

**Town of Empire**  
**30 East Park Avenue/P.O. Box 100 Empire, Co 80438**  
**303.569.2978 - 303.569.2282 fax**

**Board of Trustees Work Session Meeting Minutes**  
**April 01, 2025 ~ 6:30 pm**

*Work Sessions do not have action items or voting. The Public can observe but cannot participate or comment at the Work Session.*

- 1. Call Meeting to Order** – Mayor Wendy Koch called the meeting to order at 6:30 PM. The meeting was held in person and through Zoom.

- 2. Roll Call** – The Empire Board of Trustees requires a simple majority of four trustees present at the meeting for a quorum.

**Present:** Mayor Wendy Koch, Trustee Randy Horning, Trustee Denise Tennant, Trustee Jessie Reiman and Trustee Stephanie Kline. Also in attendance were Town Administrator Jeannette Piel, Police Chief Andrew Lorenz, and Deputy Town Clerk Lisa Kunze.

**Absent:** Mayor ProTem Jacob Belcher joined via Zoom at 6:33 PM.

A quorum was present at the meeting.

- 3. Approval of Agenda - April 01, 2025 Work Session Meeting Agenda**

**TRUSTEE TENNANT MOTIONED TO APPROVE THE AGENDA FOR APRIL 1, 2025, TRUSTEE KLINE SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

The Agenda was approved.

- 4. Discussion: Chief Lorenz to discuss parking permits and enforcement**

Trustees gave direction to the Town Attorney to amend Ordinance 272 Model Traffic Code and Abandoned Vehicles & Parking to reflect state law as advised by CDOT.

Town Administrator Piel has confirmed with CDOT that spaces on HWY 40 can be designated as emergency spaces. Two spots will be marked with signage and paint in front of the Visitor's Center for EMS, Fire and Police.

Chief of Police Lorenz has been working with CDOT to address the ice blocks that accumulate in front of Town Hall and businesses, as well as to replace crosswalk signage and to have the traffic lights cycle properly. The plan will be formalized soon and will be coordinated with the resurfacing project CDOT has planned for this summer.

Chief Lorenz also explained plans for enforcement of parking in town related to upcoming code changes, including permit hangers (guests, parking, camping), signs, promoting all to call dispatch at Jeffcom (303-980-7300) to help police be aware of violations, stickers on windows of violators, parking permit on website, and sleeves for parking tickets in adverse weather. The

Police Department will be heading up efforts and coordination with JeffCom, CDOT and the Town's Zoning and Code Enforcement Staff. The land survey will help us enforce parking violations, and this will help the Board's goal of helping our businesses encourage tourists to stop and stay awhile, and locals to shop locally.

Town Administrator Piel requested the Board's direction to make sure all fees and enforcement are listed correctly in a resolution. This will also include our new traffic fine schedule, and all parking permit fees. Trustees discussed problem areas in town, possible solutions, and provided direction for the Town Attorney to proceed with the suggested fees in a resolution for an April public hearing.

**5. Discussion: Policies for CORA and Notary must be updated to be eligible to increase new fees set by the State.**

Staff have researched and prepared policy drafts for fees related to CORA record requests and Notary Services (attached.) Trustees provided approval for the Town Attorney to prepare resolutions for both policies for public hearing in April.

**6. Discussion: Critical Thinking for Project Planning**

Town Administrator Piel presented the attached project planning tool. Trustees agreed this tool could be useful for high level decision-making and will be reviewing it with homework to apply the tool to 2 small projects to see if it could be useful.

**7. Discussion: BOCC Strategic Focus Area & Goals**

Commissioner George Marlin emailed the Board of County Commissioners' (BOCC) goals to all the municipalities, and he specifically highlighted the first two items on this list as possibly having an impact on Empire. The Commissioners would like us to start discussing these. Brian Bosshart will be reaching out with specific questions to start the discussion.

Initial Trustee discussion included the purpose and possible reconfigurations of county facilities and upcoming budget reductions at the County level. Trustees agreed that more information about future plans need to be shared with all municipalities before real feedback can be offered.

**8. Discussion: Continuation of the Administrative Plan - Defining Roles for the New Leadership Structure**

Town Administrator Piel is meeting with Wendy and Jake to review previous discussions on this topic before we move on together. She asked Trustees to complete a communication style handout as homework to better serve the group; she also will ask Trustees to share skills or areas of expertise so individual people can assist, individually, with tasks outside of their Board duties. Thanks to Stephanie for sharing her mapping expertise with her and Lon as well.

**9. Board of Trustees Upcoming Meetings and Topics**

- a. Upcoming Topics from Administrative Overview – Town Administrator Piel shared changes in the master topic list for upcoming meetings: Tourism is the April

presentation, May is CCEDC and June is CCFA's annual report. We have staff on maternity leave, greatly impacting workflow.

b. Training for Volunteer Chairpersons of the Board and PC has been rescheduled for Wednesday, April 9, 2025.

c. The Next Board of Trustees Regular Meeting is Tuesday, April 15, 2025, at 6:30 pm. In person with remote access

d. The Next Joint Work Session with the Board and PC to discuss our Vision for Housing and Land Use has been scheduled for Wednesday, April 23, 2025 at 6:30 pm.

e. The Next Board of Trustees Work Session/Training is Tuesday, May 6, 2025, at 6:30 pm. In person with remote access.

#### **10. Adjourn Meeting**

**TRUSTEE BELCHER MOTIONED TO ADJOURN, TRUSTEE KLINE SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

The meeting was adjourned at 8:49 PM.

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(Mayor ProTem Jacob Belcher)

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(Deputy Town Clerk Lisa Kunze)

# **TOWN OF EMPIRE, COLORADO**

## **CORA POLICIES AND PROCEDURES**

### **Policy Statement**

The Town of Empire (the “Town”) administers the Colorado Open Records Act (“CORA” or the “Act”) (sections 24-72-201 to -206, C.R.S.) regarding records in the Town’s possession and control. This Policy summarizes the practices and procedures in place regarding the Town’s obligations under CORA. The statute mandates the non-disclosure of public records, unless certain grounds for denial apply, based on criteria set out in sections 24-72-202 to -204, C.R.S. The Town will respond to records inspection requests in good faith while ensuring that confidential, excepted, or exempted writings are redacted or withheld pursuant to the Act.

It is the policy of the Town of Empire that all public records shall be open for inspection by any person at reasonable times, except as provided by the Act or other laws or court orders. In the event the Act is amended, this Policy will automatically be amended to align with the revised Act. Pursuant to the Act, this Policy outlines rules, regulations, and procedures necessary to protect public records, prevent interference with the regular duties of the Town’s custodian of records and employees, and facilitate timely access to records that are subject to disclosure under the Act.

### **Definition of Public Record**

“Public Records” means and includes all writings made, maintained, or kept by the state, any agency, institution, a nonprofit corporation incorporated pursuant to C.R.S. § 23-5-121(2) or political subdivision of the state, or that are described in C.R.S. § 29-1-902 and held by any local government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds. “Public Records” includes the correspondence of elected officials, except to the extent that such correspondence is:

- Work product;
- Without demonstrable connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds;
- A communication from a constituent to an elected official that clearly implies by its nature or content that the constituent expects that it is confidential or a communication from the elected official in response to such a communication from a constituent; or
- Subject to nondisclosure as required in section 24-72-204(1).

“Public Records” does not include criminal justice records that are subject to the provisions of C.R.S. § 24-72-301 to -309, and work product prepared for elected officials; an exhaustive list of what records are not “public records” may be found at C.R.S. § 24-72- 202(6)(b).

### **Procedures**

The Town Clerk serves as the official custodian of all public records maintained by the Town, except for criminal justice records and records of official actions, which are managed by the Town’s Police Department through the Chief of Police and its Records and Evidence Department and governed by C.R.S. § 24-72-301 to -309. The maintenance, inspection, and dissemination of criminal justice records and records of official actions will be governed by state statutes in

accordance with policies and procedures established by the Town of Empire Police Department.

The Empire Police Department has determined that the use of an official public records request form prescribed by the Police Department is necessary and required for the efficient handling of requests of the Police Department made under the Act. The Police Department's official Public Records Inspection Request Form is available through the Town Clerk or the Police Department and shall be made available on the Town's website. Please email requests to [Chief@EmpireColorado.us](mailto:Chief@EmpireColorado.us).

The Town has determined that the use of an official public records request form prescribed by the Town Clerk is necessary for the efficient handling of requests of the Town Clerk made under the Act. The Town's public records request form is available through the Town Clerk and shall be made available on the Town's website. Please email requests to [Clerk@EmpireColorado.us](mailto:Clerk@EmpireColorado.us).

The Town's public records request form must be completed and filed with the Town Clerk to initiate a request for public records under the Act. Public records requests not made on the prescribed form or made to any person other than the Town Clerk or employees of the Town Clerk's office will not be accepted. Requests can be made in person, by mail, or via email.

### **Procedures for Multiple, Repeated or Duplicative Submissions**

When there are duplicative CORA requests submitted – either by one individual or by multiple requestors – that require extensive amounts of staff time and would otherwise interfere with the completion of other duties of the Town, the Town must appropriately manage and delegate its staff time so as to ensure that the processing of such requests does not interfere with the other duties of the Town.

At the Town's discretion, the following requests may be consolidated:

- Multiple requests from the same requestor while the original request is still being processed;
- Same or similar requests from the same requestor while the original request is still being processed;
- Same or similar requests from multiple requestors while the original request is still being processed;
- Multiple requests for the same or similar search terms sent as "per day" requests instead of consolidated into a specific timeframe (e.g. searching for the same search terms on Jan. 1, Jan. 2, Jan. 3, Jan. 4, etc. versus January 2021); and
- Any two or more requests as the Town Clerk finds appropriate.

The Town, at its discretion, may choose to publish the requested information on a publicly available website to satisfy its responsibilities under CORA, and will direct requestors to that website.

### **Clarifying or Narrowing Requests**

Broadly stated requests or requests involving a large volume of records may result in higher costs for the requestor due to the significant staff time needed to fulfill them. To manage this, the Town may contact the requestor to clarify or narrow the scope of the request. Requestors are encouraged to limit their requests by specifying dates, locations, names and providing specific search terms.

As noted on the Town's CORA request form, requestors should provide phone and email contact information to facilitate communication regarding their requests. The Town will handle multiple,

repeated, or duplicative submissions as outlined in the policy.

If a requestor agrees to narrow their request, the Town will ask them to re-submit the CORA form with the revised details, at which point the statutory timeframe will begin again. If the requestor is unwilling to narrow their request, the Town will inform them of the potential fees associated with fulfilling the broad request.

Please be aware that CORA does not require the Town to create new records in response to any request.

Although any request to inspect a “public record” is literally a request pursuant to CORA, it is not practical for the Town or the public to treat all requests in a formal way. Therefore, this Policy applies only to requests for a public record that is not routinely provided to the public in the day-to-day business of the Town department or office to which the request is made and that is not available to the public on the Town’s website.

Even if a request for a public record is not otherwise subject to this policy, it is subject to copy fees set forth in the Fees section of this policy, in statutes, or in departmental fee schedules.

### **Response Time & Deadlines**

The Town is allowed three (3) business days to respond to a request. When responding to a request for public records under CORA, the Town will make every effort to respond within three working days as required by section 24-72-203(3)(b), C.R.S. If the Town uses the extension allowed in section 24-72-203, C.R.S., the office has an *additional* seven (7) business days to respond. If the nature of the request requires more time than set out in the statute, the Town will notify the requester of the need for additional time, and the Town will make a good faith, reasonable effort to process the request as promptly as is feasible in light of the size and scope of the request, the workload of the other prior requests that the Town has received and is processing, and the technical capacity of the Town’s IT systems to search for responsive records. Requests will be processed in the order they are received.

In calculating the due date, the Town applies the following guidelines:

- The use of the official Town’s Public Records Inspection Request Form is required for the efficient handling of requests;
- If a request is received after 5:00 p.m., it is considered received the next business day;
- In calculating the time to respond, the day the request is received is not counted. *See* section 2-4-108, C.R.S.;
- For broad, general requests, the timeframe for fulfilling a request may be put on hold while the Town attempts to clarify or narrow the request. *See* Clarifying or Narrowing Requests section;
- For requests that require a deposit or payment, the timeframe for completion of the request is put on hold until payment is received. *See* Clarifying or Narrowing Requests & Fees section; and
- Any day the office is closed does not count as a business day.

If the requested public records are not in the custody or control of the Town Clerk, the Town Clerk will notify the requestor. This notification will be provided in person, in writing, or via email. The custodian’s notification will include, to the best of the Town Clerk’s knowledge, a detailed explanation for the absence of the records, the location of the records, and the entity or individual who is believed to have custody or control of them.

Records that are exempt from disclosure under the law or the Act will be withheld from inspection in accordance with the provisions of the Act. No public record shall be made available for inspection if such inspection would be contrary to State Statute, Federal Statute, Regulation, Supreme Court rule or Court Order.

Once the requested documents have been compiled, the Town Clerk will notify the requestor of the completion of the request, the availability of the records, and any associated costs, including copying fees, research and retrieval charges, or other applicable fees.

The Town Clerk shall maintain a master log of all records requests under the Act.

## **Fees**

The Town is authorized by law to charge the requestor for the research, retrieval, and redaction costs actually incurred in processing public information requests, as outlined in C.R.S. § 24-72-205(1)(b). The Town Clerk's Office will not provide the requested public records or process future public record requests until all costs associated with providing the records are fully paid. In the case of requests for a large quantity of records, the Town's policy requires a deposit of 50% of the estimated costs as an affirmation of the requestor's willingness to proceed with the request and cover the associated costs, in accordance with C.R.S. § 24-72-205(6)(a).

As allowed under section 24-72-205(6), C.R.S., the Town charges a fee of \$41.37 per hour after the first hour for the staff time required to research and retrieve the public records. The timeframe the Town has to complete the request will be tolled between providing the cost estimate to the requestor and the requestor approving the cost estimate or submitting the advance deposit, full payment or whichever is applicable.



- Copies - \$.50 per page.
- Certified copies - \$2.00 per page.
- Research & Retrieval - \$41.37/hour after the first hour (15-minute increments.)
- Video DVD, Audio CD, or Thumb Drive - \$20.00 each.
- Devices will be provided by the Town. No outside media collection devices will be introduced into the Town's computer system.
- Postage & Packaging for Mailing - Actual Cost.
- Fees for other types of information requests will be assessed based on the Town's cost to copy or reproduce the requested item.

Costs associated with a request must be paid in full before the Town will produce the records. No records will be released until all amounts due have been paid. The Town does not accept credit cards in person; payments must be made by credit card through our website at [EmpireColorado.us](http://EmpireColorado.us), or by check made out to the Town of Empire and delivered to the Town Clerk's office at the following address:

Town of Empire  
ATTN: Town Clerk - CORA PAYMENT  
30 E Park Avenue  
PO Box 100  
Empire CO 80438

## **Abusive or Harassing Requests**

While the Town is required to make a reasonable, good faith effort to respond to CORA requests within the guidelines of the statute, the Town is not required to respond to harassing or abusive

communications.

### **ADA Accessibility**

The Town of Empire values full inclusion and access for all of our facilities, programs, activities and services. We are pleased to provide meaningful accommodations to comply with the Americans with Disabilities Act (ADA) and reasonably provide translation, interpretation, modifications, accommodations, alternative formats, auxiliary aids, and services. To request special assistance, call the Town Clerk at 303-569-2978 or email us at [Clerk@EmpireColorado.us](mailto:Clerk@EmpireColorado.us). Please allow 48 hours for your requests to be met.

## **TOWN OF EMPIRE, COLORADO**

### **NOTARY PUBLIC SERVICES POLICIES AND PROCEDURES**

#### **Policy Statement**

This policy establishes the rights, responsibilities, and procedures for notaries commissioned by the State of Colorado during their employment with the Town of Empire (Town) when providing notary services.

The Town provides notary service as an added service to the residents of the Empire community. Notary service is provided by the Town Clerk's Office. Notary requests have increased over the years with local banks not offering the service to the general public, thereby increasing the notaries completed by staff. The policy provides clear guidelines for those seeking the service, expectations of staff when providing the service and consistency of service.

Clear Creek Library District offers free notary services by appointment as of the adoption date of this document.

#### **Procedure**

##### **Requirements**

- In the course of duties, it may be necessary to have an employee commissioned as a Notary Public. If the Town requires an employee to obtain a notary commission, the Town of Empire will pay for the expense of the notary fee and renewal fees, stamp/seal, and necessary supplies.
- A notarial commission is the responsibility of the individual Notary Public. The notary stamp/seal is the property of the Notary Public and shall remain in their possession and shall not be surrendered to the Town of Empire upon termination of employment.
  - The Notary Public must notify the Secretary of State within thirty (30) days if there is a change in their information, loss of the notary's stamp/seal or journal, or an event that ends their term as a Notary Public.
  - The Notary Public that ends employment with the Town of Empire shall notify the Secretary of State how their journal(s) will be maintained.
- The Notary Public must maintain their certification as deemed necessary by the department, supervisor, or job description and is responsible for reviewing and complying with the Revised Uniform Law on Notarial Acts (RULONA) and any changes to the Act.
- The Town Clerk's Office shall maintain a list of all Notary Publics, including the expiration date of their commission, employed by the Town.
- The Notary Public shall serve all of the public in an honest, fair, and impartial manner.
- The Notary Public shall take care and not provide unauthorized advice or services. vii. The following steps shall be taken while performing notarial acts during the course of employment with the Town of Empire: Adherence to applicable Town, State, and Federal laws.

- Require the personal presence of the signer;
  - Require a proper notarial certificate;
  - Examine the document(s) for completeness and appropriate date;
  - Examine the signer's unexpired identification document(s), which meet requirements stated in RULONA or is personally known to the Notary Public C.R.S. 24-21-507(1)(2)(a)(1); and
  - Record all notarial acts in a notary journal maintained by the Notary Public.
- Notary Journal C.R.S. 24-21-519, once complete, will be submitted to the Colorado State Archives and provide notification to the Colorado Secretary of State.

### **Guidelines**

- The Notary Public cannot pre-date or post-date any action, prepare a legal document, give advice on legal matters, or notarize documents in which they have a personal interest.
- The Notary Public will not provide service if the customer, the document(s) or any circumstances of the request for notary service raise any issue of authenticity, ambiguity, doubt or uncertainty.
- Should a problem appear/occur, the Notary Public may, at their sole discretion, decline to provide a notary service in accordance with C.R.S. 24-21-508 Authority to refuse to perform a notarial act.
- To ensure accurate notarial acts, only documents written in languages the Notary Public is proficient in, will be accepted for notarization. Documents written in any other language will not be accepted for notarization. Those who present documents for notarization in languages other than English will be encouraged to use a Notary Public who can read the language of the documents.
- The information contained in the document(s) must be clearly written. The Notary Public and the customer requesting notary service must be able to clearly communicate directly with each other.
- An appointment shall be scheduled when multiple documents require notarization in a single visit.
- Appointments shall not exceed thirty (30) minutes.

### **Types of Notary Services**

- The following types of notary services will be performed C.R.S. 24-21-505:
  - Oaths and Affirmations: The Notary Public will hear the customer affirm or swear to the document, to their identity as the document signer, see the customer sign the document, and complete the notarial certificate.
  - Acknowledgments/Signature Witnessing: The Notary Public will confirm the customer's identity, witness the customer's signature on the document, and complete the notarial certificate.
  - Copy Certifications: The Notary Public will make certified copies of original documents as allowed by RULONA and complete a notarial certificate stating it is a true and unaltered copy.
- Notary Publics will not perform the following types of notary services:

- Certain public documents cannot be copied and/or notarized if obtained from a Clerk and Recorder, the Secretary of State, the state archives, or an office of vital records. Such documents are, but not limited to, Colorado birth certificates, adoption records, marriage licenses, or documents which state on their face it is illegal to make a copy.
- Town related documents which grant power, access or ownership over to the Town without review by either the Town Attorney or the Town Clerk.
- Election-related materials shall not be notarized without the explicit direction of the Town Clerk.
- Documents requiring a witness(es), unless supplied by the customer.
- Documents including, but not limited to, estate planning, real estate transactions, or foreign bank accounts.

### **Fees**

- The Notary Public may charge a fee per document and must include all duties and functions required to complete the notarial act C.R.S. 24-21-529. The following fees will be assessed for notary services provided by the Town of Empire.
  - **Residents:** *Town of Empire residents will be assessed a \$15.00 fee for the first notarized document per visit. Any subsequent notarized documents, per visit, will be assessed a \$5.00 fee per document.*
  - **Non-Residents:** Non-Residents will be assessed a \$15.00 fee per notarized document per visit.
  - **Town Executed Documents:** Documents required to be executed by a member of the Town Board of Trustees, Planning Commission, or Staff in the course of their duties will not be assessed a fee for notary services.
  - **Copies:** Documents copied by the Town of Empire, excluding documents copied for certified copy notarization, will be assessed \$0.50 per page.