

**AGENDA
BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
TUESDAY, APRIL 16, 2024
PATTERSON HALL – 1000 MAIN
REGULAR MEETING**

5:30 p.m.

Join by Zoom

Meeting ID: 818 5670 3226

Passcode: 423986

By Phone: 719-359-4580

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 are approved with one motion. There will be a separate discussion of these items if a Board Member or citizen requests. 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. Swear in newly elected officials.
 - b. Appoint Town Officials.
 - c. Discuss the occurrences during April 3rd Planning Commission meeting. Christy Patterson
 - d. High Altitude Garden Club-Thank you. Sally Strom
 - e. Consideration of a request to appoint a representative from the Town to High Country Recycling. Joanie Liebman
 - f. Presentation-US Solar regarding a partnership program. Tim Hilgert.
 - g. Consideration of a request to approve Resolution NO.2-2024 approving a mural at 57600 State Highway 69 South.
 - h. Consideration of a request to add a new chapter to Title 10: Chapter 17 Lodging by recommended by the Planning Commission and direct the attorney to draft the ordinance.
 - i. Update signatories on all bank accounts.
 - j. Executive Session For the purpose of receiving legal advice under C.R.S. Section 24-6-402(4) (b) advice regarding the adoption of the Tiny Home Supplement to the current building code.
 - k. Discuss and consider taking action on the Tiny Home supplement.
8. Additions to the Agenda
9. Staff & Committee Reports
10. Public Comment – Westcliffe citizens or business owners can comment on agenda items only and are limited to three (3) minutes. A request can be made to be placed on a future month’s agenda if they want to address the Board of Trustees on issues related to the Town of Westcliffe.

Adjourn

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
TUESDAY, March 19, 2024
REGULAR MEETING**

-Page 1 -

CALL TO ORDER

Mayor Wenke called the meeting to order at 5:30 P.M.

ROLL CALL

The following members were present: Mayor Wenke, Mr. Mowry, Ms. Lund, Mr. Dembosky, Mr. Nordyke, Mr. Wilhelm, and Mr. Fulton (Zoom).

PLEDGE OF ALLEGIANCE

Mayor Wenke led the Pledge of Allegiance.

OTHERS PRESENT

Caleb Patterson (for Agenda Item H only), Kathy Reis, Erin Christie, Attorney Clay Buchner (Zoom), Deb Adams (Zoom), Cathy Snow (Zoom), Elliot Jackson (Zoom), Lisa Gurian, Deanne Montgomery, Eric Massick, Sarah Fisher, Karen & Chuck Jagow, J. Smith, Illene Squire, Kelsey Kirkwood, Karen Foley, Katie Pierce, Amy Byra, Byron Elliot, Dennis Hagerty, J.D. Henrich, Joe & Nancy Yandrofski, Inge Munden, Martin Young, Courtney Miller, Bianca Trenker, and Marty Newcombs.

TREASURER'S REPORT

	REVENUE RECEIVED	BALANCE OF ACCOUNTS
General Fund Checking:	\$ 58,938.65	\$ 143,149.03
CSafe-GF Core 11:	\$ 4,295.74	\$ 655,166.14
CSafe-3% Tabor Reserve 13:	\$ 209.20	\$ 47,329.36
CSafe-General Fund Reserve-14	\$ 1,722.10	\$ 390,112.16
CSafe-Tennis Ct.-Core-16	\$ 90.22	\$ 20,389.10
Tennis Court Checking:	\$ 0.00	\$ 5,178.70
Municipal Court Checking:	\$ 0.00	\$ 2,407.70
Conservation Trust Fund Checking:	\$ 0.33	\$ 8,316.64
CSafe-CF Core 15	\$ 189.02	\$ 42,815.74
Capital Fund Checking:	\$ 30,625.63	\$ 162,005.98
CSafe-CF Core 12:	\$ 5,935.98	\$ 1,662,766.36

EXPENDITURES FOR FEBRUARY 2024:

GENERAL FUND:	\$	63,289.37
MUNICIPAL COURT:	\$	0.00
TENNIS COURT:	\$	0.00
CONSERVATION TRUST FUND:	\$	0.00
CAPITAL FUND:	\$	43,076.08

APPROVAL OF CONSENT AGENDA

- a. Approval of minutes February 20 2024 regular meeting
- b. Treasurer's Report
- c. Approval of Bills

ACTION: Ms. Lund moved, and Mr. Wilhelm seconded to approve the consent agenda. Motion carried.

BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
TUESDAY, March 19, 2024
REGULAR MEETING

-Page 2 -

OLD BUSINESS

None

NEW BUSINESS

a. Consideration of continuing funding for the Wet Mtn. Valley Rotary Van Service.

Mr. Miller reported on behalf of the Board of the Rotary Van Service. In January 2024 the Upper Arkansas Area Council of Governments canceled their funding to the van service which is why Wet Mountain Rotary is requesting continued funding from the Town.

ACTION: Mr. Mowry moved, and Mr. Wilhelm seconded to continue funding of \$10,000 for 2024 to the Wet Mountain Valley Rotary Van Service.
Motion carried.

b. Consideration of selling or gifting to Sangre de Cristo Fellowship the open space between lots 11 and 12 Adams Filing Addition Filing #2 owned to Sangre de Cristo Fellowship.

Mr. Henrich reported that additional parking is needed, but they cannot expand the current lot anywhere other than North West because of property setbacks, which is why they are requesting the open space. Mayor Wenke reported that Round Mountain Water & Sanitation already has water and sewer mains under the property in question, so there would need to be a deed restriction that the property only be used for parking. In addition, it would need to go out to bid first. Mr. Wilhelm recommended that Mr. Henrich should consult with Dave Schneider at Round Mountain.

This agenda item will be tabled until Round Mountain Water & Sanitation has been consulted, and the project goes to bid.

c. Consideration of a request to approve a Modification of Premises for Zita's liquor license.

Mr. Yandrofski, the owner of Zita's, reported that they are seeking to modify the building located at 106 North 3rd Street to expand to provide more indoor seating. The target date for completion is Memorial Day 2024.

ACTION: Ms. Lund moved, and Mr. Mowry seconded to approve the modification of premises for Zita's liquor license. Motion carried.

d. PUBLIC HEARING for a Beer and Wine liquor license at 116 N. 2nd for Social Feedstore Limited.

Mr. Elliot, the owner of the Social Feedstore Limited, reported that they are planning on using the building located at 116 North 2nd Street to create a social club environment that promotes patron interaction by providing activities such as board games, trivia nights, and music events. Beer, wine, and prepared pub food will be offered. The current brewpub liquor license has been surrendered, and they are seeking a beer and wine liquor license.

Ms. Reis reported that the application has been approved by Attorney Buchner and the fingerprints for the owners have already been processed. The application now goes to the State for approval which should take a few weeks.

There was no public comment.

NEW BUSINESS CON'T.

- e. **Consideration of a request to approve a Beer and Wine liquor license at 116 N. 2nd for B. Social Feedstore Limited.**

ACTION: Ms. Lund moved, and Mr. Dembosky seconded to approve a Beer and Wine Liquor License at 116 N. 2nd for B. Social Feedstore Limited. Motion carried.

- f. **Consideration of a request to adopt a Sexual Assault Awareness Month Proclamation – Sarah Fisher.**

Ms. Fisher, who works at Family Crisis Center in Canon City, reported that April is Sexual Assault Awareness Month and requests that the Town approve a proclamation as a sign of support. She reported that Family Crisis Center provides services such as education, shelters, legal advocacy, and a 24-hour hotline (719-275-2429).

Mayor Wenke read, approved, and signed the Sexual Assault Awareness Month Proclamation.

ACTION: Mr. Wilhelm moved, and Mr. Nordyke seconded to adopt a Sexual Assault Awareness Month of April 2024 Proclamation. Motion carried.

- g. **Review and discuss the proposed Conservation Easement at the Bluff Park- Colorado Open Lands.**

On behalf of Colorado Open Lands, Ms. Foley reported on the status of the Bluff Park conservation easement. Mayor Wenke expressed concern that the agreement included a community garden at Bluff Park and he does not think that is an appropriate location for one because of the maintenance and upkeep. Ms. Foley clarified that the community garden language is only discretionary, it does not mean that a garden must be placed there, it would just allow one in the future if the Town wanted a garden.

The Board will review the information after the final agreement is drafted and approval will be put on a future agenda.

- h. **Consideration of awarding the bid for Jess Price Memorial Park.**

Mr. Patterson reported that after the committee reviewed three bids, Timberline Building Systems was awarded the bid for a total of \$517,421.37. A Notice to Proceed will be issued on Monday, March 25th with the project to begin in April 2024.

ACTION: Mr. Dembosky moved, and Mr. Mowry seconded to approve awarding the bid for Jess Price Memorial Park to Timberline Building Systems. Motion carried.

- i. **Consideration of approving the Deputy Clerk job description.**

Ms. Christie reported that the job description was created by using language from previous job postings and the list of duties that the current Deputy Clerk provided. Upon approval, the job will be posted on the Town's website, in the Tribune, and on Indeed with a goal of starting the new hire to begin on May 1, 2024.

ACTION: Mr. Mowry moved, and Mr. Dembosky seconded to approve the Deputy Clerk job description. Motion carried.

NEW BUSINESS CON'T.

- j. Consideration of a request to approve Ord. 2-2024 amend Title 10, Chapter 4, Section 3 Outdoor Lighting.

Mayor Wenke wants to table this agenda item to discuss it in a workshop.

ACTION: Mr. Mowry moved, and Mr. Dembosky seconded to table the issue of approving Ord. 2-2024 amend Title 10, Chapter 4, Section 3 Outdoor Lighting for discussion in a workshop.
Motion carried.

- k. Consideration of request to approve Resolution 2-2024 declaring Town of Westcliffe a Non-Sanctuary Town.

Mr. Mowry wants to table this agenda item to discuss in a workshop.

ACTION: Mr. Dembosky moved, and Mr. Nordyke seconded to table the issue of approving Resolution 2-2024 declaring Town of Westcliffe a Non-Sanctuary Town. Motion carried.

- l. Executive Session for the purpose of receiving legal advice under C.R.S. Section 24-6-402(4) (b) advice regarding the adoption of the Tiny Home Supplement to the current building code.

This agenda item will be tabled for a future Board of Trustees Meeting when Mr. Patterson can attend.

- m. Discuss and consider taking action on the Tiny Home supplement.

This agenda item will be tabled for a future Board of Trustees Meeting when Mr. Patterson can attend.

STAFF & COMMITTEE REPORTS

None.

Mr. Nordyke, and Mr. Wilhelm seconded to adjourn. Motion carried.

ADJOURN

Recorded by:
Erin Christie
Deputy Town Clerk

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
THURSDAY, JANUARY 18, 2024
SPECIAL MEETING
-Page 1 -**

CALL TO ORDER

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

ROLL CALL

The following members were present: Mayor Pro-Tem Mowry, Ms. Lund, Mr. Fulton, Mr. Wilhelm, and Mr. Dembosky

ABSENT: Mayor Wenke, and Mr. Nordyke

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Mowry led the Pledge of Allegiance.

OTHERS PRESENT

Caleb Patterson, Kathy Reis, and Clay Buckner

ORDER OF BUSINESS

a. Discuss and consider a land swap or gifting a portion of Town-owned property.

Town Manager Patterson explained there is a portion of the United Business Banks parking lot is Town property. This was discovered by Colorado Open Lands in the Title search they did in preparation for amending the Conservation Easement to include Summit Park. This needs to be cleaned up prior to that process.

There are two options which both will require the Town to pay for a survey. Option one would be to do a land swap or gift it back to United Business Bank. Attorney Buckner explained it would be a corrective transfer of property.

After more discussion the board agreed the corrected transfer would be the best option. The board directed Manager Patterson to have the survey completed and directed Attorney Buckner to proceed with the paperwork.

ACTION: **Ms. Lund** moved, and **Mr. Wilhelm** seconded to contract services for the survey of the property that is currently used by the bank that is on Town property and then execute a corrective transfer of the property to the bank pending the outcome of the survey.
Motion carried.

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
THURSDAY, JANUARY 18, 2024
SPECIAL MEETING**

-Page 2 -

Mr. Fulton moved, and **Mr. Wilhelm** seconded to adjourn. Motion carried.

ADJOURN

Recorded by:
Kathy Reis, CMC
Town Clerk

REVENUES RECEIVED IN MARCH 2024

GENERAL FUND

Cash		
Dutch Pantry & Deli, LLC	2024 Business License Renwal	25.00
Credit Card		
Sangres Art Guild	Special Event Liquor Permit	140.00
Breanna Gasper	2024 Business License Renewal	25.00
Christopher England	Solarise Solar Building Permit	680.00
Amanda Ceser - The Ruby Bear	2024 Business License Renewal	25.00
Checks		
Ravens LLC	2024 Business License Renewal and late fee	50.00
Ravens Off Main LLC	2024 Business License Renewal and late fee	50.00
Westcliffe Cabins, LLC	2024 New Business License	40.00
3 Pillars Law, PLLC	2024 Liquor License Application Fee for the Social Feedstore L	1,098.75
Coast of Colorado Speciality Food, Inc.	2024 Transient Merchant License Renewal	200.00
Custer County	Clerk Fee Sales Tax	48.33
Gary Taylor	Summit Park Usage Fee 9/14/24	25.00
Gary Taylor	Damage Deposit - Summit Park Rental 9/14/24	100.00
Jerry Peters	Variance Application	300.00
Frontier Fence LLC	Fence Permit #F240319-1 for 20 Quartz Ct.	100.00
Black Hills Energy	Franchise Fee	3,471.07
Custer County Treasurer	Clerk Fees Sales Tax	48.33
Custer County Treasurer		34,807.70
	MHC - Current Taxes MH	19.77
	PPC - Current Personal Property	306.49
	RBC - Current Road & Bridge	12,710.49
	RLC - Current Tax	21,297.89
	SAC - Current State Assessed	441.02
	SOA - Specific Ownership A	167.24
	SOB - Specific Ownership B	560.32
	TFC - Treasurer Fee	- 695.52
United Business Bank	Interest	14.31
State of Colorado	CIG Tax	186.53
State of Colorado	2% Sales Tax	60,846.07
State of Colorado	Highway Users Tax	2,815.67
GENERAL FUND CHECKING REVENUE RECEIVED IN MARCH 2024		\$105,096.76

Csafe-GF Core-11	Interest	3,079.76
Csafe-3% Tabor Reserve-13	Interest	222.74
Csafe-GF Reserve-14	Interest	1,833.86
Csafe-GF Reserve-16	Interest	96.10

TENNIS COURT PROJECT CHECKING

TENNIS COURT PROJECT CHECKING REVENUE RECEIVED IN MARCH 2024		\$0.00

MUNICIPAL COURT CHECKING REVENUE RECEIVED IN MARCH 2024		\$0.00

REVENUES RECEIVED IN MARCH 2024

CONSERVATION TRUST FUND		
United Busines Bank	Interest	1702.78
United Busines Bank	1st qtr Lottery Income	1,702.37
CONSERVATION TRUST FUND REVENUE RECEIVED IN MARCH 2024		\$3,405.15

Csafe-CF Core 15	Interest	\$201.44
------------------	----------	-----------------

CAPITAL FUND		
United Business Bank	Interest Capital Fund Checking	13.33
State of Colorado (Town of Westcliffe)	1% Sales Tax	30,423.03
Verizon Wireless	Lease Payment	1,000.00
Custer County Treasurer	Clerk Fees Sales Tax-1%	24.17
CAPITAL FUND CHECKING REVENUE RECEIVED IN MARCH 2024		\$31,460.53

Csafe-CF Core 12	Interest	\$7,816.06
------------------	----------	-------------------

BALANCE IN ALL FUND ACCOUNTS

GENERAL FUND CHECKING		\$179,596.61
Csafe-GF Core-11		\$658,245.90
Csafe-3% Tabor Reserve-13		\$47,552.10
Csafe-GF Reserve-14		\$391,946.02
Csafe-GF Reserve-16		\$20,485.20
TENNIS COURT PROJECT CHECKING		\$5,178.70
MUNICIPAL COURT CHECKING		\$2,407.70

TOTAL GENERAL FUND ACCOUNTS \$1,305,412.23

CONSERVATION TRUST FUND CHECKING		\$10,019.42
Csafe-CF Core 15		\$43,017.18

TOTAL CONSERVATION TRUST FUND ACCOUNTS

CAPITAL FUND CHECKING		\$174,858.25
Csafe-CF Core 12		\$1,670,582.42

TOTAL ALL CAPITAL FUND ACCOUNTS \$1,845,440.67**CASH BALANCE OF ALL FUND ACCOUNTS****\$3,193,870.08**

NOTE: 1% Sales tax of \$30,423.03 plus Clerk Treasurer's Fee of \$24.17 was transferred to the Capital Fund from the General Fund.

GENERAL FUND

Black Hills Energy	Lights/Electric	1,790.44
Brush Hollow Creek Construction	Window Replacement - Shop	4,047.27
Buchner, Clayton, Attorney at Law	Attorney Fees	478.50
Card Services	Office Supplies	641.68
CarQuest Auto Parts	Vehicle Maint./Repairs	120.11
CenturyLink	Phone/Elevator	49.86
Crestone Graphics	Office Supplies - Envelopes	205.70
Colorado Interactive LLC (NIC)	Feb. Business License refund (Wade Gately)	40.00
Custer County Rd. & Bridge	Street Maint.& Fuel	303.39
ERB Element	Communication Services	3,000.00
Grainger	Vehicle Maint./Supplies	124.55
Hilltop Broadband	Internet	255.45
Humane Society of Fremont County	Impound Services	319.53
Lowe's Pay and Save, Inc.	Supplies - Water	6.98
Norup Gas	Propane	1,170.87
Norup Gas	Propane	604.77
ODP Business Solutions LLC	Office Supplies	193.77
Rock Parts Company	Vehicle Maint./ Parts	3,127.29
Round Mtn. Water & Sanitation District	Water & Sewer	877.80
Rusler Implement Co.	Vehicle Maint./Supplies	288.65
State of Colorado	Town Hall Maintenance -Elevator Certificate	30.00
Valley Ace Hardware	Supplies	1,483.44
Wet Mtn Tribune	Publishing	445.84
White Bros Custom	Boiler Repair Town Hall	250.00
Xerox Corporation	Meter Read/Lease Payment	180.71

Payroll Expenses

CEBT	Employer/Health Ins.	1,896.76
CEBT	Employee/Health Ins.	569.60
Colo. Dept. of Revenue	1st Qtr SWT	3,301.00
Colo. State Treasurer	1st Qtr SUTA	204.49
EFTPS	November Payroll Taxes	8,344.90
GWRS	Employee Share Retirement Fund (ACH)	3,612.37
GWRS	Employer Share Retirement Fund (ACH)	1,063.46

BILLS TO DATE	\$39,029.18
MARCH 2024 PAYROLL	\$25,856.24
TOTAL GENERAL FUND EXPENDITURES FOR MARCH 2024	\$64,885.42

CAPITAL FUND

Ayres Associates Inc.	CDOT SA# 23660 ROW Phase	6,005.20
Ayres Associates Inc.	Engineering - Powell Ave. Sidewalk Phase 1 De	11,000.00
Ayres Associates Inc.	CDOT SA# 23660 ROW Design Phase	1,194.00
Deere Financial	Lease Payment	930.74
TOTAL CAPITAL FUND EXPENDITURES FOR MARCH 2024	\$19,129.94	

The undersigned acknowledges that the above listed invoices were presented for review.

General Fund Profit & Loss Budget Performance

	Mar 24	Budget	Jan - Mar 24	YTD Budget	Annual Budget
Income					
7000 · General Property Taxes	22,065.17	5,617.08	22,679.58	16,851.28	67,405.00
7050 · Specific Ownership Taxes	727.56	666.66	2,018.98	2,000.06	8,000.00
7100 · Town Sales Taxes	60,944.40	76,721.70	181,124.14	230,165.15	920,660.45
7101 · Town Sales Tax License	325.00	416.66	3,893.75	1,250.06	5,000.00
7106 · Penalties & Int-Delinquent Tax	0.00	16.66	0.00	50.06	200.00
7115 · Franchise Fee	3,471.07	2,916.66	10,557.24	8,750.06	35,000.00
7125 · Building & Zoning Permits	980.00	3,333.33	3,707.00	10,000.03	40,000.00
7126 · Fence & Sign Permits	100.00	150.00	100.00	450.00	1,800.00
7127 · Special Use By Review Permits	0.00	50.00	0.00	150.00	600.00
7130 · Traffic Fines & Ordinances	0.00	8.33	25.00	25.03	100.00
7140 · Liquor Licenses/Special Events	1,238.75	125.00	1,503.75	375.00	1,500.00
7148 · Disposable Bag Fee	0.00	0.00	1,032.40	0.00	0.00
7150 · Cigarette Tax	186.53	166.66	623.60	500.06	2,000.00
7160 · Interest Income	5,246.77	9,282.92	18,978.52	27,848.72	111,395.00
7165 · Miscellaneous Income	0.00	83.33	1,675.22	250.03	1,000.00
7200 · Highway Users Tax	2,815.67	2,584.25	7,843.30	7,752.75	31,011.00
7205 · Road & Bridge Funds	12,710.49	3,027.22	12,861.84	9,081.64	36,326.62
7300 · Tennis Court Donation Fund	0.00	8.33	0.00	25.03	100.00
7305 · Events Center-Rental Fees	0.00	258.33	0.00	775.03	3,100.00
7310 · Bluff Site Maint. Fee	0.00	0.00	3,318.94	0.00	0.00
7315 · Park Usage Fee	25.00	133.33	775.00	400.03	1,600.00
7845 · Federal Grant	0.00	16.66	0.00	50.06	200.00
Total Income	110,836.41	105,583.11	272,718.26	316,750.08	1,266,998.07
Gross Profit	110,836.41	105,583.11	272,718.26	316,750.08	1,266,998.07
Expense					
8000 · Trustees	144.60	333.33	236.61	1,000.03	4,000.00
8005 · Ordinances & Procedures	945.03	500.00	1,682.91	1,500.00	6,000.00
8010 · Colo. Muni League Dues	0.00	77.08	0.00	231.28	925.00
8015 · Elections	667.00	175.00	1,011.70	525.00	2,100.00
8020 · General Accounting	0.00	100.00	3,498.99	300.00	1,200.00
8025 · Auditing	0.00	816.66	0.00	2,450.06	9,800.00
8030 · Attorney	3,385.50	2,000.00	3,385.50	6,000.00	24,000.00
8035 · Insurance - General	0.00	1,329.50	15,965.87	3,988.50	15,954.00
8040 · Workman's Compensation	0.00	516.66	6,868.00	1,550.06	6,200.00
8050 · Colorado State Unemployment	70.77	86.25	204.51	258.77	1,035.02
8100 · Town's Share FICA	2,193.47	1,782.54	6,339.34	5,347.56	21,390.42
8110 · Town's Share MEDI	512.98	416.88	1,482.59	1,250.68	5,002.60
8115 · Town Share Health Insurance	4,108.15	3,735.83	8,229.84	11,207.53	44,830.00
8120 · Town Share Retirement Fund	1,077.13	1,725.03	3,213.39	5,175.13	20,700.40
8200 · Clerk/Treasurer Wages	5,166.67	4,611.37	15,500.01	13,834.07	55,336.40
8205 · Deputy Clerk	11,807.91	9,345.67	29,364.08	28,036.97	112,148.00
8208 · Communications Manager	6,000.00	3,000.00	9,000.00	9,000.00	36,000.00
8210 · Clerk Education	0.00	83.33	274.76	250.03	1,000.00
8215 · Office Supplies	507.14	150.00	1,616.88	450.00	1,800.00
8220 · Town Manager Wages	5,500.00	5,500.00	16,500.00	16,500.00	66,000.00
8225 · Manager/Bldg/Zoning Education	1,163.09	166.67	1,163.09	499.97	2,000.00
8235 · Building Inspector	949.64	3,012.53	3,538.57	9,037.63	36,150.40
8240 · County Treasurer's Fees	695.52	166.67	710.83	499.97	2,000.00

General Fund Profit & Loss Budget Performance

	<u>Mar 24</u>	<u>Budget</u>	<u>Jan - Mar 24</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
8300 · Town Hall Maintenance	6,763.96	416.67	8,945.36	1,249.97	5,000.00
8308 · Town Hall Utilities	1,470.79	708.33	2,382.01	2,125.03	8,500.00
8310 · Lease Equipment	0.00	14.00	0.00	42.00	168.00
8315 · Lease Principal	0.00	90.94	0.00	272.76	1,091.22
8316 · Lease Interest	0.00	15.57	0.00	46.65	186.78
8405 · Animal Control	780.42	43.75	780.42	131.25	525.00
8410 · Organizational Membership Du...	0.00	75.00	0.00	225.00	900.00
8505 · Townman Education	0.00	166.67	0.00	499.97	2,000.00
8508 · Street & Park Supervisor	0.00	4,959.89	0.00	14,879.69	59,518.70
8510 · Street and Park Tech Wages	12,523.88	10,439.30	39,053.47	31,317.90	125,271.60
8515 · Street Maintenance & Fuel	1,675.00	4,750.00	3,987.64	14,250.00	57,000.00
8520 · Emergency Snow Removal	0.00	2,500.00	0.00	7,500.00	30,000.00
8525 · Street Lighting	2,295.62	1,250.00	3,452.57	3,750.00	15,000.00
8530 · Vehicle & Equip. Maintenance	6,146.39	2,083.33	7,443.95	6,250.03	25,000.00
8538 · Shop Maintenance	5,509.38	833.33	6,000.03	2,500.03	10,000.00
8540 · Shop Utilities	1,124.15	583.33	1,970.61	1,750.03	7,000.00
8545 · Highway Barn Utilities	988.66	583.33	1,638.89	1,750.03	7,000.00
8550 · Highway Barn Maint.	0.00	166.67	0.00	499.97	2,000.00
8600 · Park Utilities	1,885.42	1,666.67	2,891.10	4,999.97	20,000.00
8605 · Park Maintenance	1,301.59	5,000.00	2,938.59	15,000.00	60,000.00
8700 · Custer County Sheriff	0.00	5,179.17	0.00	15,537.47	62,150.00
8800 · Donations	0.00	2,383.33	569.02	7,150.03	28,600.00
8805 · Grants/Local	0.00	2,083.33	0.00	6,250.03	25,000.00
8806 · American Rescue Plan Expenses	0.00	9,668.19	0.00	29,004.57	116,018.28
8807 · Marketing	650.00	1,250.00	1,139.00	3,750.00	15,000.00
8810 · Contingencies	0.00	1,666.67	0.00	4,999.97	20,000.00
8811 · Contribution to/fromCapital Fun	0.00	38,333.33	460,000.00	115,000.03	460,000.00
Total Expense	88,009.86	136,541.80	672,980.13	409,625.62	1,638,501.82
Net Income	22,826.55	-30,958.69	-400,261.87	-92,875.54	-371,503.75

TOWN OF WESTCLIFFE
Capital Fund Profit & Loss Budget Performance
March 2024

	Mar 24	Budget	Jan - Mar 24	YTD Budget	Annual Budget
Income					
CRF7160 · Interest Income	7,829.39	4,666.67	19,437.96	13,999.97	56,000.00
CRF7212 · Grant (New Town Property)	0.00	20,833.33	0.00	62,500.03	250,000.00
CRF7220 · Grants (New) RW	0.00	178,327.50	0.00	534,982.50	2,139,930.00
CRF7223 · CDOT Grants (Existing) RW	4,888.40	0.00	13,180.54	0.00	0.00
CRF7270 · Lease Proceeds Verizon Tower	1,000.00	1,000.00	2,000.00	3,000.00	12,000.00
CRF7285 · 1% Sales Tax from General Fu...	30,447.20	38,381.25	90,462.07	115,143.75	460,575.00
CRF7810 · Transfers From General Fund	0.00	38,333.37	0.00	114,999.67	460,000.00
Total Income	44,164.99	281,542.12	125,080.57	844,625.92	3,378,505.00
Expense					
CRF9011 · CIP Roadway (Existing)	0.00	25,833.33	0.00	77,500.03	310,000.00
CRF9012 · CIP Town Property (Existing)	0.00	33,750.00	9,782.00	101,250.00	405,000.00
CRF9014 · Equipment Debt Service	1,861.48	930.75	3,722.96	2,792.25	11,169.00
CRF9025 · CIP Roadway (New)	0.00	189,660.87	0.00	568,982.17	2,275,930.00
CRF9026 · CIP-Town Property (New)	0.00	23,958.33	0.00	71,875.03	287,500.00
CRF9027 · CIP-Equipment (New)	2,965.92	4,416.67	32,105.92	13,249.97	53,000.00
CRF9101 · Improvements-Design	20,399.20	3,750.00	39,368.60	11,250.00	45,000.00
Total Expense	25,226.60	282,299.95	84,979.48	846,899.45	3,387,599.00
Net Income	18,938.39	-757.83	40,101.09	-2,273.53	-9,094.00

Town of Westcliffe
CTF Profit & Loss Budget Performance
March 2024

	<u>Mar 24</u>	<u>Budget</u>	<u>Jan - Mar 24</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Income					
7000 · State Lottery Income	1,702.37	458.33	1,702.37	1,375.03	5,500.00
7050 · Interest Income	201.85	6.83	592.71	20.53	82.00
Total Income	<u>1,904.22</u>	<u>465.16</u>	<u>2,295.08</u>	<u>1,395.56</u>	<u>5,582.00</u>
Gross Profit	1,904.22	465.16	2,295.08	1,395.56	5,582.00
Expense					
9001 · Capital Outlay	0.00	4,166.66	0.00	12,500.06	50,000.00
Total Expense	<u>0.00</u>	<u>4,166.66</u>	<u>0.00</u>	<u>12,500.06</u>	<u>50,000.00</u>
Net Income	<u>1,904.22</u>	<u>-3,701.50</u>	<u>2,295.08</u>	<u>-11,104.50</u>	<u>-44,418.00</u>

2024 SALES TAX & PRIOR YEARS COMPARISONS

	2020	2021	2022	2022	2022	2023	2023	2023	2023	2024	2024	2024	2024	% +/-
		3% total	2% of total (General Fund)	1% of total (Capital Fund)	3% Total Sales Tax	2% of total (General Fund)	1% of total (Capital Fund)	3% Total Sales Tax	2% of total (General Fund)	1% of total (Capital Fund)	3% Total Sales Tax	2% of total (General Fund)	1% of total (Capital Fund)	
<u>JAN</u>	34,234.63	69,693.17	52,130.67	26,065.34	78,196.01	56,099.57	28,049.78	84,149.35	60,846.07	30,423.03	91,269.10	60,846.07	30,423.03	8.46%
		150.80				9.67	4.83	14.50	48.33	24.17	72.50	48.33	24.17	
<u>FEB</u>	32,835.27	62,025.70	47,263.31	23,631.66	70,894.97	54,313.68	27,136.84	81,470.52	49,944.13	24,972.07	74,916.20	49,944.13	24,972.07	-8.05%
		232.01				29.00	14.50	43.50						
<u>MAR</u>	51,033.37	88,768.43	62,836.37	31,418.18	94,254.55	66,060.05	33,030.03	99,090.08						-100.00%
		15.95												
<u>APR</u>	46,184.28	77,315.01	63,620.32	31,810.16	95,430.48	58,872.59	29,436.30	88,308.89						-100.00%
						106.34	53.17	159.51						
<u>MAY</u>	51,540.56	101,149.31	65,844.72	32,921.39	98,764.18	74,702.82	37,351.37	112,054.19						-100.00%
<u>JUNE</u>	69,361.40	121,572.25	87,594.31	43,797.16	131,391.47	90,134.77	45,067.39	135,202.16						-100.00%
						145.00	72.50	217.50						
	2% of total (General Fund)													% +/-
<u>JULY</u>	65,272.29	117,054.99	88,247.65	44,123.83	132,371.48	87,355.27	43,677.64	131,032.91						-100.00%
		130.50												
<u>AUG.</u>	59,524.79	88,928.52	85,806.99	42,903.49	128,710.48	82,683.95	41,341.97	124,025.92						-100.00%
						174.00	87.00	261.00						
<u>SEPT.</u>	79,591.87	118,962.80	99,847.81	49,923.90	149,771.71	88,920.30	44,460.15	133,380.45						-100.00%
						87.00	43.50	130.50						
<u>OCT.</u>	58,001.14	99,222.56	70,957.73	35,478.87	106,436.60	71,952.51	35,976.25	107,928.76						-100.00%
	74.43					7.73	3.87	11.60						
<u>NOV.</u>	52,631.93	92,901.48	69,942.02	34,971.01	104,913.03	70,581.29	35,290.64	105,871.93						-100.00%
	44.47	7.25												
<u>DEC.</u>	66,270.58	101,609.63	71,268.61	35,634.30	106,801.41	49,448.45	24,724.23	74,172.68						-100.00%
TOTAL	547,579.60	845,999.44	865,360.51	432,679.29	1,237,258.96	851,683.99	425,841.96	1,656,343.37	110,838.53	55,419.27	1,662,578.80	110,838.53	55,419.27	0.38%

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

Office of the Town Clerk
P.O. Box 406
Westcliffe, CO. 81252
townclerk@townofwestcliffe.com
719-783-2282



 X **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 (10) 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: Christy Patterson

Organization, if speaking on behalf of a group:

Is this a request for Board action? Yes No X

Please provide a summary of your comments:

 I would like to discuss things that occurred in the Planning Commission meeting

 on 4/3/2024.

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

 Kathy Reis - I asked about making a public comment and she told me that you can only comment

 about agenda items. I then asked for the form to be placed on the agenda.

Contact information:

Name: Christy Patterson

Mailing Address: PO Box 792
Westcliffe, CO 81252

email: cristinalynnpatterson@gmail.com

Daytime Phone: 719-371-4928

Recd: 3/6/24
MS

For: April 16, 2024



TOWN OF WESTCLIFFE
REQUEST TO BE PLACED ON AGENDA

Office of the Town Clerk
P.O. Box 406
Westcliffe, CO. 81252
townclerk@townofwestcliffe.com
719-783-2282

Westcliffe Town Board Board of Adjustments

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 (10) 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 third Tuesday of each month.)

Name of person making presentation: Sally Strom, ^{President} High Altitude Garden Club

Organization, if speaking on behalf of a group: High Altitude Garden Club

Is this a request for Board action? Yes No

Please provide a summary of your comments:

"Thank You"

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

Wanda + Katty

Contact information:

Name: Sally Strom
Mailing Address: ~~Winn Road~~ PO Box 55
Westcliffe, CO 81252
email: highaltitudegc@gmail.com
Daytime Phone: 719-783-3327

e

TOWN OF WESTCLIFFE
REQUEST TO BE PLACED ON AGENDA

Office of the Town Clerk
P.O. Box 406
Westcliffe, CO. 81252
townclerk@townofwestcliffe.com
719-783-2282

Westcliffe Town Board Board of Adjustments
 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 (10) 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 third Tuesday of each month.)

Name of person making presentation: Joanie Liebman
Organization, if speaking on behalf of a group: High Country Recycling

Is this a request for Board action? Yes No

Please provide a summary of your comments:
A westcliffe representative to sit on
our board of directors.

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

Contact information:
Name: Joanie Liebman
Mailing Address: PO Box 1463
Westcliffe, CO 81252
email: joanieliebman@gmail.com
Daytime Phone: 719-371-0005

CF

TOWN OF WESTCLIFFE REQUEST TO BE PLACED ON AGENDA

Office of the Town Clerk
P.O. Box 406
Westcliffe, CO. 81252
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 (10) 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: Tim Hilgert

Organization, if speaking on behalf of a group: US Solar

Is this a request for Board action? Yes No

Please provide a summary of your comments:

I spoke with Caleb Patterson regarding a partnership program US Solar has established to
to partner with towns to help educate and create awareness for their residents of the availability
of participating in Community Solar. This is a state mandated program working in conjunction with
BHE designed to transition to more renewable energy and have a guaranteed savings on their BHE bill

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

Caleb Patterson- I introduced this partnership program that we created to work with towns in educating
their residents about this program and creating special benefits for your residents as well as the town

He believed that it sounded like a good program and wanted me to share with the Council

Contact information:

Name: Tim Hilgert

Mailing Address: 1800 Wazee St Suite 300
Denver, CO 80202

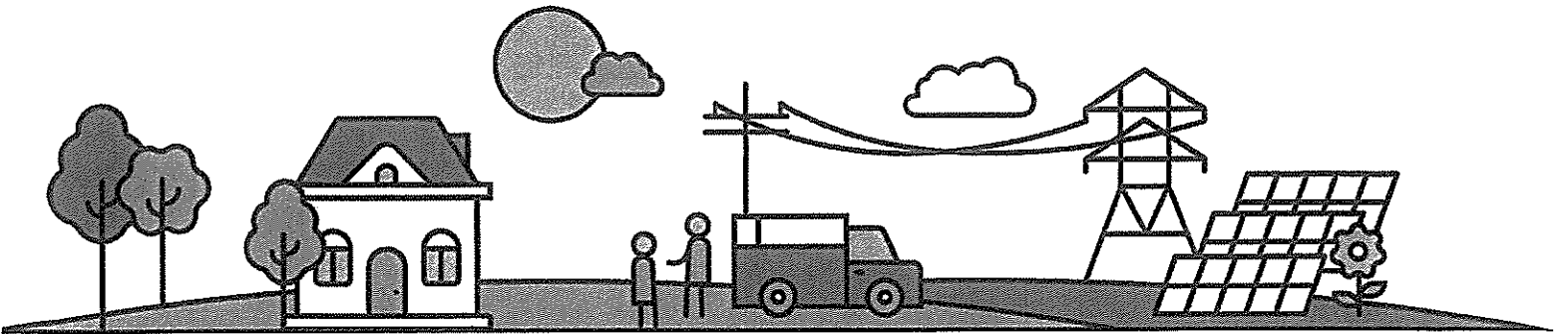
email: tim.hilgert@us-solar.com

Daytime Phone: 720-261-5645



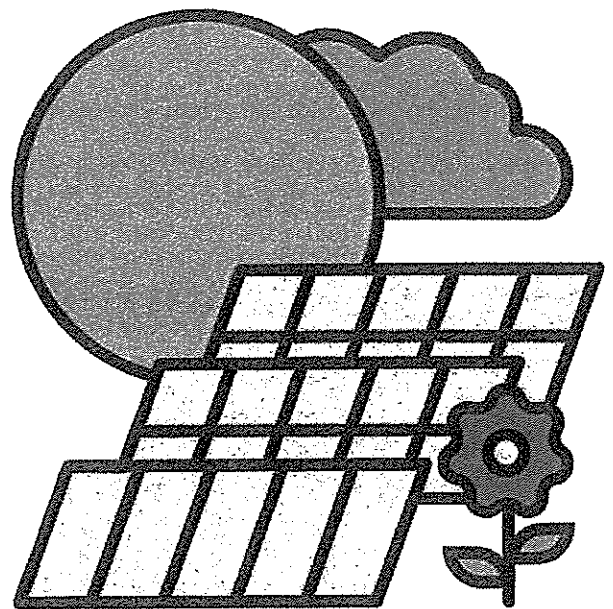
Sunthing for Everyone

We want to help every individual, every business, and every home, find its place in the sun. So, whether you are motivated by your environmental impact, the desire for energy independence, or your pocketbook - a Sunscription does sunthing for everyone.



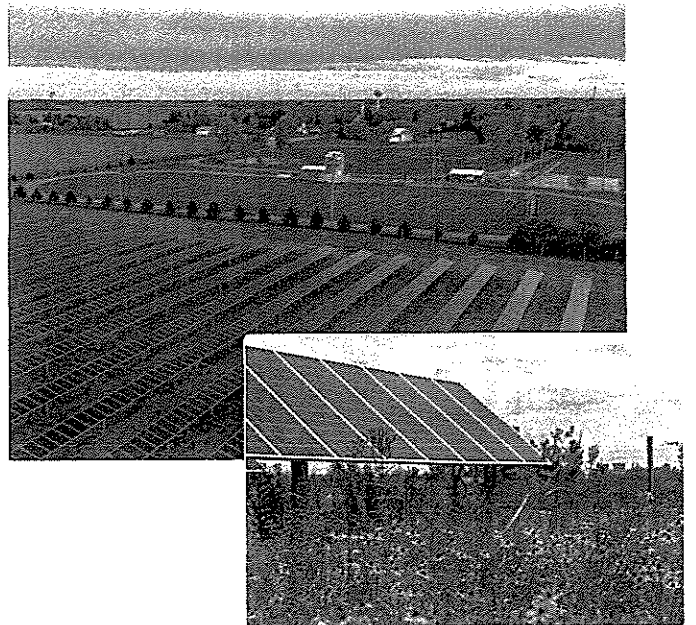
Putting the Community in Community Solar.

Together, we can support local non-profits, help community members save money and build a cleaner electric grid.



Community Solar Basics

- A Community Solar Garden is a large array of solar panels that make clean energy for the electric grid. Solar Gardens can be many acres wide.
- Energy from the Solar Garden reduces the need to make energy at power plants, which combust fossil fuels like coal.
- Constituents join Solar Gardens to support clean energy and save. This does not mean that their home will "run" on clean energy, but they can support solar without panels on their roof.

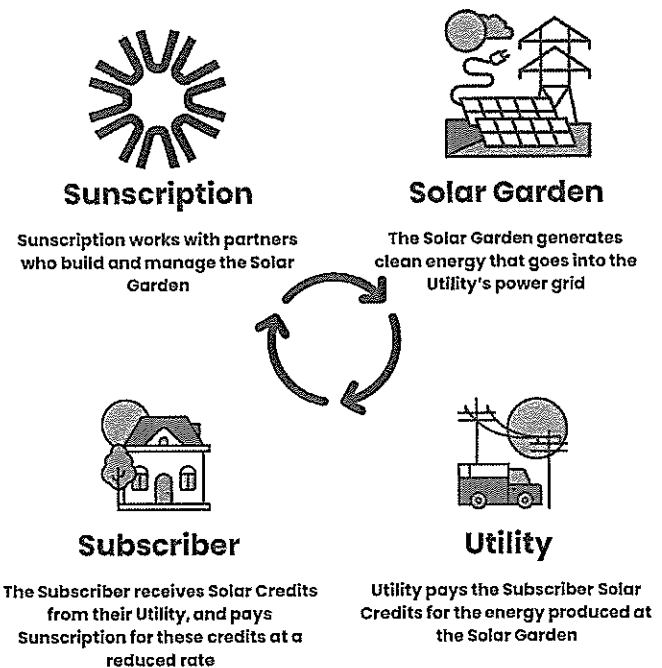


How it Works

Support Clean Energy and Save

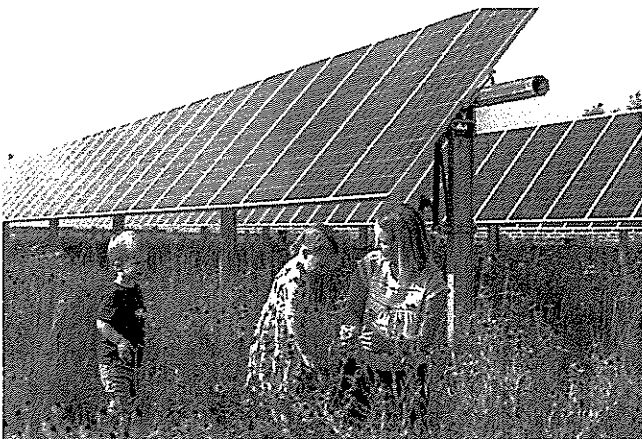
When you subscribe to a Solar Garden, your utility (Xcel/BHE) puts Solar Credits on your electric bill based on the production of the Solar Garden. Solar Credits reduce the amount you owe on your electric bill. You pay a lesser amount to Sunsubscription for the Solar Credits you receive, saving you money. The difference between your Solar Credits and your payment to Sunsubscription is your savings.

- +\$\$\$\$** Receive Solar Credits on your electric bill
- \$-\$** Pay Sunsubscription for your Solar Credits
- +\$** **Save the difference**



Community Solar in Colorado

Colorado has ambitious clean energy goals, striving to reach 100% clean electricity by 2040 with an interim plan of 80% by 2030.



2010 – Colorado passed the Community Solar Gardens Act.

2016 – Expanded Community Solar legislation with Xcel Energy.

2023– Sunsubscription is subscribing 14 Solar Gardens in Colorado.



Trusted Partners, big and small.

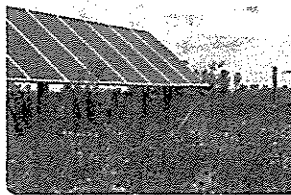
We're proud to serve over 100 unique organizations, cities, and more.



June 21, 2022

3 min read

T-Mobile, US Solar Partner on 14 Community Solar Gardens in Minnesota



June 11, 2019

3 min read

Walmart, US Solar Announce Agreement for 36 Community Solar Gardens



October 5, 2021

3 min read

US Solar has been named the #1 Developer in Minnesota by Solar Power World

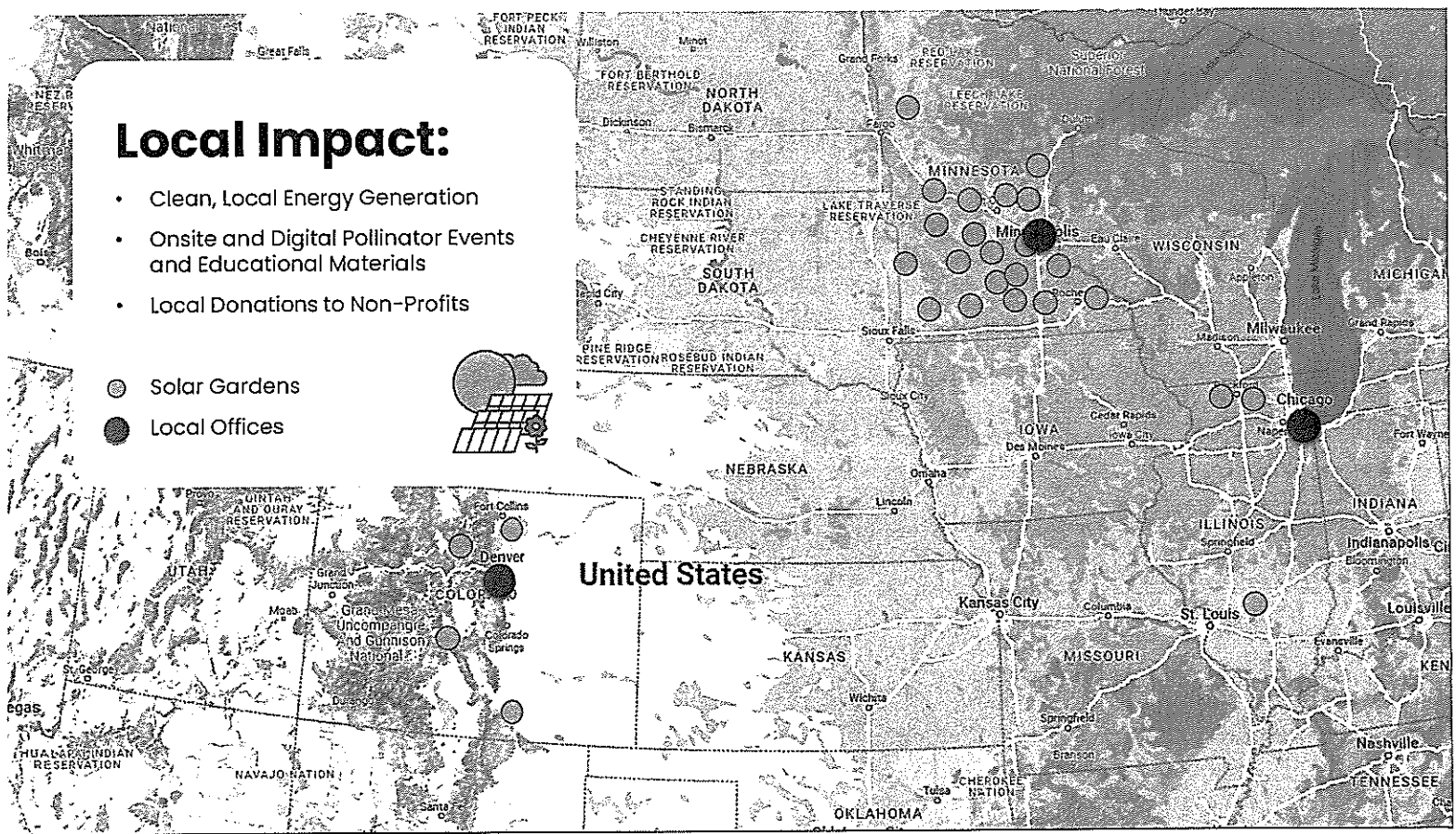
Local Impact:

- Clean, Local Energy Generation
- Onsite and Digital Pollinator Events and Educational Materials
- Local Donations to Non-Profits

- Solar Gardens
- Local Offices



United States





The Impact of One Colorado Home

Avg. 8,000 kWh Per Home for 25 Years



Energy Choice

Freedom to choose how your energy costs are used.



\$600

Average lifetime savings.



Reducing CO2 emissions from

6,000

Pounds of coal burned.

* RECs are retained by the utility per the program, but customer Sunscriptions directly support the development of clean energy on the local grid.



Colorado Benefits



Sunthing for your wallet

- **5% Savings Rate** on the Bill Credit Rate
- No upfront costs.
- \$100 in free Solar Credits

Sunthing for the planet

- Lessen your community's carbon footprint by supporting local renewable energy
- Support local nonprofits with a **\$100 donation** for each subscriber
- Help Colorado meet renewable energy goals

Energy from sunwhere else

- Nothing on your roof or property
- No cancelation fees, easy to move your Sunscription
- Accessible for homeowners and renters





Partner Program

- Help your community support local clean energy, meet sustainability goals, and track impact over time
- Increase your impact when Sunscription makes a **\$100 donation** to a local non-profit of choice for each new member
- *Our team does all the work of helping customers signup and manage their accounts.*



Custom Materials to Engage

- We provide you with custom materials to engage and educate about the program
 - *Easy Digital Signup*
 - *Marketing Materials for Print & Social Media*
 - *Phone and online support team in Minnesota*



How to get started:



- **Finalize your Partnership and Donation Partners**
 - Outline how the decision is made
 - Decide if an MOU is required
 - Finalize Donation Partners
- **Discuss how we plan to spread the word**
 - Virtual Channels
 - Blogs/press releases/paper materials
 - Stay involved with local partners and events
- **Plan ongoing engagement to stay involved**
 - Define a main point of contact
 - Schedule check-ins
 - Discuss ongoing goals





Town of Westcliffe/ US Solar Residential Partnership

US Solar Residential Community Solar Subscription Partnership

Help your residents save money on their electricity bills, your community support local renewable energy projects, support a local non-profit organization and help your town establish or meet sustainability goals. Partnering with US Solar allows all of these to be accomplished at the same time. We want to make it as easy as possible.

What's in it for residents?

- * Easy to use customized partnership sign-up link.
- * US Solar will offer virtual and/or in-person enrollment event options
- * No upfront costs to join
- * Guaranteed savings rate on bill credit rate
- * \$100 sign-up bonus (Subscription account credit)
- * No panels on their roof/property
- * Direct impact on reduction of use of fossil fuels by switching to locally produced clean energy
- * Support local solar projects

What's in it for the Town?

- * A partner that will handle all the details
- * No contract, exclusivity or financial requirement from the city
- * Support local non-profit organization through US Solar donation- decided on by the city
- * Reporting on aggregated residential carbon impact
- * Customized partner marketing materials to promote the program
- * US Solar participation in local events promoting the partnership/program

US Solar builds and maintains the solar gardens, customizes the sign-up process, provides exclusive benefits and manages your resident's accounts. Residents simply need to subscribe.

93

**TOWN OF WESTCLIFFE
RESOLUTION #2-2024**

A RESOLUTION BY THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, COLORADO PERMITTING THE PAINTING OF A MURAL TO BE LOCATED ON THE NORTH AND SOUTH SIDES OF THE PROPANE TANK AT 57600 STATE HIGHWAY 69 SOUTH: DEPICTING WILDLIFE.

WHEREAS, the Town of Westcliffe, Colorado Code of Ordinances Title 10-4-1 subsection (0) requires that murals be approved and permitted by the Board of Trustees and;

WHEREAS, the proposed mural meets the following criteria; presents no safety issue, is compatible with the surrounding area and is not obscene.

NOW, BE IT THEREFORE, RESOLVED, that the proposed mural is hereby permitted.

APPROVED AND ADOPTED this 16TH day of APRIL 2024.

BY: TOWN OF WESTCLIFFE

Paul Wenke, Mayor

ATTESTED:

Kathy Reis, CMC, Town Clerk

TOWN OF WESTCLIFFE
REQUEST TO BE PLACED ON AGENDA

Office of the Town Clerk
P.O. Box 406
Westcliffe, CO. 81252
townclerk@townofwestcliffe.com
719-783-2282

✓ Westcliffe Town Board _____ Board of Adjustments
_____ 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 (10) 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 third Tuesday of each month.)

Name of person making presentation: Tim Broll

Organization, if speaking on behalf of a group: _____

Is this a request for Board action? Yes No

Please provide a summary of your comments:

I am requesting a permit to have
two separate murals painted on the
storage tank located @ 57600 St Hwy 69.

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

My wife spoke to Kathy Reis. She told her to
email a picture of the 2 murals.

Contact information:

Name: Tim Broll
Mailing Address: 1100 CR 323
Westcliffe CO 81252
email: BrollLPGas@outlook.com
Daytime Phone: 612-306-6236



North



South

WESTCLIFFE PLANNING COMMISSION

**TOWN OF WESTCLIFFE
WEDNESDAY, MARCH 5, 2024
REGULAR MEETING**

-Page 1 -

CALL TO ORDER

Mr. Wenke called the meeting to order at 3:00 P.M.

ROLL CALL

The following members were present: Mr. Wenke, Mr. Fulton, Mr. Lund, and Mr. Jagow.

ABSENT: Chairman Patterson

PLEDGE OF ALLEGIANCE

OTHERS PRESENT

Mr. Patterson, Dennis, Becky Bruns-Sun Deck, Paul, Mary Zawacki-Sun Deck, Elliot-Tribune, and Wanda Jennings-Deputy Clerk.

APPROVAL OF MINUTES

ACTION: Mr. Jagow moved, and Mr. Fulton seconded to approve the February 7, 2024, minutes. Motion carried.

OLD BUSINESS

- a. Discuss, consider, and recommend amending Title 10, Chapter 4, Section 3, Outdoor Lighting.

ACTION: Mr. Jagow moved, and Mr. Lund seconded to recommend adding a link to the existing lighting code to The Board of Trustees. Motion carried.

This will be placed on the Board of Trustees meeting on April 16, 2024.

NEW BUSINESS

- b. Discuss, consider, and recommend a new lodging ordinance to The Board of Trustees.

ACTION: Mr. Jagow moved, and Mr. Lund seconded to recommend to The Board of Trustees a New Lodging Ordinance with a set fee schedule of \$100.00 per year and \$5.00 per room. Motion carried.

This will be placed on The Board of Trustees meeting on April 16, 2024.

PUBLIC COMMENT

Mr. Zawacki requested to be placed on The Board of Trustees' April 16, 2024 Agenda to talk about the lights at Valley ACE Hardware.

10-1-17: LODGING

A. Purpose and Intent. The purpose and intent of this Chapter is to ensure that any Lodging business, as defined in this Section of the Westcliffe Municipal Code (“Town Code”) or by C.R.S. 6-25-201(2), but not including Short-Term Rentals as defined in Section 10-1-16.B.2. of the Town Code, within the Town of Westcliffe meet minimum standards for safety and habitability and are operated in a manner consistent with surrounding commercial uses and in compliance with the Town Code and Code of Colorado Regulations 6 CCR 1010-14, and to support a strong, streamlined process for licensing and approving Lodging Licenses, while ensuring that the rental of commercial dwelling units does not adversely impact to the quality of visitors and residents of the Town. Active Lodging businesses with valid business and special use licenses, if applicable, operating on or before the adoption of this Ordinance, shall have a grace period to continue operating until January 1, 2025. All Lodging businesses must apply for a Lodging License by November 15th of the preceding year in which the license will be active.

B. Definitions. As used in this Chapter, the following terms shall have the meanings indicated, unless the context otherwise requires:

1. *Licensed Premises* means the street and number address of the premises specified in an a license application or an approved Lodging license, which is owned or in the possession of the licensee and within which the licensee is authorized to provide Lodging accommodations in accordance with this Section.

2. *Lodging* shall mean the providing of the right to use or possess, for consideration, any room or rooms for temporary occupancy such as, but not limited to: a hotel room, motel room, lodging room, motor hotel room, inn, B&B, hostels, guest house room, or a recreational vehicle park space or other similar accommodations located in the Town, but shall not include Short-Term rentals as defined by Section 10-1-16.B.2. of the Town Code.

3. *Lodging License* means an annual license issued by the Town pursuant to this Section to operate a Lodging business.

4. *Extended Stay Lodging* means the renting of a Lodging room for a duration of stay greater than 30 consecutive days. Extended stay lodging includes transient lodging establishments constructed and operated to provide accommodations for longer term stays by including additional common area amenities and in-room cooking facilities beyond what might be provided in the standard Lodging business.

C. Lodging License Required; Term. Effective as of January 1, 2025, it shall be unlawful for any person to operate a Lodging business within the Town without first obtaining Lodging License. A Lodging License shall be applied for and required in addition to the requirement to obtain a Business License pursuant to Title 4 of the Town Code. A Lodging License is transferable upon request of the owner of an existing Lodging business, provided the new owner submits a new completed application, and passes a new inspection, at the discretion of the Town. Any issued Lodging License shall be valid from January 1st of the year it is applied for and shall expire December 31st of that same year regardless of the date the application is submitted. License fees will not be prorated to the application date of the licensee, but will be issued to the applicant upon full

payment of the license fee. All Lodging businesses shall be subject to any amendments of the Town Code.

D. Authority. The Zoning Enforcement Officer, as defined in Section 10-1-3, C., of this Title shall have the authority and responsibility in accordance with the terms of this Section to administer the Lodging License program and to approve, deny, suspend, or revoke any license. The Zoning Enforcement Officer shall consider any comments received from property owners, prior to approving or denying an application for a Lodging License. Lodging business owners have the right to appeal any negative decision of the Zoning Enforcement Officer to the Board of Adjustment.

E. Lodging License Application; Duty to Update; Written Notice.

1. Beginning on **January 1, 2025**, applications for a Lodging License shall be submitted to the Zoning Enforcement Officer on a form provided by the Town. The Zoning Enforcement Officer shall not accept incomplete applications. Applications shall contain, at a minimum, the following information:

a. The full name, business address, telephone number, and e-mail address of the Lodging business' owner.

b. The address of the proposed licensed premises and a description and illustration of the area(s) that will be used for Lodging purposes including, without limitation, parking areas and access.

c. Proof of lawful possession of the proposed licensed premises by the applicant, either by deed or lease. If the applicant is not the owner, the application shall include written, authorized, signed and notarized, from the owner of the proposed licensed premises for use of the same for Lodging purposes.

d. Proof of current commercial **innkeeper's liability insurance** coverage for the proposed licensed premises.

e. Proof of registration for a sales tax license and a lodgers' tax account with the Colorado Department of Revenue.

f. A completed self-compliance affidavit and an affidavit that the applicant has followed all license requirements and that the application is complete and contains no false, misleading, or fraudulent statements.

g. A non-refundable application fee.

h. Such other information determined necessary by the Zoning Enforcement Officer to evaluate compliance of the applicant, the proposed licensed premises, and/or the proposed Lodging business activity with the requirements of Town and Colorado State Code.

2. It is the duty of each licensee to ensure that all of the information provided in a Lodging License application is kept up to date at all times. It shall be unlawful for a licensee to fail to provide updated information to the Zoning Enforcement Officer within thirty (30) days after the date upon which any information contained in the Lodging license application becomes inaccurate.

F. Renewal of a Lodging License. It shall be the duty of each licensee to obtain an annual renewal of the Lodging License. The application for a renewal of a Lodging License and the non-refundable, annual renewal application fee are due to the Zoning Enforcement Officer on or before November 15th prior to the expiration of the license year. Upon timely submission of a complete renewal application, the owner or operator of a Lodging business can continue operating pursuant to the expired a Lodging License until January 31st while the renewal application is being considered, although any renewal license shall be issued as of the original expiration date of the previous license. Lodging Licenses that are deemed active as of December 31st in any given year shall have priority for renewal the following calendar year over any new applications for a Lodging Licenses, provided a renewal for said license is received and deemed complete and proper and fees are paid by November 15th of the year prior to expiration. Upon approving an application for a renewal of a Lodging License, the Town Building Official, or his or her designee, shall have the option to, within sixty (60) days of such approval inspect the premises of the Lodging business, as provided in Section 10-1-17.G. below.

1. Fee Structure

a. Fee: \$100 per year and \$5 per room.

G. Eligibility requirements for Lodging License. No Lodging License shall be issued or maintained under this article unless and until the applicant provides sufficient information to establish, and the Zoning Enforcement Officer determines the sufficiency of the same, of the following requirements:

1. The applicant shall have made all necessary corrective actions in response to matters identified through the Town's most recent annual inspection report for the subject location.

2. The applicant shall demonstrate compliance with the applicable series of adopted international building and property codes applicable to the subject property, including the International Property Maintenance Code, and the Uniform Code for the Abatement of Dangerous Buildings as demonstrated by certification from the Town's chief building official.

3. The applicant shall ensure the Lodging business' premises are operated in a manner consistent with surrounding commercial uses and in compliance with the Town Code, State Law, and Code of Colorado Regulations 6 CCR 1010-14.

H. Approval or Denial of Application.

1. A completed license application shall be reviewed by the Town prior to action by the Clerk. The application shall be approved or denied by the Clerk within thirty (30) days of the date of filing. The application shall be denied if:

e. Proof of registration for a sales tax license and a lodgers' tax account with the Colorado Department of Revenue.

a. The applicant fails to satisfy the eligibility requirements of Paragraph G;

b. The application or any investigation performed or ordered by the Town establishes that the proposed licensee fails to conform to any requirement of this or any other Section of the Town Code or other applicable law; and

c. The applicant knowingly made a false statement or knowingly gave false information in connection with the application; or

d. The applicant is overdue in payment to the Town of taxes, fees, fines or penalties assessed against the applicant or imposed against the Lodging business premises.

2. Nothing in this article shall prevent the Town from revoking approval if it is discovered that the application contained or included false or incorrect statements, or information which would otherwise constitute sufficient grounds for the denial of the application. The decision of the Town to approve or deny a license application shall not be construed as a quasi-judicial act but shall be a final administrative decision of the Town

3. In the event the Town denies the license application the Clerk shall prepare a decision stating the reasons or basis for the denial. A copy of the findings and decision shall be sent to the address of the applicant as shown on the application within 10 days after the date of denial. The denial shall become a final administrative decision of the Town on the 14th day following the date of the decision unless the applicant files a timely appeal, as provided by Paragraph J.

I. Suspension or revocation of license:

1. The Town may suspend or revoke a Lodging License upon the Town's finding of any of the following facts in the Town's reasonable discretion, based upon available information.

a. Failure of the licensee to achieve and maintain the eligibility requirements described in section; provided, however, the Town shall offer the licensee notice and opportunity to cure the identified violations at least 30 days prior to taking further adverse action;

b. The licensee or manager is not upon the licensed premises at all times, or within 15 minutes of the premises, if the premises is open for business;

c. The licensee or manager knowingly made a false statement or knowingly gave false information in connection with an application for license or for a renewal of a license;

d. The licensee has failed to maintain books or records sufficient to properly document the permitted length of stay of individual customers;

e. The licensee is delinquent in payment to the city for taxes or fees.

f. The licensee, manager, agent, or employee has allowed or permitted patrons and employees to engage in criminal activity on the premises or upon any parking areas, sidewalks, access ways or grounds immediately adjacent thereto.

2. Summary suspension: the Town shall have the discretion to summarily suspend a Lodging License in the event the Town determines that an immediate threat to public health, safety or welfare is posed by the licensee's failure to comply with the requirements of this Article, State Law, or any conditions of its existing license. In the case of a summary suspension, the licensee shall be afforded a right of appeal substantially in the manner provided in Paragraph J.

3. Suspensions of a Lodging License may be for any term up to a maximum of the amount of time remaining in the one-year term of the license as issued.

J. Suspension, Revocation and Appeal Procedures,

1. The Town shall have the authority to suspend or revoke hotel licenses. The Town shall apply the relevant eligibility requirements and standards contained in this article.

2. Appeals. In the event the Town denies, does not renew, suspends or revokes a license, the applicant shall have the right to a quasi-judicial hearing before Board of Adjustments. A written request for hearing shall be made to the Town within ten (10) days of the date of mailing of the Town's written decision. The hearing shall be conducted within thirty (30) days of the date of the Town's receipt of written request for hearing unless a later date is requested by the applicant.

3. The procedure for the appeal to and in consideration by the Board of Adjustments shall be conducted substantially in the manner described 10-1-8.E. of this Code.

4. Except in the case of a summary suspension, the Lodging business may continue to operate during the appeal process and until the final decision of the Board of Adjustments is rendered.

K. License Addendum for Extended Stay Operations.

1. Application. As a part of or separately from an application for a Lodging License under this article, the applicant may also apply for the right to offer extended stay lodging as defined in Paragraph B. in all or portions of the licensed Lodging business premises. Applications for an extended stay addendum to a Lodging License shall be filed on forms provided by the Town.

(DO WE WANT TO DEAL WITH EXTENDED STAY LIMITATIONS)

L. Minimum Health and Safety Standards; Inspections.

1. Each licensed premises shall be in compliance with all applicable building, fire, health, and zoning codes, ordinances, or regulations, whether federal, state or local, including but not limited to any requirements as set forth in this or any other Title of the Westcliffe Municipal Code and the Colorado Code of Regulations, Sanitary Standards and Regulations for Public Accommodations, 6 CCR 1010-14.

2. No license under this Chapter shall be issued until the licensed premises are inspected by the Zoning Enforcement Officer, or his or her designee, for compliance with this Section and issued a written notice of inspection approval. If an inspection report identifies a violation of this or any other Section, the procedures set forth in this Title shall apply.

3. It shall be the owner's responsibility to coordinate with local Fire Protection Districts to coordinate fire inspections, which the owner shall be responsible for. The Wet Mountain Fire Protection District shall have its own fees not set by the Town of Westcliffe. A fire inspection report must be shown to the Town prior to receiving a license.

M. Maximum Occupancy. The maximum occupancy of a Lodging business' premises at any time shall be limited based on the number of units and allowed beds as determined by the Code Enforcement Officer IAW Town and State Code and must be displayed at all times.

N. Advertising. No Lodging business may advertise as such until a Lodging License has been issued.

O. Suspension and Revocation; Appeal. Each license issued is subject to suspension and revocation, including the opportunity to appeal the outcome thereof, as set forth in this Chapter.

P. Penalty of any infraction of this Chapter shall be defined in 10-1-5.