Business & STR License	225.00

Treasurer's Report February 4, 2020

Peter Stader, LLC	2022 Business License	25.00
Westcliffe Home & Ranch	2022 Business License	25.00
Pearl Medical and Spa	2022 Business License	25.00
Anne Reller	Fence Permit/102 Bluff Circle	100.00
John Miller	Bldg Permit/Track A Vivienda Parque/New Commercial	6,325.00
Sugar & Spice Mtn. Bakery	2022 Business License	25.00
Jonathan Rotheram	2022 Business License-New	40.00
Tranquilo, Inc.	2022 Business License	25.00
Cliff Lanes	2022 Business License	25.00
John Van Doren	Bldg Permit/107 N Adams Blvd/Deck & Addition	140.00
Courtyard Country Inn, LLC	2022 Business License	25.00
Ross Penkoff	Park Damage Deposit & Rental Fee	125.00
Gordon Wagner	Park Damage Deposit & Rental Fee	125.00
Columbine Skin & Laser, LLC	2022 Business License	25.00
Wet Mtn Fire Auxiliary	2022 Business License	25.00
Wet Mtn. Treasurers, Inc	2022 Business License	25.00
Bear Ridge Construction	2022 Business License	25.00
The Village Shop	2022 Business License	25.00
John Johnston & Associates, LLC	2022 Business License	25.00
Nequette Drilling	2022 Business License	25.00
Caldwell Family Concrete	Bldg/709 Main/Site Development & Modular	5,934.00
Loan A Ranger Pawn, LLC	2022 Business License	25.00
United Business Bank	Interest	125.16
CSafe-GF Core-11	Interest	8.90
CSafe-3% Labor Reserve	Interest	2.38
CSafe-GF Reserve-14	Interest	10.72
State of Colorado	Cigarette Tax	322.18
State of Colorado	2% Sales Tax	61,934.32
State of Colorado	Highway Users Tax	2,241.78
<b>GENERAL FUND CHECKING REVENUE RECEIVED IN JANUARY 2022</b>		<b>\$101,207.34</b>

**TENNIS COURT PROJECT CHECKING**

		0.00
<b>TENNIS COURT PROJECT CHECKING REVENUE RECEIVED IN JANUARY 2022</b>		<b>\$0.00</b>

Kari Maravi	Ordinance Violation	1,000.00
<b>MUNICIPAL COURT CHECKING REVENUE RECEIVED IN JANUARY 2022</b>		<b>\$1,000.00</b>

**REVENUES RECEIVED IN JANUARY 2022****CONSERVATION TRUST FUND**

United Business Bank	Interest	6.46
<b>CONSERVATION TRUST FUND REVENUE RECEIVED IN JANUARY 2022</b>		<b>\$6.46</b>

**CAPITAL FUND**

United Business Bank	Interest Capital Fund Checking	70.91
Kirkpatrick Bank	Interest Certificates of Deposit	0.00
CSafe-CF Core 12	Interest	14.46
State of Colorado	TAP-Design Inv#2	8,297.83
State of Colorado (Town of Westcliffe)	1 % Sales Tax	30,967.16
Verizon Wireless	Lease Payment	1,000.00
<b>CAPITAL FUND CHECKING REVENUE RECEIVED IN JANUARY 2022</b>		<b>\$40,350.36</b>

**BALANCE IN ALL FUND ACCOUNTS**

<b>GENERAL FUND CHECKING</b>	729,273.90
CSafe-GF Core-11	\$133,484.38
CSafe-3% Labor Reserve	\$35,012.96
CSafe-GF Reserve-14	\$161,765.68
TENNIS COURT PROJECT CHECKING	\$25,035.34
MUNICIPAL COURT CHECKING	\$2,482.70
<b>TOTAL GENERAL FUND ACCOUNTS</b>	<b>\$1,087,054.96</b>

<b>CONSERVATION TRUST FUND CHECKING</b>	\$38,023.14
<b>TOTAL CONSERVATION TRUST FUND ACCOUNTS</b>	<b>\$38,023.14</b>

<b>CAPITAL FUND CHECKING</b>	\$437,408.07
CSafe-CF Core 12	\$220,091.36
<b>CERTIFICATES OF DEPOSIT PLUS INTEREST</b>	\$203,665.08
<b>TOTAL ALL CAPITAL FUND ACCOUNTS</b>	<b>\$861,164.51</b>

**CASH BALANCE OF ALL FUND ACCOUNTS** **\$1,986,242.61**

NOTE: 1% Sales tax of \$30,967.16 was transferred to the Capital Fund from the General Fund

February 2022 Bills

**GENERAL FUND**

ACA Products	Street Maint./Sanding Material	710.64
Airgas USA, LLC	Shop Maint./Lease Cylinder	105.36
American Legion	2022 Donation	312.80
Black Hills Energy	Lights/Electric	1,649.73
Buchner, Clayton, Attorney at Law	Attorney Fees/Dec & Jan	1,254.00
Card Services	Misc.	2,609.12
CenturyLink	Phone/Elevator	48.35
CIRSA	VAMP Insurance	37.20
Custer County Rd. & Bridge	Street Maint./Fuel	429.61
Custer County Sheriff	1st Qtr Sheriff Contract	14,125.00
Hilltop Broadband	Town Hall & Shop/Internet	255.45
Industrial Systems, LTD.	Street Maint./Street Treatment	1,951.46
International Code Council	Town Manager Education	114.00
Lowe's Pay and Save, Inc.	Supplies	5.98
Northern Tool & Equipment	Parts	119.98
Norup Gas	Propane	1,119.64
Oak Disposal Services	Street Maint./Trash Service	250.00
OfficeFurniture2Go.com	Town Hall/Tables	1,396.00
ProCom	DOT Drug test	51.00
Round Mtn. Water & Sanitation District	Water & Sewer	715.40
Shank, Gabriel	Reimb/Park Maint/Light	128.34
The Mtn Publishing Co., Inc	Publications/Nomination Petitions	120.00
Uline	Street Maint/Stripping paint & supplies	2,098.12
Valley Ace Hardware	Supplies	279.16
Westcliffe Petroleum	Vehicle Maint./Oil Change	118.87
Wet Mtn Tribune	Publishing	54.56
Wet Mtn. Valley Community Service, Inc.	2021 Donation	1,141.77
Xerox Corporation	Meter Read/Lease Payment	159.81

**Payroll Expenses**

CEBT	Employee/Health Ins.	131.00
CEBT	Employer/Health Ins.	1,264.95
EFTPS	January Payroll Taxes	4,618.34
GWRS	Employee Share Retirement Fund (ACH)	714.50
GWRS	Employer Share Retirement Fund (ACH)	214.50

<b>BILLS TO DATE</b>	<b>\$38,304.64</b>
<b>JANUARY 2022 PAYROLL</b>	<b>\$16,218.10</b>
<b>TOTAL GENERAL FUND EXPENDITURES FOR JANUARY PAID IN FEBRUARY 2022</b>	<b>\$54,522.74</b>

**CAPITAL FUND**

Deer Credit, Inc.	Lease Payment	930.74
DHM Design	Design Phase through Dec. 31	2,500.00
PRC Engineering	Design Phase through Jan. 31	2,457.00
<b>TOTAL CAPITAL FUND EXPENDITURES FOR JANUARY PAID IN FEBRUARY 2022</b>	<b>\$5,887.74</b>	

Town of Westcliffe  
General Fund Profit & Loss Budget Performance

January 2022

	Jan 22	Budget	Jan 22	YTD Budget	Annual Budget
<b>Income</b>					
7000 · General Property Taxes	0.00	66,391.00	0.00	66,391.00	66,391.00
7050 · Specific Ownership Taxes	0.00	8,900.00	0.00	8,900.00	8,900.00
7100 · Town Sales Taxes	61,941.57	790,707.88	61,941.57	790,707.88	790,707.88
7101 · Town Sales Tax License	2,840.00	3,190.00	2,840.00	3,190.00	3,190.00
7106 · Penalties & Int-Delinquent Tax	0.00	300.00	0.00	300.00	300.00
7115 · Franchise Fee	0.00	26,000.00	0.00	26,000.00	26,000.00
7120 · Special Assessments	341.90	1,683.00	341.90	1,683.00	1,683.00
7125 · Building & Zoning Permits	32,524.00	25,000.00	32,524.00	25,000.00	25,000.00
7126 · Fence & Sign Permits	100.00	2,400.00	100.00	2,400.00	2,400.00
7127 · Special Use By Review Permits	0.00	1,500.00	0.00	1,500.00	1,500.00
7130 · Traffic Fines & Ordinances	1,000.00	150.00	1,000.00	150.00	150.00
7135 · Court Costs	0.00	25.00	0.00	25.00	25.00
7140 · Liquor Licenses/Special Events	53.75	1,500.00	53.75	1,500.00	1,500.00
7150 · Cigarette Tax	322.18	1,800.00	322.18	1,800.00	1,800.00
7160 · Interest Income	147.16	1,000.00	147.16	1,000.00	1,000.00
7165 · Miscellaneous Income	0.00	600.00	0.00	600.00	600.00
7200 · Highway Users Tax	2,241.78	29,199.00	2,241.78	29,199.00	29,199.00
7205 · Road & Bridge Funds	0.00	30,955.21	0.00	30,955.21	30,955.21
7215 · American Rescue Plan Funds	0.00	78,923.82	0.00	78,923.82	78,923.82
7300 · Tennis Court Donation Fund	0.00	50.00	0.00	50.00	50.00
7305 · Events Center-Rental Fees	0.00	2,150.00	0.00	2,150.00	2,150.00
7310 · Bluff Site Maint. Fee	0.00	3,400.00	0.00	3,400.00	3,400.00
7315 · Park Usage Fee	300.00	1,200.00	300.00	1,200.00	1,200.00
7840 · State Grant	0.00	300.00	0.00	300.00	300.00
7845 · Federal Grant	0.00	115.00	0.00	115.00	115.00
<b>Total Income</b>	<b>101,812.34</b>	<b>1,077,439.91</b>	<b>101,812.34</b>	<b>1,077,439.91</b>	<b>1,077,439.91</b>
<b>Gross Profit</b>	<b>101,812.34</b>	<b>1,077,439.91</b>	<b>101,812.34</b>	<b>1,077,439.91</b>	<b>1,077,439.91</b>
<b>Expense</b>					
8000 · Trustees	158.00	5,000.00	158.00	5,000.00	5,000.00
8005 · Ordinances & Procedures	0.00	4,000.00	0.00	4,000.00	4,000.00
8010 · Colo. Muni League Dues	0.00	855.00	0.00	855.00	855.00
8015 · Elections	0.00	2,300.00	0.00	2,300.00	2,300.00
8020 · General Accounting	0.00	1,200.00	0.00	1,200.00	1,200.00
8025 · Auditing	0.00	5,900.00	0.00	5,900.00	5,900.00
8030 · Attorney	0.00	20,000.00	0.00	20,000.00	20,000.00
8035 · Insurance - General	7,984.44	7,985.00	7,984.44	7,985.00	7,985.00
8040 · Workman's Compensation	4,219.00	6,800.00	4,219.00	6,800.00	6,800.00
8050 · Colorado State Unemployment	40.32	765.70	40.32	765.70	765.70
8100 · Town's Share FICA	1,249.86	15,824.47	1,249.86	15,824.47	15,824.47
8110 · Town's Share MEDI	292.31	3,700.88	292.31	3,700.88	3,700.88
8115 · Town Share Health Insurance	583.79	33,960.80	583.79	33,960.80	33,960.80
8120 · Town Share Retirement Fund	214.50	6,095.02	214.50	6,095.02	6,095.02
8200 · Clerk/Treasurer Wages	3,954.86	47,458.32	3,954.86	47,458.32	47,458.32
8205 · Deputy Clerk	3,195.00	37,440.00	3,195.00	37,440.00	37,440.00
8208 · Media Relations Coordinator	319.50	14,820.00	319.50	14,820.00	14,820.00
8210 · Clerk Education	0.00	1,200.00	0.00	1,200.00	1,200.00
8215 · Office Supplies	0.00	1,500.00	0.00	1,500.00	1,500.00
8220 · Town Manager Wages	5,476.67	65,720.00	5,476.67	65,720.00	65,720.00
8225 · Manager/Bldg/Zoning Education	0.00	2,200.00	0.00	2,200.00	2,200.00
8235 · Building Inspector	0.00	3,250.00	0.00	3,250.00	3,250.00
8240 · County Treasurer's Fees	0.00	2,400.00	0.00	2,400.00	2,400.00
8300 · Town Hall Maintenance	0.00	6,000.00	0.00	6,000.00	6,000.00
8308 · Town Hall Utilities	-61.90	7,100.00	-61.90	7,100.00	7,100.00
8310 · Lease Equipment	0.00	1,505.00	0.00	1,505.00	1,505.00
8405 · Animal Control	0.00	1,903.00	0.00	1,903.00	1,903.00
8410 · Organizational Membership Dues	985.00	889.00	985.00	889.00	889.00
8505 · Townman Education	0.00	3,000.00	0.00	3,000.00	3,000.00
8510 · Street and Park Tech Wages	7,344.75	133,465.00	7,344.75	133,465.00	133,465.00
8515 · Street Maintenance & Fuel	1,951.46	45,000.00	1,951.46	45,000.00	45,000.00
8520 · Emergency Snow Removal	0.00	30,000.00	0.00	30,000.00	30,000.00
8525 · Street Lighting	0.00	12,000.00	0.00	12,000.00	12,000.00
8530 · Vehicle & Equip. Maintenance	0.00	20,000.00	0.00	20,000.00	20,000.00
8538 · Shop Maintenance	119.98	10,000.00	119.98	10,000.00	10,000.00

Town of Westcliffe  
General Fund Profit & Loss Budget Performance

January 2022

	Jan 22	Budget	Jan 22	YTD Budget	Annual Budget
8540 · Shop Utilities	-827.18	5,100.00	-827.18	5,100.00	5,100.00
8545 · Highway Barn Utilities	689.58	4,600.00	689.58	4,600.00	4,600.00
8550 · Highway Barn Maint.	0.00	5,000.00	0.00	5,000.00	5,000.00
8600 · Park Utilities	-515.90	25,500.00	-515.90	25,500.00	25,500.00
8605 · Park Maintenance	0.00	16,000.00	0.00	16,000.00	16,000.00
8700 · Custer County Sheriff	0.00	57,630.00	0.00	57,630.00	57,630.00
8800 · Donations	-984.57	28,000.00	-984.57	28,000.00	28,000.00
8805 · Grants/Local	0.00	25,000.00	0.00	25,000.00	25,000.00
8806 · American Rescue Plan Expenses	0.00	157,847.64	0.00	157,847.64	157,847.64
8808 · Economic Development	0.00	13,000.00	0.00	13,000.00	13,000.00
8810 · Contingencies	0.00	15,000.00	0.00	15,000.00	15,000.00
8811 · Contribution to/from Capital Fun	0.00	120,000.00	0.00	120,000.00	120,000.00
<b>Total Expense</b>	<b>36,389.47</b>	<b>1,033,914.83</b>	<b>36,389.47</b>	<b>1,033,914.83</b>	<b>1,033,914.83</b>
<b>Net Income</b>	<b>65,422.87</b>	<b>43,525.08</b>	<b>65,422.87</b>	<b>43,525.08</b>	<b>43,525.08</b>

**TOWN OF WESTCLIFFE**  
**Capital Fund Profit & Loss Budget Performance**  
 January 2022

	Jan 22	Budget	Jan 22	YTD Budget	Annual Budget
<b>Income</b>					
CRF7160 · Interest Income	85.37	3,000.00	85.37	3,000.00	3,000.00
CRF7220 · CDOT Grants (New) RW	0.00	226,951.00	0.00	226,951.00	226,951.00
CRF7224 · CDOT Grants (Existing) Town Pro	8,297.83	543,613.00	8,297.83	543,613.00	543,613.00
CRF7238 · Other Contributions	0.00	33,180.00	0.00	33,180.00	33,180.00
CRF7270 · Lease Proceeds Verizon Tower	1,000.00	12,000.00	1,000.00	12,000.00	12,000.00
CRF7280 · Capital Lease Proceeds	0.00	49,821.00	0.00	49,821.00	49,821.00
CRF7285 · 1% Sales Tax from General Fund	30,967.16	384,163.00	30,967.16	384,163.00	384,163.00
CRF7805 · Contributions	0.00	5,000.00	0.00	5,000.00	5,000.00
CRF7810 · Transfers From General Fund	0.00	120,000.00	0.00	120,000.00	120,000.00
<b>Total Income</b>	<b>40,350.36</b>	<b>1,377,728.00</b>	<b>40,350.36</b>	<b>1,377,728.00</b>	<b>1,377,728.00</b>
<b>Expense</b>					
CRF9011 · CIP Roadway (Existing)	0.00	440,000.00	0.00	440,000.00	440,000.00
CRF9012 · CIP Town Property (Existing)	0.00	30,500.00	0.00	30,500.00	30,500.00
CRF9014 · Equipment Debt Service	0.00	11,169.00	0.00	11,169.00	11,169.00
CRF9025 · CIP Roadway (New)	0.00	485,881.00	0.00	485,881.00	485,881.00
CRF9026 · CIP-Town Property (New)	0.00	188,500.00	0.00	188,500.00	188,500.00
CRF9027 · CIP-Equipment (New)	0.00	1,500.00	0.00	1,500.00	1,500.00
CRF9101 · Improvements-Design	2,500.00	148,765.00	2,500.00	148,765.00	148,765.00
<b>Total Expense</b>	<b>2,500.00</b>	<b>1,306,315.00</b>	<b>2,500.00</b>	<b>1,306,315.00</b>	<b>1,306,315.00</b>
<b>Net Income</b>	<b>37,850.36</b>	<b>71,413.00</b>	<b>37,850.36</b>	<b>71,413.00</b>	<b>71,413.00</b>



2021 SALES TAX & PRIOR YEARS COMPARISONS

	2016	2017	2018	2019	2020	2021	% +/-
						2% of total (General Fund)	
<u>JAN</u>	21,577.85	18,861.17	25,564.67	30,006.18	34,234.63	46,462.11	35.72%
	168.09	50.27				100.53	
<u>FEB</u>	21,837.11	24,659.13	19,628.62	24,163.25	32,835.27	41,350.47	25.93%
	54.13	3.87				154.67	
<u>MAR</u>	27,392.72	26,843.98	29,456.57	36,077.93	51,033.37	59,178.95	15.96%
		245.19				10.63	
<u>APR</u>	24,115.03	30,763.20	26,907.00	31,062.04	46,184.28	51,543.34	11.60%
	164.34	0.02					
<u>MAY</u>	28,580.77	31,184.50	37,867.12	43,414.62	51,540.56	67,432.87	30.83%
	15.49	185.6					
<u>JUNE</u>	41,992.12	40,835.96	45,084.65	56,385.66	69,361.40	81,048.17	16.85%
	124.92	83.13					
					2% of total (General Fund)		
<u>JULY</u>	39,307.86	43,306.02	43,950.00	56,461.48	65,272.29	78,036.66	19.56%
Treasurers Fee	703.73					87.00	
<u>AUG.</u>	33,746.05	38,829.14	35,968.42	46,583.57	59,524.79	59,285.68	-0.40%
<u>SEPT.</u>	41,983.75	39,333.39	36,753.56	58,818.79	79,591.87	79,308.53	-0.36%
	24.17						
<u>OCT.</u>	30,193.70	29,105.54	43,911.98	46,241.58	58,001.14	66,148.37	14.05%
	481.40	65.73			74.43		
<u>NOV.</u>	27,486.66	31,259.25	29,329.94	44,692.15	52,631.93	61,934.32	17.67%
		491.05			44.47	4.83	
<u>DEC.</u>	27,842.43	31,209.51	32,424.95	45,023.69	66,270.58	67,739.75	2.22%
1% Capital Fund							
<b>TOTAL</b>	367,792.32	356,049.01	406,847.48	518,930.94	666,601.01	759,826.91	13.99%

Proposed	310,000.00	340,000.00	360,000.00	518,930.94	510,000.00	898,561.65
Actual	367,792.22	387,315.65	406,847.48	518,930.94	666,601.01	1,139,740.36
Difference	57,792.22	47,315.65	46,847.48	0.00	-156,601.01	-241,178.71

1% of total (Capital Fund)
23,231.06
50.27
20,675.23
77.34
29,589.48
5.32
25,771.67
33,716.44
40,524.08

3% Total Sales Tax
69,693.17
150.80
62,025.70
232.01
88,768.43
15.95
77,315.01
101,149.31
121,572.25

1% of total (Capital Fund)
39,018.33
43.50
29,642.84
39,654.27
33,074.19
30,967.16
2.42
33,869.88
\$379,913.45

3% Total Sales Tax
117,054.99
130.50
88,928.52
118,962.80
99,222.56
92,901.48
7.25
101,609.63
1,139,740.36

**TOWN OF WESTCLIFFE  
REQUEST TO BE PLACED ON AGENDA**

Office of the Town Clerk  
P.O. Box 406  
Westcliffe, CO. 81252  
[townclerk@townofwestcliffe.com](mailto:townclerk@townofwestcliffe.com)  
719-783-2282

Westcliffe Town Board       Westcliffe Planning Commission

Here are things you need to know:

- You must contact the Town staff prior to coming to the Board. Quite often the issue can be resolved by staff action.
- Please plan on attending the meeting. The Board of Trustees will be unable to take action without a representative in attendance.

Please complete the following information and return this form no later than ten days prior to the Board meeting to the above address or bring it to the Town Hall at 1000 Main Street our office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. (Regular Board meetings are scheduled for the first Monday of each month.)

Name of person making presentation: Brandon Schoch

Organization, if speaking on behalf of a group: I

Is this a request for Board action?      Yes   No

Please provide a summary of your comments:

Brandon Schoch would like to introduce himself as a candidate for  
Custer County Sheriff & would like any feedback, concerns &  
suggestions the Town Board has, as well as answer any  
questions.

What staff member have you spoken to about this? Please summarize your discussion:

Kathy Peis in regards to getting Brandon Schoch on the  
agenda.

Contact information:

Name: Melanie Hittman w/ Schoch for Sheriff  
Mailing Address: P.O. Box 1654  
Westcliffe CO 81252  
email: schoch4sheriff@gmail.com  
Daytime Phone: 719 423 8845

**TOWN OF WESTCLIFFE  
REQUEST TO BE PLACED ON AGENDA**

Office of the Town Clerk  
P.O. Box 406  
Westcliffe, CO. 81252  
[townclerk@townofwestcliffe.com](mailto:townclerk@townofwestcliffe.com)  
719 783 2282

**Westcliffe Town Board**           **Westcliffe Planning Commission**

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Name of person making presentation: Lloyd Rich Smith

Organization, if speaking on behalf of a group: Lloyd Rich Smith for Sheriff Campaign

Is this a request for Board action?          Yes     - No

Please provide a summary of your comments:

As a Candidate for Sheriff and resident of Westcliffe, I would like to introduce myself to the Board of Trustees. I hope to learn what the Board feels the Sheriff's Office does well in Westcliffe, and what are some opportunities for improvement. I would like to summarize my training and experience to serve in the office of the Sheriff

What staff member have you spoken to about this? Please summarize your discussion:

I made a request to speak to the Board of Trustees with Kathy Reis the Town Administrator and Clerk.

Contact information:

Name:                     Lloyd Rich Smith  
Mailing Address:      PO Box 868  
                                  Westcliffe CO 81252

email:                    lloydrichsmithiii@gmail.com  
Daytime Phone:        303-526-6522

TOWN OF WESTCLIFFE  
REQUEST TO BE PLACED ON AGENDA

Office of the Town Clerk  
P.O. Box 406  
Westcliffe, CO. 81252  
[townclerk@townofwestcliffe.com](mailto:townclerk@townofwestcliffe.com)  
719-783-2282

Westcliffe Town Board  Westcliffe Planning Commission

Here are things you need to know:

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Name of person making presentation: Deanna & Ed Stefanich

Organization, if speaking on behalf of a group: Bootleggers Mercantile, LLC

Is this a request for Board action? **Yes**

Please provide a summary of your comments:

Deanna & Ed have previously gone before the Planning Commission and the BOT to discuss the possibility of leasing the ally adjacent to Bootleggers for the use of additional seating for the restaurant. The concept of the temporary deck (not permanent due to the Round Mountain easement) was approved by the Board but any further discussion was tabled when the original agreed upon lease of \$1/year was increased to \$250/month. Deanna & Ed indicated that they would like to revisit once the restaurant was becoming profitable..

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What staff member have you spoken to about this? Please summarize your discussion:

Please see above

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Contact information:

Name: Ed Stefanich  
Mailing Address: 309 Main St, Westcliffe, CO 81252

email: ed@wmvproperties.com  
Daytime Phone: 719.464.4494



**BOARD OF TRUSTEES  
TOWN OF WESTCLIFFE  
TUESDAY, SEPTEMBER 1, 2020  
REGULAR MEETING**

**-Page 2 -**

**OLD BUSINESS**

- a. Consideration of request to approve forming a Home Rule research committee-  
Brian Clinec.**

Mr. Clinec would like to develop a research committee and develop a pros and cons list that can be presented to the Town possibly March or April. It would need to be determined what the cost would be to create a new Town Charter. This would need to be taken to the voters of Westcliffe to move forward. After presenting to the Town Board, the public will need to be involved to determine if they want the Town to move forward with it. It is just an exploratory committee.

**ACTION: Mr. Johnston** moved and **Ms. Snow** seconded to approve forming a Home Rule research committee. Motion carried.

After some discussion it was determined that Mr. Clinec will provide a list of citizens that would like to serve on the research committee to the October meeting for approval.

- b. Consideration of request to approve an MOU between the Town of Westcliffe  
and the High-Altitude Garden Club.**

Town Manager Stefanich reported that verbiage for the final version was taken directly from the minutes of the last meeting that was discussed during the discussion with Inge Munden representative from the Garden Club. It has also been reviewed by Town Attorney Printz. If the Board of Trustees approve it, it will then be given to the Garden Club. There was some concern that the Garden Club should review it and approve it first. Attorney Printz replied that it is exactly what the Garden Club asked for. After more discussion it was decided to approve it and present it to the Garden Club.

**ACTION: Ms. Snow** moved and **Mr. Clinec** seconded to approve the MOU between the Town of Westcliffe and the High-Altitude Garden Club. Motion carried.

**NEW BUSINESS**

- a. Consideration of request to approve a lease between the Town of Westcliffe and  
Bootleggers Mercantile, LLC for a portion Lot A Block 11.**

**BOARD OF TRUSTEES  
TOWN OF WESTCLIFFE  
TUESDAY, SEPTEMBER 1, 2020  
REGULAR MEETING**

**-Page 3 -**

**NEW BUSINESS CONTINUED**

It was suggested that the lease be either \$50.00, \$75.00 or \$150.00 per month. After further discussion the following motion was made.

**ACTION:**     **Ms. Clince** moved to approve the lease for \$1.00. The motion died for a lack of a second.

After further discussion Ms. Stefanich with Bootleggers stated they wouldn't be ready to make the expansion for two years and didn't want to pay for an expense that wouldn't generate any revenue. The board agreed that they could bring this back to the board at that time.

**b. Consideration of Appointing the Town Attorney.**

The interviews have been rescheduled for September 17<sup>th</sup> 2:00 p.m.

**c. Consideration of request to apply for a mini grant through Upper Arkansas Area Council of Government.**

This is for picnic tables and benches for the parks, the total project can't exceed \$10,000 for the grant. It is a 50/50 match. There will be two picnic tables on the south side where the trees are at the Bluff, two benches at the Pocket Park and two picnic tables at Jess Price Park staying within the \$10,000 grant. Town Manager Stefanich suggested that the board approve the benches and tables from options that the staff present.

**ACTION:**     **Ms. Snow** moved and **Mr. Clince** seconded to approve to apply for a mini grant through Upper Arkansas Area Council of Government to purchase park equipment. Motion carried.

**d. Consideration of request to approve the 2021 Impound Agreement with the Humane Society of Fremont County.**

Mayor Wenke stated this is an agreement done yearly.

**ACTION:**     **Mr. Clince** moved and **Ms. Cole** seconded to approve the 2021 Impound Agreement with the Humane Society of Fremont County. Motion carried.

**RESOLUTION NO. 1-2022**

**A RESOLUTION INSTRUCTING THE TOWN CLERK TO CANCEL THE  
APRIL 5, 2022 ELECTION AND DECLARING CANDIDATES ELECTED**

**WHEREAS**, the Town's regular election is scheduled to be held on April 5, 2022; and

**WHEREAS**, the only matter before the electors at the election is the election of five seats on the Board of Trustees; and

**WHEREAS**, pursuant to C.R.S. § 31-10-507, the Town adopted Title 7, Chapter 1 of the Westcliffe Municipal Code, which provides that if the only matter before the voters in a Town municipal election is the election of persons to office and if, at the close of business on the sixty- fourth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Clerk, if instructed by resolution of the governing body either before or after such date, shall cancel the election and declare the candidates elected; and

**WHEREAS**, as of the date of this Resolution there are not more candidates than officers to be filled at the April 5, 2022 election and no write-in affidavits have been filed; and

**WHEREAS**, pursuant to its authority under Title 7, Chapter 1 of the Westcliffe Municipal Code, the Board of Trustees desires to instruct the Town Clerk to cancel the April 5, 2022 election and declare the candidates elected;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES  
OF THE TOWN OF WESTCLIFFE, COLORADO, AS FOLLOWS:**

**Section 1.** Pursuant to the Title 7, Chapter 1 of the Westcliffe Municipal Code, the Board of Trustees does hereby instruct the Town Clerk to cancel the April 5, 2022 election and declares Paul Wenke elected to the Office of Mayor; Arthur L. Nordyke, Randy Wilhelm, and George Mowry to the Office of Trustee, each for a four-year term, and Gary W. Frickell to the Office of Trustee for a two-year term, such terms to commence upon being sworn into office at the regular meeting of the Board of Trustees on April 5, 2022.

**Section 2.** The Board of Trustees does hereby further instruct the Town Clerk to publish such notice of the canceled election as required by law.

Passed and adopted at a regular meeting of the Board of Trustees of the Town of Westcliffe this 21<sup>st</sup> day of February 2022.

ATTEST:

\_\_\_\_\_  
Mayor, Paul Wenke

\_\_\_\_\_  
Town Clerk, Kathy Reis, CMC



**TOWN OF WESTCLIFFE**

**RESOLUTION NO. 1-2022**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, COLORADO AMENDING THE TOWN OF WESTCLIFFE TOWN HANDBOOK REGARDING THE VACATION AND SICK LEAVE BENEFITS OF TOWN EMPLOYEES**

**WHEREAS**, the state of Colorado has recently passed the Colorado Healthy Families and Workplace Act (HFWA); and

**WHEREAS**, the HFWA affects Section 302 Vacation Benefits and Section 305 Sick Leave Benefits section of the Town Handbook concerning Town Employees; and

**WHEREAS**, the Town has determined it is necessary to address and update these sections to of the Town Handbook to comply with the HFWA; and

**WHEREAS**, the Town finds these changes necessary in maintaining the health, safety, and welfare of Town Employees; and

**WHEREAS**, the Town finds it necessary that these changes be made retroactive with an effective date of January 1, 2022; and

**WHEREAS**, the Town finds it necessary to include the amended terms of Town Employees' Paid Time Off (PTO) benefits in the Town Handbook as appropriate and necessary to the function and operation of the Town.

**NOW THEREFORE, BE IT RESOLVED THAT:**

1. *Section 302 Vacation Benefits* of the Town Handbook is repealed in its entirety and readopted as *Section 302 Paid Time Off* to read as set forth in Exhibit A attached hereto and incorporated herein.
2. *Section 305 Sick Leave Benefits* of the Town Handbook is hereby repealed in its entirety.

READ, PASSED, AND APPROVED THIS 22nd day of February, 2022.

BY: TOWN OF WESTCLIFFE

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Paul Wenke, Mayor

ATTESTED:

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Kathy Reis, Town Clerk

## 302 Paid Time Off

Effective Date:  
January 1, 2022

The Town allows employees to accrue Paid Time Off (PTO). This paid time is for employees to do with as they wish or need. For example, it may be used to take time off for vacation, sickness, family illness, personal matters, or for other reasons.

Obviously, if all time is used as vacation and an illness strikes, nothing will be left to protect an employee's income against unexpected absences. Employees are urged to use PTO to ensure a good personal balance between leisure and those unexpected absences that affect us all.

PTO is provided in an amount of hours and with sufficient pay, for all the same purposes, and under all the same conditions or in excess of the requirements delineated in the Healthy Families and Workplace Act (HFWA) and applicable rules. This includes but is not limited to accrual, use, payment, annual carryover of unused accrued leave, notice and documentation requirements, and anti-retaliation and anti-interference rights. Additional HFWA leave will not be provided if an employee uses all of their available PTO for non-HFWA-qualifying reasons, except when a public health emergency is declared after usage of PTO, requiring supplemental leave.

Regular full-time employees (scheduled for 12 months per year) shall accrue the following amount of PTO on an annual basis, calculated by 12 pay periods per year. PTO accruals shall increase to the next level beginning with the pay period that includes the employee's appropriate anniversary date. The maximum PTO a regular full-time employee may accumulate is three hundred and twenty hours (320). When an employee reaches 320 hours of accrued but unused PTO, the employee will cease to accrue PTO until the employee uses PTO and brings the available amount below the cap of 320 hours. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information). PTO is available for use the month after it is earned.

The amount of PTO employees receives each year increases with the length of their employment as shown in the following schedule:

<u>Years of Service</u>	<u>Monthly Accrual Hours</u>	<u>Annual Accrual Days</u>
1 through 5	16	24
6 through 10	18	27
11 or more	22	33

Part-time and seasonal employees earn one (1) hour of PTO for every 30 hours worked. The maximum PTO a part-time employee may accumulate is one hundred twenty-four (124) hours. When an employee reaches 124 hours of accrued but unused PTO, the employee will cease to accrue PTO until the employee uses PTO and brings the available amount below the cap of 124 hours.

PTO is paid at the employee's base pay rate at the time of absence. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials. PTO is not included in the calculation of overtime.

Upon separation of employment, employees will be paid for unused PTO earned through the last day of work not to exceed the capped amounts, paid out hour-for-hour at the employee's pay rate for the previous year.

Typically, paid time off must be scheduled with and approved by your immediate supervisor. Employees may take PTO in hourly increments. PTO should be scheduled to interfere as little as possible with the normal operation of business and to avoid excessive workloads for other employees during peak periods.

Any employee may use PTO leave earned immediately if an employee or family member:

1. Has a mental or physical illness, injury, or health condition that prevents the employee from working; or
2. Needs preventative care, or to get a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or
3. Needs to care for a family member who has a mental or physical illness, injury, or health condition, or who needs the sort of care listed in item 2 above; or
4. The employee or the employee's family member has been the victim of domestic abuse, sexual assault, or criminal harassment, and needing leave for related medical attention, mental health care or other counseling, victim services (including legal services), or relocation; or
5. Due to a public health emergency, a public official closed either (a) the employee's place of business, or (b) the school or place of care of the employee's child, requiring the employee needing to be absent from work to care for the child.

If the reason for the absence is one of the above, employee should notify their supervisor each day at the beginning of the shift when unable to come to work and let the supervisor know when they expect to return to work. In the event of an unplanned absence of four or more consecutive workdays, medical or legal certification is required. This certification should indicate that the employee was unable to work due to one of the reasons listed above and the length of time this restriction lasted.

As an additional condition of eligibility PTO, an employee on an extended absence of 10 or more days, must apply for any other available compensation and benefits, such as workers' compensation. PTO will be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation. The combination of any such disability payments and PTO benefits cannot exceed the employee's normal weekly earnings.

On the date that a public health emergency affecting the Town is declared, the Town will supplement PTO leave with an additional grant of leave up to combined maximum of 80 hours for full-time employees (prorated for part-time employees). This leave may be used when an employee:

1. Needs to self-isolate due to either being diagnosed with, or having symptoms of, a communicable illness that is the cause of a public health emergency; or
2. Seeks diagnosis, treatment, or care (including preventative care) of such an illness; or
3. Is excluded from work by a government health official, or by an employer, due to the employee having exposure to, or symptoms of, such an illness (whether or not actually diagnosed with the illness); or
4. Is unable to work due to a health condition that may increase susceptibility or risk of such an illness; or
5. Is caring for a child or other family member who is in category 1, 2, or 3, or whose school, child-care provider, or other care provider is either unavailable, closed, or providing remote instruction due to the public health emergency.

Employees must notify the Town of their need for leave as soon as it is practical when the need for leave is foreseeable and the Town's place of business has not been closed. Supplemental leave is granted one time during the entirety of the public health emergency. Unused supplemental leave is forfeited four weeks after the termination or suspension of the public health emergency.

Upon separation of employment, employees will be paid for unused PTO earned through the last day of work not to exceed the capped amounts, paid out hour-for-hour at the employee's pay rate for the previous year.