



TOWN BOARD WORK SESSION

November 25, 2024 - 5:30 PM

1st Floor Conference Room, 301 Walnut Street, Windsor, CO 80550

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

AGENDA

GOAL of this Work Session is to have the Town Board receive information on topics of Town business from the Town Manager, Town Attorney and Town staff in order to exchange ideas and opinions regarding these topics.

Members of the Public in attendance are asked to be recognized by the Mayor before participating in any discussions of the Town Board

WORK SESSION AGENDA ITEMS

1. Natural Medicine Psilocybin Mushroom Discussion - D. Money, Town Attorney
2. Windsor Chamber of Commerce Update
3. Use of Public Rights of Way - Dig Once Policy Discussion - E. Lucas, Deputy Town Manager;
K. Mihm, Deputy Town Attorney, O. Herrera, Director of Engineering
4. Future Meetings Agenda

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.



MEMORANDUM

Date: November 25, 2024
To: Mayor and Town Board
From: Daniel Money, Town Attorney
Re: Natural Medicine Psilocybin Mushroom Discussion - D. Money, Town Attorney
Item #: 1.

Background / Discussion:

Proposition 122 was a ballot measure that decriminalized the cultivation, possession, consumption, and sharing of natural medicine (Psilocybin Mushrooms) by persons 21 years of age or older in Colorado. This measure also allowed for the licensing of healing centers, healthcare facilities and facilitators to use natural medicine in the form of mental health treatment. This proposition was passed and went into law in November 2022 and has been codified in C.R.S. Sec. 12-170-101 through Sec. 12-170-115.

Proposition 122 preempts local governments in multiple areas of law but mainly does not allow local jurisdictions to ban or prohibit licensed natural healing facilities from using natural medicine in their practice. This preemption is limited, and the State allows municipalities to regulate the time, place, and manner of the operation of licensed facilities within their boundaries and impose other regulations that are not unreasonable or in conflict with state law.

Senate Bill 23-290 was signed by the Governor on May 23, 2023. This Bill, codified in C.R.S. 44-50-101, creates a regulatory structure for the operation of licensed facilities for the supervised use of psychedelic mushrooms. One of the main items of regulation comes in the form of distancing restrictions on natural medicine facilities. As such, there is a distance requirement of 1,000 feet from all childcare centers or any K-12 school. The 1,000-foot distance must be computed by direct measurement from the nearest property line of the land used for a school or facility to the nearest portion of the natural medicine facility using a route of direct pedestrian access. Local jurisdictions, by ordinance, can vary the distance required to operate a facility in their community.

The State begins accepting applications for natural medicine businesses at the end of 2024 and intends to issue licenses on January 1, 2025. The Department of Regulatory Agencies (DORA) and the Department of Revenue (DOR) regulate these licenses and facilities.

Does the Town Board desire to begin the process of zoning for these natural medicine facilities to properly operate within the coming year, or do they desire to enact a moratorium of limited duration (i.e., six months) to provide additional time for ordinance adoption?

If the Town Board wishes to proceed with zoning, issues for discussion are: 1) zoning districts--where can they go, 2) days and hours of operation, and 3) distance requirements.

If the Town Board wishes to proceed with a moratorium, the issues for discussion are 1) its length (6 months is generally acceptable) and 2) its purpose.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:



MEMORANDUM

Date: November 25, 2024
To: Mayor and Town Board
From: Eric Lucas, Deputy Town Manager
Kim Mihm, Deputy Town Attorney
Omar Herrera, Deputy Director of Engineering
Re: Use of Public Rights of Way - Dig Once Policy Discussion - E. Lucas, Deputy Town Manager;
K. Mihm, Deputy Town Attorney, O. Herrera, Director of Engineering
Item #: 3.

Background / Discussion:

Over the past 4–5 months, the Town has been approached by at least four broadband fiber companies seeking the ability to bring fiber into Windsor. Their inquiries led staff to look at how we currently permit our right of way (ROW), and potential changes needed in our code and processes to ensure that we protect our ROW. What we found is we need significant revisions to code and policies in order to ensure our ROW is utilized in an orderly fashion and restored to existing conditions.

One significant example, and the focus of the work session is that we do not currently have Dig Once policies. These are necessary to ensure we minimize disruption to public spaces and reduce costs by allowing multiple utility providers to install their infrastructure simultaneously during a single excavation. At the meeting we will focus on gaining board input specifically around Dig Once policies, along with your thoughts around how we handle broadband fiber installation.

Financial Impact:

None at this time

Relationship to Strategic Plan:

Recommendation:

Provide staff feedback that can be used to finalize policy changes that will come before the board in early first quarter 2025.

CC:

Attachments:



FUTURE TOWN BOARD MEETINGS

December 2, 2024	Canceled – 1 st Monday
December 9, 2024 5:00 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting Kodak Open Space Master Plan Water Efficiency Kick-off Discussion
December 9, 2024 7:00 p.m.	Town Board Regular Meeting
December 16, 2024	Board/Manager/Attorney Annual Dinner
December 23, 2024	Canceled
December 30, 2024	Canceled
January 6, 2025	Canceled – 1 st Monday
January 13, 2025 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting Vision Zero Plan Update
January 13, 2025 6:45 p.m.	Kern Board Meeting
January 13, 2025 7:00 p.m.	Town Board Regular Meeting
January 20, 2025 5:30 p.m.	Town Board Work Session
January 27, 2025 5:30 p.m.	Town Board Work Session
January 27, 2025 7:00 p.m.	Town Board Regular Meeting

Future Work Session Topics

- Water 101 (January)