



Town Board Special Meeting

May 29, 2024 - 5:30 PM

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

To view Town Board meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

MINUTES

A. CALL TO ORDER

Mayor Pro Tem Cline called the meeting to order at 5:36 p.m.

1. Roll Call

Present: Mayor Pro Tem Julie Cline
Ron Steinbach
Lainie Peltz
Rick Klimek
Jason Hallett

Also Present: Shane Hale, Town Manager
Dan Money, Town Attorney
Eric Lucas, Deputy Town Manager
Kim Emil, Deputy Town Attorney
Rhonda McCracken, IT Business Operations Supervisor
Cameron Utoft, IT Network Administrator
Kaitlyn Cinnamon, Deputy Town Clerk
Ben Bodiker, Visual Media Supervisor
Karen Frawley, Town Clerk

2. Pledge of Allegiance

Mayor Pro Tem Cline 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 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; Motion Passed.

B. BOARD DISCUSSION WITH PUBLIC COMMENT

1. Discussion regarding the Weld County District Court Opinion in *James Cosner v. Barry W. Wilson, an individual, and Karen Frawley, in her official capacity as the Town Clerk of Windsor*

The Weld County District Court has rendered an Opinion in the case of *James Cosner v. Barry W. Wilson and Karen Frawley*. The Court found that Barry Wilson was not eligible for the office to which he was declared elected, due to the term limits provision in Charter Section 3.4. The Court annulled Wilson's certification as Mayor, pursuant to C.R.S. Sec. 31-10-1307, and declared a vacancy in the office of Mayor of Windsor.

The Board will need to determine whether to appeal the District Court's decision to a

higher court. As a Co-Respondent/Contestee with the Town in this lawsuit, Barry Wilson may wish to address the Board as to why the Board should choose to appeal the District Court's decision. Mayor Pro Tem Cline opened the meeting up for public comment.

Robert Bishop from 216 8th Street in Windsor addressed the board regarding his support of appealing the court opinion.

Nancy Weber from 1233 Brookwood Court in Windsor addressed the board regarding why the Town is in a rush to just accept a decision without an appeal.

Kristie Melendez from 800 3rd Street in Windsor addressed the board regarding her support of denying the appeal to the court opinion and to accept the court ruling.

Frederick Mahe from 604 Wycombe Court in Windsor addressed the board regarding his support of denying the appeal to the court's opinion and to accept the court ruling.

Steven Bragg from 4281 Prairie Court in Windsor addressed the board regarding his support of appealing the court's opinion.

David Sislowksi from 1812 Seashell Court in Windsor addressed the board regarding his support of denying the appeal to the court's opinion.

Wayne Scott from 2025 Orchard Bloom Drive in Windsor addressed the board regarding his support of appealing the court's opinion.

Larry Roche from 6301 Crooked Stick in Windsor addressed the board regarding his support of denying the appeal to the court's opinion.

Mary Koehler from 1004 3rd Street in Windsor addressed the board regarding her support of appealing the court's opinion and uphold the election.

Karen Speed from 8310 Cherry Blossom in Windsor addressed the board regarding her support of appealing the court's opinion and uphold the election.

Martin Lind from 1625 Pelican Lakes Point in Windsor addressed the board regarding his support of denying the appeal to the court's opinion.

Donald Johnson from 306 Poudre Bay in Windsor addressed the board regarding the board should hold a special election to fill the vacancy and not just appoint.

Alicia Williams from 480 Wind River Drive in Windsor addressed the board regarding her support of appealing the court's opinion and uphold the election.

James Eckersley from 7120 Crystal Downs Drive in Windsor addressed the board regarding his support of denying the appeal to the court's opinion.

Gillian Christensen from 225 N. Chimney Park Drive in Windsor addressed the board regarding her support of denying the appeal to the court's opinion.

Doug Kilgore from 902 Ridge West Drive in Windsor addressed the board regarding his support of appealing the court's opinion and uphold the election.

Beth Gillespie from 253 Turnberry Drive in Windsor addressed the board regarding her support of denying the appeal to the court's opinion.

Don Stavely from 129 N. Chimney Park in Windsor addressed the board regarding his support of appealing the court's opinion and uphold the election.

Jim Cosner from 617 Main Street in Windsor addressed the board regarding his support of denying the appeal to the court's opinion and pointing out that the Town needs to do better at communicating in the future.

Dan Stauss from 201 Caittail Bay in Windsor addressed the board regarding his support of denying the appeal to the court's opinion.

Tom Jones from Windsor addressed the board regarding his support of appealing the court's opinion.

Kimberly Williams from 480 Wind River Drive in Windsor addressed the board regarding her support of appealing the court's opinion.

C. EXECUTIVE SESSION

1. An Executive Session under C.R.S. Sec. 24-6-402(4)(b) to obtain legal advice regarding the lawsuit of *James Cosner v. Barry W. Wilson, an individual, and Karen Frawley, in her official capacity as the Town Clerk of Windsor* (Dan Money, Town Attorney)

Town Board Member Hallett moved to enter into an executive session pursuant to Colorado Revised Statutes Section 24-6-402 (4)(b) to obtain legal advice regarding the lawsuit of James Cosner v. Barry W. Wilson, an individual, and Karen Frawley, in her official capacity as the Town Clerk of Windsor, Town Board Member Steinbach seconded the motion. Roll call on the vote resulted as follows; Yeas - Ron Steinbach, Lainie Peltz, Julie Cline, Rick Klimek, Jason Hallett; Nays - None; Motion Passed.

The Town Board entered into an executive session at 6:53 p.m.

Upon a motion duly made, the Town Board returned to the special meeting at 8:37 p.m.

The executive session was closed and the Town Board returned to the special meeting.

Upon returning to the special meeting, Mayor Pro Tem Cline advised that if any participants in the executive session believed the session contained any substantial discussion of any matters not included in the motion to convene the executive session, or believed any improper action occurred during the session in violation of the open meetings law; such concerns should now be stated. Hearing none, the special meeting resumed at 8:45 p.m.

D. BOARD ACTION

1. Motion to Approve or Deny an Appeal of the Weld County District Court Decision in *James Cosner v. Barry W. Wilson, an individual, and Karen Frawley, in her official capacity as the Town Clerk of Windsor*

Does the Board wish to appeal the District Court Decision rendered in this lawsuit?

Town Board Member Hallett moved to deny an appeal of the Weld County District Court decision in James Cosner v. Barry W. Wilson, and individual, and Karen Frawley, in her official capacity as the Town Clerk of Windsor, 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; Motion Passed.

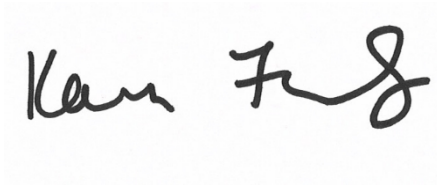
E. BOARD DISCUSSION

1. Future Meetings Agenda

F. ADJOURN

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

Upon a motion duly made, the meeting was adjourned at 8:55 p.m.

A handwritten signature in black ink, appearing to read "Karen Frawley", is written over a light gray rectangular background.

Karen Frawley, Town Clerk