



TOWN BOARD CHARTER REVIEW AD HOC COMMITTEE MEETING

May 14, 2025 - 4:00 PM

Town Hall Basement Training Room, 301 Walnut Street, Windsor, CO
80550

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

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Public Invited to be Heard

Individuals wishing to participate in Public Invited to be Heard are requested to sign up on the form provided. When you are recognized, state your name and address then speak to the committee members.

The committee members will not respond to any questions or comments made by the public during this section of the meeting, though it will take all input under advisement.

3. Review and Approve the April 30, 2025 Meeting Minutes

B. OLD BUSINESS

1. Review Current Amendments Document

C. NEW BUSINESS

1. Review and Consider Ad Hoc Committee Recommendations for Town Board Submission

D. ADJOURN

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.

TOPIC		DISCUSSION/FINDINGS	RECOMMENDATIONS/ACTIONS	FOLLOW-UP
ATTENDANCE		PRESENT: Bill Kaufman, Karen Jacobsen, Doug Kilgore, ToniRae Andres, Walter Willis, Nancy Frase, Scott Simmons, Tom Jones, Brian Jones, Jason Hallett, Geoff Wilson, Dan Money, Eric Lucas, Karen Frawley ABSENT: None PUBLIC IN ATTENDANCE: None		
CALL TO ORDER		Meeting called to order at 4:30 PM		
AGENDA ITEMS:				
#1	Public invited to be heard	There was no public in attendance.		
#2	Review and approval of the April 16, 2025 Meeting Minutes	Scott Simmons made a motion to approve the meeting minutes, Bill Kilgore seconded the motion, all approved the minutes from the previous meeting as written.		
#3	Review current redline document.	<ol style="list-style-type: none"> 1. Review the current redline version and all approved. <ul style="list-style-type: none"> • When reviewing the current redline, amendments 6 and 7 were determined to be ok as it currently stands. • Review of the proposed open space language after review, it was determined that Mr. Wilson would provide revised language. 	<ol style="list-style-type: none"> 1. Remove amendments 6 and 7 from the list of recommendations to the board. 	<ol style="list-style-type: none"> 1. Mr. Wilson will provide an updated document with updates that were discussed and approved. 2. Mr. Wilson will provide updated language regarding open space development receiving voter approval for discussion at the next meeting.
ADJOURNMENT		5:46 pm		

Town of Windsor

Charter Amendments: Spring 2025

(Revised following 04/30 meeting of CRC)

1. Amend Article II, Section 2.3 of the Windsor Town Charter as follows:

2.3 - Form of Government

The municipal government provided by this Charter shall be known as a Board-Manager government, [as generally described in C.R.S. 31-4-203-221, as from time to time amended.](#)

2. Amend Article III, Section 3.1 of the Windsor Town Charter, to delete subsections E and F, as follows:

3.1 - Town Board

~~E.—Transition to districts. A Districting Commission shall be formed. The Districting Commission shall consist of five (5) members. Members of the Districting Commission must be registered electors of the Town. No member of the Town Board or employee of the Town shall be a member of the Districting Commission.~~

~~Districts shall be created and in effect for the next municipal election (April, 2008).~~

~~The following entities will each have one representative appointed by the former Mayor W. Wayne Miller, the former Mayor pro tem Kristy Duffy, and the Town Clerk to the Districting Commission for determining the six (6) geographical districts:~~

~~1. Windsor Residents residing in Larimer County.~~

~~2. Windsor Residents residing east of CR 13 and north of HWY 392.~~

~~3. Windsor Residents residing in central Windsor (east of CR 13).~~

~~4. Windsor Residents residing in Water Valley.~~

5. Windsor Planning Commission.

~~F.—To transition to districts, the first municipal election following the creation of districts (April, 2008) shall be held to elect three (3) Town Board members for four (4) year terms and such Town Board Members shall be from three (3) of the six (6) geographic districts defined by the District Commission, the choice of such three (3) districts to be made by the District Commission after giving due regard to those districts that are presently unrepresented on the Town Board. Town Board members for the three (3) remaining districts shall be chosen at the 2010 municipal election, such elections also being for four (4) year terms.~~

~~During the transition period, any appointments to fill vacancies shall be for the geographic or at-large position held by the vacating Town Board member.~~

~~No Town Board member presently serving on the Town Board shall have his term shortened as a result of this Section 3.1. (Amended by voters on November 7, 2007; amended by voters on April 3, 2012; amended by voters on February 18, 2025)~~

3. Amend Article IV, Section 4.5, subsection C of the Windsor Town Charter as follows:

4.5 Meeting to be Public; Executive Sessions

C. Any meeting may be recessed into an executive session ~~in the~~ by a ~~majority~~ two-thirds vote of the members of the Town Board present and may be closed to the public for any of the basis for which an executive session is permitted pursuant to the Colorado Open Meetings Law, C.R.S. 24-6-402, as from time to time amended. ~~the following purposes only:~~

~~1.——To determine a position relative to issues subject to negotiation, to receive reports on negotiation progress and status, to develop strategy, and to instruct negotiators;~~

~~2.——To consider the acquisition or disposal of property if, in the judgment of the Town Board, premature disclosure of information might give any person an unfair competitive or bargaining advantage;~~

~~3.——For matters of attorney-client privilege, to receive legal advice from an attorney representing the Town, and for matters required by law to be kept confidential;~~

~~4. — For matters critical to the personal safety of elected officials and for matters involving the protection and security of Town property;~~

~~5. — For personnel matters;~~

~~6. — To deliberate on evidence presented to the Town Board while acting in a quasi-judicial capacity; or~~

~~7. — To consider additional matters for which an executive session is permitted under the State Statutes concerning the meetings of local public bodies.~~

4. Amend Article IV, Section 4.10, subsection A, paragraph 8, of the Windsor Town Charter, as follows:

8. The ordinance shall be signed by the Mayor and attested by the Town Clerk. , ~~and affidavits of publication shall be retained with the ordinance in the Town's records.~~

5. Amend Article I of the Windsor Town Charter to repeal Section 1.35, and amend Article V, Section 5.3, as follows:

~~**1.35 Recuse.**~~

~~Officials, public body members or employees who have been recused from a matter, shall remove themselves completely from all further participation in the matter in question. Official, public body members or employees who have been recused shall immediately leave the room or shall seat themselves with the other members of the public who are present. The recused person shall not participate in further discussions, unless they clearly state for the record that they are doing so only as a general member of the public. Recused persons shall not deliberate or vote on the matter in question.~~

5.3 Duty to Disclose.

A. Disclosure. ~~A~~ An official, public body member ~~or employee~~ of the Town of Windsor shall disclose ~~not participate in the conduct of business on behalf of the Town or enter into discussion or deliberation of any matter without first,~~ publicly and on the record, ~~stating all possible~~ any conflicts of interest that ~~may~~ exist between themselves and their family members, and the principals or the issue under consideration. Should such a conflict of interest be declared, the person

making such declaration shall recuse themselves from consideration of the issue under consideration.

B. Recusal. Public body members who have been recused from a matter, shall remove themselves completely from all further participation in the matter in question. Public body members who have been recused shall not attempt to influence the vote of the remaining members of the body. Recused persons shall not deliberate or vote on the matter in question.

6. Amend Article XVI by creating a new subsection 16.3(b), as follows:

16.3 - Sale or Encumbrance of Property

(a) The Town Board may not sell, exchange, or dispose of public utilities or permanent public buildings or any fee interest in real property except by ordinance or a majority vote of the electors at the option of the Town Board Members. The Town Board may not mortgage or encumber public utilities or permanent public buildings or real or personal property except by ordinance or majority vote of the electors at the option of the Town Board Members.

[Committee members: Immediately below is Nancy Frase’s language, slightly modified by me (my changes shown in Redline). One consideration might be whether we need to flesh out what is meant by a “decrease in quantity or quality.” It may be enough to prescribe these procedures for any proposed “changes in ownership and usage,” obviating the need for the “quantity/quality” language.

An alternative approach would be to add prefatory “command” language at the beginning. I have presented that alternative after Nancy’s. As noted, an option to constrain Council in either case would be to require Council make certain findings as a condition precedent to being able to approve a sale or change of use.]

(b) (i) Lands or property purchased through use of the proceeds of the 0.25% sales tax approved by Town voters at the Town election held ~~on~~ in November 2022, or any subsequent sales taxes approved by Town voters specifically intended for the purchase of open space, shall be protected from a decrease in ~~the intended~~ quantity and quality, ~~as described in the related ballot measure,~~ through the creation and maintenance of an ordinance setting forth a process for Council consideration of proposed ~~detailing the process for~~ changes in the ownership or usage of said land. That process shall ensure that the change will align with the comprehensive plan, ~~shall~~ ensure review by the planning department and the planning commission, and shall provide multiple opportunities for public input.

(ii) Any change in use or ownership shall be approved by ordinance, and no such change in use approved by the City Council shall occur until 90 days following the date of City Council approval of such change. Within said 90-day period, a petition meeting the requirements of Article VII of this Charter, except that 90 days shall be allowed for the submission of the petition, may be submitted to the city clerk requesting that the proposed change in use be reconsidered by Council. If such petition is submitted, the proposed change in use shall be suspended and Council shall reconsider the proposed change in use. Unless Council, upon reconsideration, disapproves said change of use in its entirety, no change in use shall become effective unless approved by a majority of the registered electors voting thereon at an election to be held in accordance with the provisions of Article VII.

Alternative:

(b) (i) No change in ownership or use of any open space lands or property purchased through use of the proceeds of the 0.25% sales tax approved by Town voters at the Town election held on in November 2022, or any subsequent sales taxes approved by Town voters specifically intended for the purchase of open space, shall be permitted, except as provided in a Town ordinance setting forth a process for Council consideration of proposed changes in the ownership or usage of said land. That process shall ensure that the change will align with the comprehensive plan, ensure review by the planning department and the planning commission, and shall provide multiple opportunities for public input. [Option: Such process shall only commence after Council finds that: *(insert required findings)*]

(ii) Any change in use or ownership shall be approved by ordinance, and no such change in use approved by the City Council shall occur until 90 days following the date of City Council approval of such change. Within said 90-day period, a petition meeting the requirements of Article VII of this Charter, except that 90 days shall be allowed for the submission of the petition, may be submitted to the city clerk requesting that the proposed change in use be reconsidered by Council. If such petition is submitted, the proposed change in use shall be suspended and Council shall reconsider the proposed change in use. Unless Council, upon reconsideration, disapproves said change of use in its entirety, no change in use shall become effective unless approved by a majority of the registered electors voting thereon at an election to be held in accordance with the provisions of Article VII.

Hypothetical Open Space Scenario

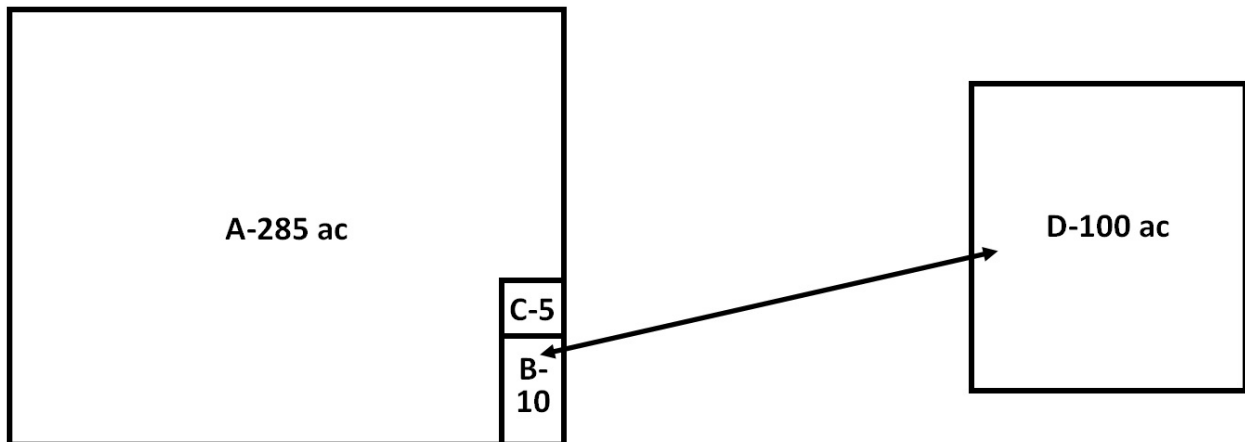
Note: This is Nancy's best guess at how this scenario might unfold; the information contained within this document may be grossly inaccurate and is subject to correction

Actions accomplished through a TB resolution:

- Requires no public notification other than inclusion on the TB meeting agenda for the one meeting during which it is decided
- Has no dedicated public hearing
- Typically only appears on the TB meeting agenda one time, for the meeting at which it is decided
- No referendum period or initiative opportunity before the action is finalized??

Actions accomplished through planning/zoning processes and TB ordinance:

- Neighbors within 500 feet of the property are directly notified
- All other Windsorites receive notification through the typical means of notification, such as the town website
- There are multiple public hearings, including with the Planning Commission and the Town Board
- 30-day referendum period



Event #1: Acquisition of open space (actually happened in real life)

The town purchases 300 acres of land and associated water rights (parcel A+B+C)

Accomplished via Resolution No. 2025-08

Event #2: Subdivision (hypothetical)

The town subdivides the 300 acres of open space (parcel A+B+C) into three parcels (A, B, and C)

Accomplished through a subdivision process, with final approval by TB via an ordinance

Event #3: Land swap (hypothetical)

The town swaps 10 acres of open space (parcel B) for 100 acres of really awesome privately-owned land for open space uses (parcel D) – the new owner of parcel B is a commercial developer

Accomplished through a TB resolution

Event #4: Rezoning (hypothetical)

Parcels B and C are rezoned to commercial

Accomplished through a rezoning process, with final approval by TB via ordinances. There would be two applications, one by the commercial developer for parcel B and one by the town for parcel C.

Event #5: Commercial development (hypothetical)

A private commercial developer builds a shopping center on parcel B

Accomplished through a site plan process, with final approval by TB via resolution

Event #6: Senior Center (hypothetical)

The town constructs a new town-owned senior center on parcel C

Accomplished through a site plan process, with final approval by TB via resolution

Event #7: Open space development (hypothetical)

The town develops walking/biking trails, public soccer fields, a public golf course in the 285 acres of open space (parcel A)

Accomplished through an open space development process, what power does the public have in that process?

Event #8: Rezoning (hypothetical)

Parcel D is rezoned from agriculture (open space?) to high-density residential

Accomplished through a rezoning process, with final approval by TB via an ordinance. Would parcel D lose its “open space” protection because it was acquired via a swap?

Event #9: Affordable housing development (hypothetical)

The town builds town-owned subsidized housing on parcel D

Accomplished through a site plan process, with final approval by TB via resolution