



Town Board Regular Meeting

May 13, 2024 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

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MINUTES

A. CALL TO ORDER

Mayor Wilson called the meeting to order at 7:14 p.m.

1. Roll Call

Present:

Mayor Barry Wilson
Ron Steinbach
Lainie Peltz
Julie Cline
Rick Klimek
Jason Hallett

Also Present:

Shane Hale, Town Manager
Dan Money, Town Attorney
Eric Lucas, Deputy Town Manager
Aaron Lopez, Interim Police Chief
Brian Rowe, Director of Public Works
Eric Bracke, Transportation Engineer
Kimberly Lambrecht, Senior Planner
Kyra McKinley, Visual Media Coordinator
Karen Frawley, Town Clerk

2. Pledge of Allegiance

Mayor Wilson asked Town Board Member Steinbach to lead the Pledge of Allegiance.

3. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration

Town Board Member Hallett moved to approve the agenda as presented, Town Board Member Klimek seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Lainie Peltz, Julie Cline, Rick Klimek, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

4. Proclamations

a. Historic Preservation Month

b. National Public Works Week

c. A Mayoral Proclamation for the Appointment of Board and Commission Liaison Positions for Members of the Windsor Town Board

The Code provides that the Mayor shall appoint Town Board Members to serve in various board and committee liaison capacities. This proclamation appoints current Town Board Members to their assigned committee roles for the coming two years.

Mayor Wilson read all proclamations aloud.

B. PUBLIC INVITED TO BE HEARD

1. Public Invited to be Heard

Mayor Wilson opened the meeting up for public comment, to which there was none.

C. BOARD ACTION

1. Resolution No. 2024-33 - A Resolution Adopting a Policy for Reimbursement of Legal Fees

This Policy provides an overview of when the Town of Windsor may provide legal representation or subsequently reimburse a member of the Town Board for the payment of legal fees and costs incurred as a result of any action that occurs within their official capacity and performing their duties in a reasonable course and scope of Town Board activities. This Policy also addresses reimbursement of these fees and costs when a Town Board member has been named in the litigation in their individual capacity or as a necessary party due to an interpretation of Town Charter, Code, or State Statutes, and that member acted according to Town direction or policy. Further, this policy takes effect when the related legal fees and costs are not otherwise covered by the Town's insurance policy.

Mayor Wilson recused himself from this item due to the ongoing lawsuit. Mayor Wilson appointed Town Board Member Cline to run the meeting in his absence due to her being the next senior member of the Town Board.

Town Board Member Cline opened the meeting up for public comment.

Susan Carey from 551 Trailwood Circle in Windsor addressed the board regarding support for adoption of the policy.

Scott Simmons from 924 Barn Yard Drive in Windsor addressed the board regarding support for adoption of the policy.

Craig Flebbe from 426 Crystal Beach Drive in Windsor addressed the board regarding support for adoption of the policy.

Discussion ensued between Town Board members.

Town Board Member Hallett moved to approve Resolution No. 2024-33, Town Board Member Steinbach seconded the motion. Roll call on the vote resulted as follows; Yeas - Julie Cline, Jason Hallett, Ron Steinbach, Lainie Peltz, Rick Klimek; Nays - None; Abstain - Barry Wilson; Motion Passed.

2. Motion to appoint the Mayor Pro Tem

Town Board Member Hallett and Town Board Member Steinbach both expressed their interest in being selected as Town Board. The first round of votes was split was Town Board Members

Klimek and Cline selecting Hallett, and Mayor Wilson and Town Board Member Peltz selecting Steinbach.

Mayor Wilson provided an opportunity for another round of voting, which resulted in the same outcome. Mayor Wilson asked if Town Board Member Cline would be willing to serve as Mayor Pro Tem until the District 2 board member was appointed and then bring the item back for a vote.

Town Board Member Hallett moved to select Town Board Member Cline as Mayor Pro Tem, Town Board Member Steinbach seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Jason Hallett, Ron Steinbach, Lainie Peltz, Rick Klimek; Nays - None; Motion Passed.

3. Resolution No. 2024-34 - A Resolution Approving the Reimbursement of Reasonable Legal Fees and Costs for Mayor Barry Wilson Being Named in his Individual Capacity in a Lawsuit Brought Against the Town Challenging the 2024 Mayoral Election Result

Pursuant to the Town Charter (“Charter”), a regular election was held on Tuesday, April 2, 2024. District 2 Board Member, Barry Wilson (“Wilson”), named his candidacy for Mayor, consistent with prior candidates and elections and with a consistent interpretation of Town Charter provisions.

On April 2, 2024, Wilson won the election for the Town Mayor and was certified accordingly. On April 18, 2024, both the Town Clerk (“Clerk”) and Wilson were named as Defendants in a lawsuit challenging the Town’s interpretation of the Charter as it pertains to Wilson’s eligibility to run for Mayor. The lawsuit that was filed names the Clerk in her official capacity, but names Wilson in his individual capacity and further requests that the Colorado District Court order Wilson to pay the Plaintiff’s costs.

Due to the lawsuit filed against the Town, Wilson is required to defend himself in court which necessitated the retaining of legal counsel to defend him in this lawsuit. The lawsuit challenges a longstanding practice and interpretation of the Charter and is not brought about by any action done by Wilson that is deemed willful and wanton.

The Town has adopted a legal fee reimbursement policy that recognizes the need for Board member legal fee reimbursement when they are named in their individual capacity in a lawsuit brought against the Board member and the Town, and where the Town’s insurance carrier does not cover the litigation fees and costs. The Town’s insurance policy, under the Colorado Intergovernmental Risk Sharing Agency (“CIRSA”) does not cover lawsuits challenging municipal elections.

In accordance with Town policy, the Town elects to cover the reasonable legal fees and costs that Wilson has or will accrue due to this lawsuit. Mayor Wilson and Town Board Member both recused themselves due to the ongoing lawsuit on the election contest. Mayor Pro Tem Cline lead the meeting.

Mayor Pro Tem Cline opened the meeting up for public comment.

Ruth Brunner from 342 10th Street in Windsor addressed the board regarding the ability of the Town to counter sue and concerns of the contest of the election.

Dale Agan from 5973 Woodcliffe Drive in Windsor addressed the board regarding support for approval of the resolution.

Karen Speed from 8310 Cherry Blossom Drive in Windsor addressed the board regarding support for approval of the resolution.

Scott Simmons from 924 Barn Yard Drive in Windsor addressed the board regarding support for approval of the resolution.

Don Stavely from 129 N. Chimney Park Drive in Windsor addressed the board regarding support from approval of the resolution.

Discussion ensued between the Town Board Members.

Town Board Member Steinbach moved to approve Resolution No. 2024-34, Town Board Member Klimek seconded the motion. Roll call on the vote resulted as follows; Yeas - Julie Cline, Ron Steinbach, Lainie Peltz, Rick Klimek; Nays - None; Abstain - Barry Wilson, Jason Hallett; Motion Passed.

D. CONSENT CALENDAR

1. Approval of the April 22, 2024 Town Board Special Meeting Minutes - K. Frawley, Town Clerk
2. Approval of the April 22, 2024 Town Board Regular Meeting Minutes - K. Frawley, Town Clerk
3. Resolution No. 2024-35 - A Resolution Approving Modifications to the Road Impact Fee Schedule Pursuant to Section 15-15-40 of the Windsor Municipal Code - E. Bracke, Transportation Engineer

The Road Impact Fee Study for the Town of Windsor was approved by the Town Board in March 2023. Impact fees are a type of development exaction intended to ensure that new development pays its proportionate fair share of the cost of growth-related infrastructure improvements. Impact fees are charges that are assessed on new development based on a standard formula rather than an individualized assessment. The fees are one-time, up-front charges, with the payment usually made at the time of building permit issuance. Essentially, impact fees require that each new residential or commercial project pay its pro-rata share of the cost of new infrastructure facilities required to serve that development.

The Code requires that the Road Impact Fee Study be updated every five years and in each subsequent year, the fee schedule be updated to account for construction cost inflation. The adjustment is based on the most recently available two-year average of the annual Colorado Construction Cost Index prepared by the Colorado Department of Transportation. The CCCI index for 2022 was 41.8% and for 2023 the average was 5.9%. The two-year rolling average is therefore calculated at 22.78%. The new fee structure is shown below:

Land Use type	Unit	Current Fee	Proposed 2024 Fee	Difference
Single-family detached	Dwelling	\$6,715	\$8,245	\$1,530
Multi-family	Dwelling	\$4,353	\$5,345	\$992
Mobile Home Park	Site	\$2,900	\$3,561	\$661
Retail/Commercial	1,000 sq ft	\$9,205	\$11,302	\$2,097
Convenience Store w/Gas	1,000 sq ft	\$16,130	\$19,804	\$3,674
Fast Food Restaurant	1,000 sq ft	\$21,316	\$26,172	\$4,856
Office	1,000 sq ft	\$8,238	\$10,115	\$1,877
Public/Institutional	1,000 sq ft	\$3,432	\$4,214	\$782
Industrial	1,000 sq ft	\$4,317	\$5,300	\$983
Warehouse	1,000 sq ft	\$1,547	\$1,899	\$352
Mini-Warehouse	1,000 sq ft	\$1,310	\$1,608	\$298
Oil and Gas Well	Wellhead	\$3,642	\$4,472	\$830

Increasing the fee schedule keeps the Town in pace with rising inflation costs as we build new transportation facilities.

The development community has been notified of the pending fee changes and at this time, no comments have been received regarding the changes. The changes will go into effect on June 1st and are applied at the time of building permit.

4. Resolution No. 2024-36 - A Resolution Approving a Gas Pipeline Easement from the Town of Windsor to DCP Operating Company, LP concerning the Windsor North Campus - O. Herrera, Deputy Director of Engineering

As part of the Windsor North Campus Improvements, an existing private gas line owned by DCP Operating Company needs to be relocated to minimize impacts to public infrastructure currently being built on the North Campus project. The relocation of the gas line will reduce future utility conflicts and ease maintenance responsibilities for both parties. The new easement will replace the old easement and satisfies the needs of the gas company.

5. Report of Bills April 2024 - D. Moyer, Director of Finance

Town Board Member Hallett moved to approve the consent calendar as written, Town Board Member Steinbach seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Jason Hallett, Ron Steinbach, Lainie Peltz, Rick Klimek; Nays - None; Motion Passed.

E. PUBLIC INVITED TO BE HEARD

1. Public Invited to be Heard

Mayor Wilson opened the meeting up for public comment, to which there was none.

F. COMMUNICATIONS

1. Communications from Town Attorney

Per Mr. Money, CML next week is going to send out a list of bills that were heard in the last

legislative session that just ended. Staff will send out a brief to Town Board.

2. Communications from Town Staff

a. Strategic Plan Key Performance Indicator Report for May 2024

Attached are the Town's Key Performance Indicators for May 2024. Every month, I highlight a KPI in each of the strategic focus areas in an effort to provide context to the data we are collecting.

1. Strategic Growth:

Part 1 Crimes through April 2024 was 1.99 per 1,000 population. This number was significantly lower when compared to the same timeframe in 2023 when it was 3.63. This continues to indicate Windsor remains a safe community overall.

2. Vital Infrastructure: Capital Expenses are through March of this year and reflect the Board's strategy of improving and maintaining infrastructure, with the largest expenses being in the categories of building/structures, water and streets. These numbers will continue to climb over the summer, which are our heavy construction months.

3. Vibrant and Healthy Economy:

The highlight this month is the visitors at special events where we compared the Polar Plunge in 2024 to 2023. We saw just over 2,100 visitors this year which resulted in an increase of 700 visitors compared to 2023. This indicates a growing and ever popular event and continues the trend we saw in 2023, which is that residents and visitors enjoy attending special events in our community.

b. Financial Report - January 2024

c. Financial Report - February 2024

d. 7th Street Bridge Project Postponement

Staff has made the determination that we should postpone the 7th Street Bridge Project until 2025 due to the timing and significant impact the project will have on the traveling public. We will share those thoughts with the Board and answer any questions.

Per Mr. Rowe, the 7th Street Bridge project has been postponed until 2025 due to the design company delay in design.

Per Interim Chief Lopez, this week is Police Week and there are several events taking place with and for staff for recognition.

3. Communications from Town Manager

a. Monthly Board Report - Focus Area Updates

1. Strategic Growth

Assess and address long-term capital facilities' needs (25% completed)

Staff presented the facility master plan to the Town Board on March 25th. The Town Board was receptive to its recommendations as it applies to the current police station, town hall, and the public services campus, and authorized Staff to move forward with the redesign of the current police station for the purpose of relocating Community Development and Economic Development to this space.

2. Sustainable Infrastructure

Provide a safe and reliable water supply for the community (75% completed)

Staff is in the early stages of updating the Water Efficiency Plan and is working to have the Plan ready for approval in December 2024. Northern Water issued the 2024 quota at 70%, resulting in a Water Supply Index (WSI) above 100%. Staff is working on additional sources that could fill the gap in the Non-Potable Water Master Plan.

Staff also met with Fort Collins Water Resources staff to discuss details and potential modifications to their water lease. Fort Collins staff is scheduled to discuss with their City Council in the near future and report back.

The construction of a Secondary Water Connection with Fort Collins-Loveland Water District is 100% complete.

Staff is also working to evaluate alternative pipeline alignments and associated costs in efforts to enhance water system pressure within the Gold Hill Elevated Tank Zone.

3. Vibrant and Healthy Economy

Promote business diversification to attract balanced commercial development that will sustain the future of Windsor (85% completed)

Accomplishments: Economic Development staff successfully engaged in the comprehensive planning process, adopted by the Town Board on March 25th, by identifying additional business park opportunities. They have also made progress in investigating options for additional grocery stores or expansion of current entities.

Next Steps: The team will continue working with brokers and local developers to get additional grocery stores in town and continue talks with local companies for expansion. Construction on Esh's Discount Grocers' 20,000 sq. ft. building in East Point is expected to begin in 3–4 months.

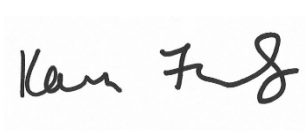
Per Mr. Hale, recognizes the Windsor Public Works team and other staff members for their work on the most utilized clean up day event in history last weekend. Mr. Hale also reminded the Board about the upcoming strategic planning retreat that will be held in Loveland on Thursday and Friday of this week.

4. Communications from Town Board

G. ADJOURN

Town Board Member Hallett moved to adjourn, Town Board Member Steinbach seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Jason Hallett, Ron Steinbach, Lainie Peltz, Rick Klimek; Nays - None; Motion Passed.

Upon a motion duly made, the meeting was adjourned at 8:59 p.m.

A handwritten signature in black ink, appearing to read "Karen Frawley". The signature is written in a cursive, flowing style.

Karen Frawley, Town Clerk