# TOWN BOARD WORK SESSION

November 28, 2022 - 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. Meet The Board - New Employees - B. Sorenson, Human Resources Manager
2. Economic Development Incentive Discussion - S. Miller, Economic Development Director
3. Fair Campaign Practice Act Code and Policy Update - K. Frawley, Town Clerk
4. Great Western Trail Authority Request - S. Hale, Town Manager
5. 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 28, 2022
**To:** Mayor and Town Board
**From:** Bradley Sorenson, HR Manager
**Re:** Meet The Board - New Employees - B. Sorenson, Human Resources Manager
**Item #:** 1.

**Background / Discussion:**

| | | | | |
|---|---|---|---|---|
| Miller | Kyle | IT Analyst | 8/1/2022 | Jessica Humphries |
| Bartmann | Julia | Communication Coordinator | 8/1/2022 | Jessica Humphries |
| Swanlund | Max | Utility Technician | 8/8/2022 | Brian Rowe |
| Farinelli | Ariel | Facility Specialist | 8/8/2022 | Tara Fotsch |
| Hutchinson | Richard | IT Analyst | 8/23/2022 | Jessica Humphries |
| Martinez | Chelsey | Admin. Assistant - CS | 10/10/2022 | Jessica Humphries |

**Financial Impact:**

**Relationship to Strategic Plan:**

**Recommendation:**

**CC:**

**Attachments:**

# MEMORANDUM

**Date:** November 28, 2022
**To:** Mayor and Town Board
**From:** Stacy Miller, Economic Development Director
**Re:** Economic Development Incentive Discussion - S. Miller, Economic Development Director
**Item #:** 2.

**Background / Discussion:**
A discussion to review, analyze and discuss the current incentive program for the Town of Windsor Economic Development Department. This presentation will review our existing program, compare it to the surrounding communities and offer additional information and insight.

**Financial Impact:**

**Relationship to Strategic Plan:**

**Recommendation:**

**CC:**

**Attachments:**
1. Incentives Town Board 11-28-22
2. TOW Primary Employer Incentive guidelines 2022

TOWN OF WINDSOR COLORADO

# Windsor Economic Development Incentives

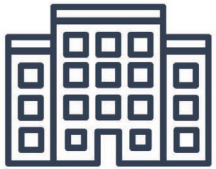
*November 28, 2022*

# Why do we do Incentives?

## Windsor's ROI From Incentives

**$15,027,429** Incentives since 2003

**Resulting In**



**$805,327,257**

*Invested into the community*

**2,205**
New Jobs

**1286**
Jobs Retained

**2.5 MILLION** square feet of space has been acquired or built

**$98,377,380**
Annual Payroll

# Incentive History

Modification to incentive guidelines 2016 for 2017 & 2019 guidelines

- Review of existing incentives
- Maintain Case by Case policy for retail
- Trend in blanket incentive agreements (The Brands)
- Recommended removal of raw water waiver
- Requiring minimum investments in equipment

# Qualifications:

Primary Employers New & Expanding:

- Creation of primary jobs with a facility-wide aggregate payroll equal to at least 110% of County average for all new hires
- Minimum capital investment of $500,000
- Pay 80% facility-wide aggregate of health insurance premiums
- Provide company information for an Economic Impact Analysis to be run by the town
- Prepare to provide on-going company information for monitoring purposes

# Current Primary Employer Incentives

- Development Fees:
  - Waived:
    - Admin Fee
    - Construction Materials Use Tax
  - Reimbursed at Certificate of Occupancy:
    - Water/Sewer Tap Fees (enterprise fund)
    - Storm Water Drainage Fee (enterprise fund)
    - Sewer Plant Investment Fee (enterprise fund)
- Personal Property Tax Rebate (only 50% for up to 10 years)
- Expedited Review
- Training Dollars
- PAB's
- Cash Incentives/Economic Development Fund
- CBDG funds

# Other Options

Several Communities offer assistance with other incentives:

- URA - PIF/TIF
- Metro districts (Windsor allows)
- Special/Business Improvement Districts (Windsor Allows)
- Public Infrastructure Loan Funds (Greeley Only)
- Water (Greeley Only)
- PAB’s
- Cash incentives (Loveland)
- Deferment of Development Fees until C.O. or beyond (Loveland & Greeley)

# Retail Incentives

Windsor is still seeing a lot of home-grown retailers as well as national chains starting to look our way.

My recommendation is still to leave the incentive program as is, case by case basis.  The town board will have the discretion to decide on each project based on merit.

# Additional info

- Most surrounding Municipalities are doing the same things with additional incentives.
    - URA, Opportunity zones
    - Downtown Façade improvement program etc., store front programs
    - Provide land for development
    - Most all partner with Regional & State office for additional incentives
    - Economic Impact Analysis (Loveland, Windsor)

# Windsor Economic Incentives

- In general, our primary employer incentive program still seems to be consistent with the region.
- Incentives continue to play a role in attracting and retaining primary employers, as well as attracting new retail to a community.
- Overall, there are simply not a lot of options out there at the state, regional and local levels.
- Concerns, raising road impact fees, while vital to infrastructure, could trigger higher requests and amounts.
- Larimer County more expensive to develop than Weld County. (Fort Collins/Loveland Water Sanitation Dist.)

# Questions?

TOWN OF WINDSOR COLORADO

Thank you

# 2022 Primary Employer Incentive Guidelines

## I. DESCRIPTION

The Primary Employer Incentive Guidelines are part of the Town of Windsor's Economic Development Program and are a competitive incentive program offered to companies proposing to locate or expand in the Town of Windsor. All incentives provided under the program require Town Board approval in each case, and are administered by Town staff.

The purpose of the program is to aid economic development within the Town by providing assistance to qualified primary employers who plan to establish new operations or facilities in the Town of Windsor or significantly expand existing operations or facilities in the Town of Windsor.

*A primary employer is any company which exports at least 50% of their goods or services outside the region. The Region is currently designated as Larimer and Weld Counties.*

## II. PURPOSE

The purpose of the Primary Employer Incentive Guidelines program is to attract investment and create primary jobs in the Town of Windsor, thus providing an identifiable public benefit, justifying the Town's expenditure of taxpayer revenue and/or waiver of such revenue. This can be done through the following approaches:

1. Target those projects with the greatest impact on economic development in Windsor.

2. Provide incentives to stimulate economic development which otherwise would not occur or which would otherwise be delayed longer than is expedient for the maximum public benefit as a whole.

3. Provide a source of funding for projects not eligible for other forms of economic development incentives for any of the following reasons:
    a. Project timing
    b. Project Size -- amount needed too small to justify application costs for other types of assistance.
    c. Traditional bank financing is unavailable or unnecessarily costly

## III. ELIGIBLE PARTICIPANTS

The applicant must be a qualified business able to do business in the State of Colorado. Any request by a qualified company must be consistent with the Town of Windsor strategic plan as adopted and in effect at the time of application. All incentivized projects must meet the requirements set out by the Town, including, but not limited to:

A. Primary Employers: New & Expanding

1. Creation of primary jobs with a facility-wide aggregate payroll equal to at least 110% of County average for all new hires
2. Minimum capital investment of $500,000
3. Pay 80% facility-wide aggregate of health insurance premiums
4. Provide company information for an Economic Impact Analysis to be run by the town
5. Prepare to provide on-going company information for monitoring purposes

## IV. APPLICATION PROCEDURES

The Business Development Manager shall provide potential applicants with pre-application and Economic Impact Analysis forms. Initial contact for application may also be done by phone or in person with other members of the Windsor Town staff including the Town Manager. Company information provided for the Economic Impact Analysis must be current and will not be valid if the information is more than 120 days old from the date on the application.

Pre-applications will be reviewed by Town staff. If the project appears to meet the eligibility requirements of the Town, the applicant will receive written notice and a request to submit a final application including a written request to the Town Manager.

Final applications approved by the Town staff shall be presented to the Town Board as scheduled by the Town Manager.

The Town Board and Town staff may solicit proposals for projects determined to be of crucial importance to the economic development of the Town of Windsor.

## V. AVAILABLE INCENTIVES

A. Development Fees, Sales & Use Taxes**:** The following fees and/or taxes may be waived, deferred or reimbursed in full or in part upon approval of the Town Board. These Include:

1. Construction materials use tax
2. Water/sewer tap fees
3. Storm water drainage fee

***For more information please contact the Windsor Economic Development Department at: 301 Walnut Street – Windsor, CO 80550 – www.windsorgov.com or 970-674-2446***

4. Town administrative portion of the building permit fee

B. Personal Property Tax Rebate - (minimum $1,000,000.00 investment required) Pursuant to Section 31-15-903, C.R.S., up to fifty percent (50%) of property tax revenue received by the Town for up to ten (10) years, attributable to personal property placed into service during the first year of operations

C. Expedited development review and fast tracking of commercial project development reviews

D. Town of Windsor Training Dollars -
On a case by case basis the Town of Windsor may consider a contributing dollar for dollar match of the Colorado First/Existing Training Grant Program up to a maximum of $10,000 per company

E. Sponsorship of Private Activity Bonds

F. Cash incentives may be offered, based on the creation and retention of primary jobs for one year, if the wage is above the required 110% of the county average

G. Access to Community Development Block Grant (CDBG) funds for infrastructure

## VI. RESTRICTIONS

1. The Town of Windsor will not provide incentives to companies for relocation of existing employment from other local communities. The Town will only provide incentives for new net qualifying primary jobs.

2. The Town of Windsor will not provide cash incentives for job creation to companies receiving cash incentives from the State of Colorado for job creation

3. If any requirements are not met, the entire incentive or a portion of the Incentive may be recalled. Projects only located within the Town of Windsor municipal boundaries are eligible for this program. Those projects located outside of the Town limits must agree to annex into the Town if the property ever becomes contiguous with the Town Limits. The parameters outlined in the program are for guidance purposes only and each project will be evaluated on a case-by-case basis

***For more information please contact the Windsor Economic Development Department at: 301 Walnut Street – Windsor, CO 80550 – www.windsorgov.com or 970-674-2446***

## VII. CONFLICT OF INTEREST

Elected and appointed officials and any Town employees, or agents shall not directly or indirectly be eligible for incentives or inducements offered under this program. This prohibition shall continue for twenty-four (24) months after an individual's elected, appointed or employment relationship with the Town concludes.

## VIII. AMENDMENT OF PRIMARY EMPLOYER INCENTIVE PROGRAM

### GUIDELINES

The Windsor Town Board has the authority to amend these Primary Employer Incentive Program Guidelines.

***For more information please contact the Windsor Economic Development Department at: 301 Walnut Street – Windsor, CO 80550 – www.windsorgov.com or 970-674-2446***

# MEMORANDUM

**Date:** November 28, 2022
**To:** Mayor and Town Board
**From:** Karen Frawley, Town Clerk
**Re:** Fair Campaign Practice Act Code and Policy Update - K. Frawley, Town Clerk
**Item #:** 3.

**Background / Discussion:**
The Colorado Fair Campaign Practices Act (C.R.S. Title 1, Article 45) assures that issue and candidate campaigns follow basic rules for reporting of campaign contributions. As an alternative to relying on the State process for issues that arise in municipal elections, the Act allows home rule municipalities to adopt their own campaign practices provisions by ordinance or through their home rule charters. In consultation with the Town Attorney, I have prepared the attached Ordinance, FCPA Policy and Complaint Form.

The Ordinance codifies the rules for handling fair campaign practice complaints in the context of municipal elections. The Ordinance provides that the Town Clerk may adopt policies and procedures to implement the Code requirements. The Policy follows the Ordinance's requirements. The Complaint Form is the tool by which a FCPA complaint will be initiated. Each of these documents interrelate and assures the public that campaign practice violations are addressed in the context of municipal elections.

The Ordinance does not change state law as it relates to state-level election practices. The Ordinance addresses only to oversight of campaign finance requirements applicable to municipal elections. This Ordinance closely tracks the structure of state law to assure consistency, but is customized to fit our municipal processes.

**Financial Impact:**

**Relationship to Strategic Plan:**

**Recommendation:**

**CC:**

**Attachments:**
1. 11-7-22 DRAFT FCPA Ordinance
2. 11-22-22 DRAFT FCPA Policy
3. 11-22-22 DRAFT Town Clerk FCPA Policy Form

TOWN OF WINDSOR
ORDINANCE NO. [###]

AN ORDINANCE PROVIDING FOR THE REVIEW AND DISPOSITION OF COMPLAINTS FILED UNDER THE COLORADO FAIR CAMPAIGN PRACTICES ACT IN THE TOWN OF WINDSOR

WHEREAS, the Town of Windsor ("Town") is a Colorado home rule municipal corporation with all powers of self-government provided by law; and

WHEREAS, election practices and administrative regulations are matters of local concern over which the Town has considerable authority independent of state law; and

WHEREAS, the regulation of candidate and ballot issue campaign practices is reserved to municipal governments that choose to adopt rules and enforcement mechanisms by official action; and

WHEREAS, the Town Clerk has recommended Town Board adoption of this Ordinance to clarify the municipal processes for evaluation and processing of complaints surrounding candidate and ballot issue campaign practices in all municipal elections; and

WHEREAS, the Town Board has considered the recommendations of the Town Clerk and has concluded that the adoption of this Ordinance promotes the public health, safety and welfare as pertaining to the vital role the democratic process plays in Town governance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Chapter 1 of the Windsor Municipal Code shall be amended by the addition of a new Article IX, which shall read as follows:

**Sec. 1-9-10. – Statement of Intent and Purpose.**

The intent and purpose of this Article shall be the full, fair and expeditious resolution of complaints arising out of compliance with campaign finance and fair campaign practices standards applicable to municipal elections within the Town of Windsor.

**Sec. 1-9-20 - Definitions.** As used in this Article, unless the context otherwise requires:

*Article XXVIII* shall mean Article XXVIII of the Colorado Constitution.

*Curable violation* shall mean a failure to file or otherwise disclose required information, or any matter for which the Town Clerk concludes an opportunity for amended filing will resolve a complaint filed under this Article.

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*Hearing officer* shall mean a person appointed and authorized to conduct a hearing under Section 1-9-60 below.

*Title 1 Article 45* shall mean the Colorado Fair Campaign Practices Act, as applicable to Town municipal elections.

*Town Clerk* shall mean the Town Clerk for the Town of Windsor, or designee, serving pursuant to Section 1.7 of the Windsor Home Rule Charter.

*Town Clerk's rules* shall mean the rules of the Town Clerk concerning campaign and political finance, including rules of the Town Clerk regarding the processing of complaints filed pursuant to this Article.

**Sec. 1-9-30. – Complaints**.

(a) Any person who believes that a violation of Article XXVIII or the Town Clerk's rules has occurred may file a complaint with the Town Clerk. The Town Clerk's rules shall prescribe the form and manner of filing complaints under this Article.

(b) A complaint must be filed no later than ten (10) days after the date on which the complainant either knew or should have known, by the exercise of reasonable diligence, of the alleged violation.

(c) Every complaint filed pursuant to this Article shall contain a statement affirmed by the complainant as follows:

> I hereby affirm under penalty of perjury that this Complaint and all attachments incorporated by reference herein is true and accurate, is filed in good faith, and not out of malice or any other improper motive or purpose.

(d) Upon receipt of a complaint meeting the requirements of this Article, the Town Clerk shall notify the respondent of the complaint by e-mail or by regular mail if e-mail is unavailable. The Town Clerk's notification under this subsection shall include a brief description of the process by which complaints filed under this Article may be resolved.

(e) The Town Clerk shall forward any complaint meeting the requirements of this Article to the Town Attorney for the review and engagement of the Town Attorney with respect to the Town Clerk's handling of the complaint. The Town Attorney may arrange for retention of independent and impartial special counsel.

**Sec. 1-9-40. - Initial review.**

Within three business days of filing, the Town Clerk shall conduct an initial review of a complaint filed under this Article to determine whether the complaint:

(1) Was timely filed under Section 1-9-30 (b) above; and

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(2) Specifically identifies one or more violations of Article XXVIII, Title 1 Article 45, or the Town Clerk's rules; and

(3) Alleges sufficient facts to support a factual and legal basis for the violations of law alleged in the complaint; and

(4) Contains the affirmation required under Section 1-9-30 (c) above.

**Sec. 1-9-40. – Initial Determination, Summary Action, Cure**.

(a) Within five business days of receiving a complaint meeting the requirements of this Article, the Town Clerk shall take one or more of the actions specified in this subsection below:

(I) If the Town Clerk makes an initial determination that the complaint was not timely filed, has not specifically identified one or more violations of Article XXVIII, Title 1 Article 45, or the Town Clerk's rules, does not assert facts sufficient to support a factual or legal basis for an alleged violation or does not contain the required affirmation, the Town Clerk shall summarily dismiss the complaint. The Town Clerk shall notify the complainant in writing of dismissal, and shall provide a brief written explanation for such dismissal. Summary dismissal by the Town Clerk under this subsection constitutes final agency action for purposes of judicial review.

(II) If the Town Clerk, in her sole and absolute discretion, makes an initial determination that the complaint alleges one or more curable violations, the Town Clerk shall notify the respondent and provide the respondent a reasonable opportunity to cure any curable violations. The Town Clerk shall specify in writing the steps required for cure and the date upon which cure must be demonstrated by the respondent. In no case shall a respondent be given more than three business days to cure a curable violation. A respondent may refuse to cure a violation deemed curable by the Town Clerk under this subsection, but may do so only by filing a written refusal to cure with the Town Clerk within one business day of notification by the Town Clerk under this subsection.

(III) If the Town Clerk makes an initial determination that the complaint has specifically identified one or more violations of Article XXVIII, Title 1 Article 45, or the Town Clerk's rules, and has alleged facts sufficient to support a factual or legal basis for each alleged violation, and that either a factual finding or a legal interpretation is required, the Town Clerk shall refer the matter for independent review and analysis as provided under Section 1-9-50 below within ten business days of filing, and shall refer the matter for determination by a hearing officer.

(b) If the Town Clerk determines the respondent has substantially and timely cured each curable violation for which notice has been issued pursuant to subsection (a) (II), the Town Clerk shall notify both the complainant and the respondent in writing that each

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curable violation has been satisfactorily resolved. The Town Clerk's notification under this subsection (b) constitutes final agency action for purposes of judicial review.

**Sec. 1-9-50. – Independent Investigation, Conclusions, Referral for Hearing.**

(a) For any matter not resolved in accordance with Section 1-9-40 (a) (I) or (II) above, the Town Clerk shall refer the matter for investigation to the Town Prosecutor. Upon request of the Town Prosecutor, the Town Attorney may seek the appointment of special investigative counsel as provided in the Town's Home Rule Charter.

(b) For the purpose of an investigation relating to a complaint filed under this Article, the Town Prosecutor or appointed special counsel may request the production of any documents or other tangible things that are believed to be relevant or material to the investigation, and shall establish the relevance and materiality in writing. Notwithstanding any other provision of law, documents or other tangible things obtained by the Town Prosecutor or appointed special counsel during the course of an investigation under this Section are not subject to inspection or copying under the Colorado Revised Statutes Title 24, Article 72, Part 2 or Part 3. Notwithstanding any other provision of law, documents or other tangible things obtained by the Town Prosecutor or appointed special counsel during the course of an investigation under this Article and other materials prepared or assembled to assist the Town Prosecutor or appointed special counsel in reaching a decision are declared to privileged work product.

(c) All membership lists and donor lists obtained by the Town Clerk, the Town Prosecutor and appointed special counsel within the course of any review or investigation under this Article shall not be subject to disclosure. Notwithstanding any other provision of law, any such membership or donor list is not a public record subject to inspection, copying, or any other form of reproduction.

(d) In determining whether a matter shall be referred for hearing, the Town Prosecutor or appointed special counsel shall take into account the following:

(I) The extent of the respondent's noncompliance;

(II) The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and

(III) Whether the noncompliance may properly be viewed as an intentional attempt to mislead.

(e) The Town Prosecutor or appointed counsel shall complete its investigation within twenty business days of referral by the Town Clerk. Upon completion of an investigation under this Section, if the Town Prosecutor or appointed special counsel concludes that a matter does not warrant a hearing and should be referred back to the Town Clerk for disposition, the Town Clerk shall resume authority over the matter and dispose of it as provided in Section 1-9-40 (a) (II).

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**Sec. 1-9-60. – Hearings; Role of Municipal Court Judge, Hearing Officer**.

(a) If the Town Prosecutor or appointed special counsel concludes that a hearing is required to determine whether a violation of Article XXVIII, Title 1 Article 45, or the Town Clerk's rules has occurred, the Town Prosecutor or appointed special counsel shall file a formal request for hearing with the Presiding Municipal Court Judge. The request for hearing shall contain a full recital of all facts and claims in support of the request, and shall attach any documents incorporated therein by reference. The Town Prosecutor or appointed special counsel shall contemporaneously provide the Town Clerk with a copy of the request for hearing.

(b) Upon receipt of a request for hearing pursuant to subsection (a) of this Section, the Presiding Municipal Court Judge shall appoint an impartial and disinterested hearing officer who shall have experience adjudicating judicial or administrative matters. Such appointment shall be initiated within three business days, and shall be confirmed by the appointed hearing officer within two business days of acceptance.

(c) Upon receipt of a request for hearing as provided in subsection (a) of this Section, the Town Clerk shall within two business days provide a copy of the request for hearing and incorporated documents to the complainant and the respondent.

(d) The hearing officer shall undertake scheduling, briefing, argument and conduct of the hearing upon a schedule coordinated with the respondent and, if the complainant is permitted to participate, the complainant. The hearing officer shall have complete control over scheduling of matters referred for determination by hearing.

(e) A complainant or any other person not a respondent may seek permission to intervene as amicus curiae from the hearing officer. The hearing officer shall have full and absolute discretion to permit intervention of amicus curiae, with due regard for whether a person may be affected or aggrieved in fact by the outcomes.

**Sec. 1-9-70. - Conduct of hearings, Decisions.**

(a) The hearing officer shall preside over any hearing under this Article, and shall regulate the proceedings in a manner calculated to provide due process, efficiency and justice to the respondent and persons permitted as intervenors. The hearing officer shall be authorized to postpone, continue and recess any hearing convened pursuant to this Article for good cause. The admissibility of evidence shall be determined in substantial (but not necessarily strict) compliance with the Colorado Rules of Evidence. Motions shall be permitted only to the extent expressly authorized by the hearing officer.

(b) Within ten business days of receipt of all evidence and argument as permitted by the hearing officer, the hearing officer shall render a decision in writing, in which all findings of fact, determinations of law and penalties, if any, shall be set forth. The hearing officer's decision shall be presented to the Town Clerk for circulation to the complainant,

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the respondent and intervenors. The decision of the hearing officer shall be deemed final agency action for purposes of judicial review.

**Sec. 1-9-80. - Miscellaneous matters, collections, procedure exclusive, promulgation of Town Clerk's Rules.**

(a) The Town Clerk may pursue collection of any unpaid penalty imposed by a decision of the hearing officer in any manner provided by law.

(b) The provisions of this Article shall be the sole and exclusive manner of resolving any complaint arising out of an alleged violation of Article XXVIII, Title 1 Article 45, or the Town Clerk's rules.

(c) The Town Clerk's Rules shall be made available to the public through all means customarily used by the Town Clerk for the dissemination of election-related information.

Introduced and passed on first reading and ordered published this [date].

TOWN OF WINDSOR, COLORADO

_____
Paul Rennemeyer, Mayor

ATTEST:

_____ [Seal]
Karen Frawley, Town Clerk

Passed on second reading, and ordered published this [date].

TOWN OF WINDSOR, COLORADO

_____
Paul Rennemeyer, Mayor

ATTEST:

_____ [Seal]
Karen Frawley, Town Clerk

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## Rules for Filing and Processing of Campaign Law Complaints, [date]

All defined terms used herein shall have the meaning assigned to them in Chapter 1, Article IX of the Windsor Municipal Code.

Filing an Election Complaint Alleging Violation of Town Campaign Laws:

1. Any candidate or registered elector in the Town who has reason to believe a violation of Article XXVIII, Title 1 Article 45 or the Town Clerk's Rules has occurred by any person, candidate, candidate committee, issue committee, small-scale issue committee or political committee may file a written complaint with the Town Clerk and shall do so no later than 10 days after the complainant either knew or should have known of the alleged violation.

2. The complaint must be on the Town-approved form and must contain:
   - The name, address, telephone number, and email address of the complainant;
   - The name, address, telephone number, and email address of the alleged violator;
   - A citation to the law or Town Clerk's Rule allegedly violated;
   - A brief statement or description of the offense allegedly committed and the basis for the allegation. The complaint must identify the date of the alleged violation, if known, and the date on which the complainant had actual knowledge of the alleged violation. The complaint may be supported by evidence in the form of attachments, website links or other sources.

3. Procedures:

   **Allegations of violations**

   A. The Town Clerk will forward a copy of the complaint to the respondent by electronic mail, notifying the respondent of the alleged violation.

   B. The Town Clerk within three business days of filing, will complete an initial review of the complaint to provide an initial determine whether the complaint (1) was timely filed; (2) specifically identifies one violation of Article XXVIII, Title 1 Article 45, or the Town Clerk's rules; and (3) alleges sufficient facts to support a factual and legal basis for the alleged violations; (4) contains the affirmation as listed under Section 1-9-30(c) of the Windsor Municipal Code. If the Town Clerk determines that the complaints fail to satisfy any of those four elements, the Town Clerk will notify the complainant and respondent in writing. If the Town Clerk determines that the complaint satisfies all four elements described in this paragraph, the Town Clerk will forward the complaint to the Town Attorney for review and handling determination of further handling of the complaint.

   C. **Initial Determination, Summary Action, Cure.** Within five business days of receiving a complaint meeting the requirements of this Article, the Town Clerk shall take one or more of the actions specified in this subsection below:

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1. If the Town Clerk makes an initial determination that the complaint does not meet each of the formal requirements of sub-section B (1)-(4), the Town Clerk shall summarily dismiss the complaint. The Town Clerk shall notify the complainant in writing of dismissal, and shall provide a brief written explanation for such dismissal. Summary dismissal by the Town Clerk under this subsection constitutes final agency action for purposes of judicial review.

2. If the Town Clerk, in her sole and absolute discretion, makes an initial determination that the complaint alleges one or more curable violations, the Town Clerk shall notify the respondent and provide the respondent a reasonable opportunity to cure any curable violations. The Town Clerk shall specify in writing the steps required for cure and the date upon which cure must be demonstrated by the respondent. In no case shall a respondent be given more than three business days to cure a curable violation. A respondent may refuse to cure a violation deemed curable by the Town Clerk, but may do so only by filing a written refusal to cure with the Town Clerk within one business day of notification by the Town Clerk under this subsection.

3. If the Town Clerk makes an initial determination that the complaint has specifically identified one or more violations of Article XXVIII, Title 1 Article 45, or the Town Clerk's rules, and has alleged facts sufficient to support a factual or legal basis for each alleged violation, and that either a factual finding or a legal interpretation is required, the Town Clerk shall refer the matter for independent review and analysis as provided under Section 1-9-50 of the Windsor Municipal Code within ten business days of filing, and shall refer the matter for determination by a hearing officer as provided in Chapter 1, Article IX of the Windsor Municipal Code.

4. If the Town Clerk determines the respondent has substantially and timely cured each curable violation for which notice has been issued pursuant to subsection (a) (II), the Town Clerk shall notify both the complainant and the respondent in writing that each curable violation has been satisfactorily resolved. The Town Clerk's notification under this subsection (b) constitutes final agency action for purposes of judicial review.

D. Upon completion of the foregoing process, the Town Clerk's role in determination of any complaint brought pursuant to Chapter 1, Article IX of the Windsor Municipal Code shall be limited to the duties set forth in Chapter 1, Article IX of the Windsor Municipal Code.

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301 Walnut Street • Windsor, CO 80550 • 970-674-2404 • windsorgov.com

# Campaign Finance Complaint Form

**You must specifically identify a violation of Colorado Constitution Article XXVIII or the Fair Campaign Practices Act or the Town Clerk's Rules arising out of a Town campaign finance matter, and allege specific facts to support a legal and factual basis for the complaint. This form must be filed with the Town Clerk.**

**ALL FIELDS ARE REQUIRED TO BE COMPLETED UNLESS OTHERWISE NOTED.**

**Complainant information** – Information about the person or entity filing the complaint ("complainant")

Full Name: _____

Mailing Address: _____

Telephone Number: _____ Email Address: _____

**Respondent's Information** – Information about the person or entity alleged to have committed the violation:

Full Name: _____

Mailing Address: _____

Telephone Number: _____ Email Address: _____

Please describe your complaint and identify the nature of the violation below or attach a written complaint to this form. Provide specific facts that support your complaint including the date of the alleged violation. You may submit additional pages and other evidence supporting your complaint.

| |
|---|
| |

I hereby affirm under penalty of perjury that this complaint and all attachments incorporated by reference herein is true and accurate, is filed in good faith, and not out of malice or any other improper motive or purpose.

Complainant's Signature: _____ Date: _____

**FOR TOWN USE ONLY:**

Complaint Received (insert initials/date): _____

Initial Review Completed (insert initials/date): _____

Date Forwarded to Town Attorney (insert date): _____

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Result: _____

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# MEMORANDUM

**Date:** November 28, 2022
**To:** Mayor and Town Board
**From:** Shane Hale, Town Manager
**Re:** Great Western Trail Authority Request - S. Hale, Town Manager
**Item #:** 4.

**Background / Discussion:**
Please see the update from Great Western Trail Authority Chair Dr. Tom Jones (attached). One note to the Town Board is that they have requested that GWTA be able to retain the balance of funds that remain following grant matches from the three towns. Specifically, they have $100,049 that remains, of which 1/3 would have been contributed from the Town of Windsor (Eaton and Severance are the other two). Their budget request of $10,000 for ongoing funding is already included in the 2023 budget.

**Financial Impact:**
Windsor's initial contribution towards their TAP grant was $50,000

**Relationship to Strategic Plan:**

**Recommendation:**

**CC:**

**Attachments:**
1. Great Western Trail Update

## Shane Hale

| | |
|---|---|
| **From:** | Thomas Jones <trjdvm@comcast.net> |
| **Sent:** | Monday, September 26, 2022 12:39 PM |
| **To:** | Shane Hale; Nick Wharton; Wesley LaVanchy; Weld County Commissioners |
| **Cc:** | Thomas Jones; Steve Bagley; John Flanagan; Glenn Babcock; Steve Wrenn; Monica Pettypool; Matthew Fries; Lee Griffith; Scott Charpentier; Andy Nagel |
| **Subject:** | Great Western Trail Authority's (GWTA) Annual Stakeholder Report |
| **Attachments:** | 2022 Report-GWTA.docx; GWTA Budget-2023.xlsx |

**Caution:** **External Email**

Town Managers:

Attached is the annual report and 2023 budget from the Great Western Trail Authority. Please circulate it to your respective board members.

In the report, please make special note under the "Money Market Account" heading where the GWTA requests that we be able to retain the balance of funds remaining from the town's' grant matching contributions from 2018. We would appreciate it if you would give us a positive response to this request.

Feel free to contact us with any questions or concerns.

Thank you.

Tom Jones, Chr
GWTA

Great Western Trail Authority
231 W. 4th Avenue
Severance, CO 80546
gwtrail.com

**TO: Town Board members of Windsor, Severance, and Eaton and the Weld County Commissioners**

**FROM: The Great Western Trail Authority**

**DATE: September 26th, 2022**

**RE: Stakeholder Report**

The Great Western Trail Authority (GWTA) board presents this report on our activities to IGA members Windsor, Severance and Eaton as well as the Weld County Commissioners.

**2022 Highlights**

**Trail Construction:** Plans to start construction of the final 1.5 miles (Phase 2) of trail were put on hold this spring due to the Roullard Lateral Ditch Company demanding a ditch crossing fee before the GWTA could replace a trestle across the ditch. CDOT, our grant administrator, required an agreement with the ditch company in writing before we could proceed with construction. To avoid further delays and expense with a court challenge, the GWTA paid $5000 to settle the issue.
On September 13th, 2022, the Phase 2 contract was awarded to L4 Construction. L4 was also our contractor for the initial 5.5 miles that was completed in October of 2020. The bid came in $70,000 over budget ($400,000 vs. $330,000). The next lowest bid was $485,000. Construction is slated to start in mid-October with completion anticipated before the end of 2022.

**Counters:** The GWTA has permanent bike and pedestrian counters along the trail near the Severance Middle School and another near the Eaton Recreation Center. During 2022 the Eaton counter has had periods where it transmitted erroneous data. It was replaced with a new counter in June, but it too has been malfunctioning since early August. We are working with the manufacturer to rectify the problem. Projected usage at the Severance counter is 17,460 for 2022 vs. 15,983 for 2021.

**Funding:** Again, we thank each of the 3 towns and Weld County for your continued financial support. We are again requesting a contribution of $10,000 from each town and Weld County for O & M expenses. We strive to remain good stewards of your funds.

**Community Outreach:** The GWTA had a booth at Severance Days this summer to promote the Great Western Trail and answer questions from citizens. Each year the comments about the Great Western Trail by citizens at these events have become more and more positive.

**Village East:** Late in 2021, with development in Village East underway on the east side of the trail, the developer fulfilled his obligation to replace the crusher fine surface between CR 21 and the #2 Ditch with concrete. This is the first section of the trail to have a hard surface installed.

**2023 Goals**

**Trailheads:** Several years ago the GWTA received a grant from the American Society of Civil Engineers (ASCE) to draft engineered plans for trailheads in Eaton and Severance. Eaton is interested in partnering with the GWTA in seeking grants for a trailhead to be built on GWTA property there. The GWTA is having discussions with Severance as to an appropriate location for a trailhead in their jurisdiction.

**Money Market Account:** In 2018 the GWTA requested, and received, $50,000 from each town to be used as matching funds for our $965,000 TAP grant. The $150,000 was deposited in a money market account and was accessed as construction proceeded and matching funds were needed. Later in 2018, the GWTA received a Colorado Parks and Wildlife (CPW) grant totaling $250,000. We were advised that this grant could be used as matching funds for the TAP grant and the towns' contributions may not be needed. With Phase 2 coming in overbudget, the GWTA will need to use approximately $90,000 of the town contributions, leaving a balance of about $60,000 in the money market account once construction is completed. The GWTA is requesting that we be able to keep this balance and use it for future grant matches, such as trailhead construction.

**Budget:** Please see the attached proposed GWTA budget for 2023.

**Additional Funding:** The GWTA continues to seek donations for trail capital projects via the Great Western Trail Foundation as well as taking advantage of grant opportunities when they arise.

**Weed Control:** With the completion of the entire 11 miles of trail in 2022, weed control and mowing will continue to be a challenge. In 2023 we feel we can keep up with the control of noxious and other weeds at the funding level we are receiving. We would request that the towns undertake the responsibility for mowing along the GWT in their respective jurisdictions.

If you would like a member of the GWTA board to attend one of your workshops or board meetings to answer questions, please let us know.

Thank you for your continued financial and moral support. Below is a roster of the current GWTA board members.

Respectfully,

Tom Jones, Chr
Great Western Trail Authority

## CURRENT GWTA BOARD MEMBERS

**EATON**

Steve Bagley – Secretary - Retired Engineer with the City of Greeley
Glenn Babcock – Retired Executive, Agriculture Industry
Lee Griffith – Eaton Town Board Member

**SEVERANCE**

Matt Fries – Mayor of Severance
Monica Pettypool - Realtor
John Flanagan – Vice-Chr. – Construction Estimator

**WINDSOR**

Tom Jones – Chr. – Retired Veterinarian
Steve Wrenn – Treasurer – Weld County Deputy District Attorney
Scott Charpentier – Windsor Town Board Member

| Great Western Trail Authority<br>Budget & Actual - 2022 to 9/22/22 | 2022 Budget | 2022 Actual | 2023 Budget |
|---|---|---|---|
| Cash on Hand - 1/1/22 -Money Market | $62,099 | $62,099 | $218,482 |
| Cash on Hand - 1/1/22 - Public Funds | $4,759 | $4,759 | $10,000 |
| **Total Cash on Hand-1/1/22** | **$66,858** | **$66,858** | **$228,482** |
| **Revenue** | | | |
| Town of Windsor | $10,000 | $10,000 | $10,000 |
| Town of Severance | $10,000 | $10,000 | $10,000 |
| Town of Eaton | $10,000 | $10,000 | $10,000 |
| Weld County | $10,000 | $10,000 | $10,000 |
| Interest | $200 | $18 | |
| Refunds-ADP/Pinnacol Assurance/CIRSA | | $15 | |
| Insurance Proceeds | | $0 | |
| Rebate on Local Construction Match-5.5 Miles | $155,213 | $155,213 | |
| Balance of CPW Grant Due | $52,500 | | $52,500 |
| | | | |
| **Total Revenue** | **$247,913** | **$195,246** | **$92,500** |
| | | | |
| **Cash Available-Reserves + Revenue** | **$314,771** | **$262,104** | **$320,982** |
| **Expenses** | | | |
| Advertising & Promotions | $200 | | |
| Accounting-QBO subscription | $2,000 | $325 | $1,600 |
| Auto Expense | | | |
| Computer & Internet Hosting | $125 | $20 | $20 |
| Dues & Subscriptions | $100 | | $100 |
| Bank Charges | | | |
| Grant Expense | | | |
| Insurance (CIRSA) | $2,500 | $2,112 | $2,200 |
| Legal Fees | $5,000 | $2,471 | $1,000 |
| Meals | | | |
| Miscellaneous Expense | | | |
| Office Supplies/Postage | $100 | | $100 |
| Printing & Reproduction | $200 | $78 | $200 |
| Public Meetings | $2,000 | | $0 |
| Trail Manager (Salary, Insurance, Mileage, Taxes, Payroll Fees) | $15,000 | $6,306 | $15,000 |
| Website | $500 | $138 | $138 |
| **Trail Maintenance Expenses** | | | |
| Bridge Maintenance | | | $5,000 |
| Crusher Fine Maintenance | | | |
| Drainage & Erosion Control | | | |
| Fence Construction & Maintenance | | | |
| Equipment Maintenance & Repairs | | $146 | $150 |
| Grading | | | |
| Mowing and Trimming | | | |
| Pest Management | $600 | | $600 |
| Counter data subscription and batteries | $900 | | $1,000 |
| Seeding | | | $1,000 |
| Sign Installation and Replacement | $500 | $298 | $1,250 |
| Trail Construction Expense | | $351 | $5,000 |
| Trash Removal | $200 | $90 | $500 |
| Tree and Shrub Maintenance | | | |
| Weed Management | $2,000 | $711 | $5,000 |
| **O & M Expense Subtotal** | **$31,925** | **$13,046** | **$39,858** |
| | | | |
| **Net Operating Cash Flow** | **$282,846** | **$249,058** | **$281,124** |
| **Reserved for Grant Matches *** | | | **$57,762** |
| **Capitalized Expenses** | | | |
| **Trail Design, Engineering, Construction-Local Match** | **$46,000** | **$12,530** | **$212,000** |
| **ROW Acquisition-Roullard** | | **$5,000** | |
| **Total Capitalized Expense** | **$46,000** | **$17,530** | **$212,000** |
| | | | |
| | | | |
| | | | |
| **Cash Reserve (Carryover)** | **$204,921** | **$218,482** | **$11,362** |
| | 2022 Budget | 2022 Actual | 2023 Budget |

## Shane Hale

**From:** Thomas Jones <trjdvm@comcast.net>
**Sent:** Monday, October 31, 2022 8:17 AM
**To:** Shane Hale; Wesley LaVanchy; Nicholas Wharton
**Cc:** Glenn Babcock; Steve Bagley; Scott Charpentier; John Flanagan; Matthew Fries; Lee Griffith; Thomas Jones; Monica Pettypool; Steve Wrenn; Andy Nagel
**Subject:** Update--Great Western Trail Construction (GWTA) Funds Available
**Attachments:** Revised Phase 2 Funds Available.pdf

> **Caution:** **External Email**

Town Managers:

Please see the attached updated GWTA funds available spreadsheet for Phase 2 (final) trail construction.

We originally reported in September that there would be $57,000 remaining in the money market account after construction. We failed to note that Windsor is still holding $42,287 from the first CPW allocation in 2021. After construction there will be $100,049 remaining in the money market of which each town would have contributed 1/3. Again, the GWTA would request that this balance remain in our account to be used as matching funds for future grant applications.

We apologize for the discrepancy in the figures.

Please pass this information along to your respective town boards.

Thank you.

Tom Jones, Chr
GWTA

# Great Western Trail Authority
# Funds Available for Phase 2 (final) Trail Construction
# 10-31-22

| | |
|---|---|
| Phase 2 Construction Bid - 1.5 Miles | $400,000 |
| | |
| Remaining TAP* Grant Funds | $187,925 |
| Local Match Needed | $212,075 |
| | |
| **Construction Total** | **$400,000** |
| | |
| Money market Balance - 9-22-22 | $217,337 |
| CPW**Grant Balance Held By Windsor | $42,287 |
| Balance Due from CPW Grant | $52,500 |
| | |
| **Total Funds Available for Match** | **$312,124** |
| | |
| Balance in Money Market After Construction | $100,049 |

*CDOT Transportation Alternatives Program
** Colorado Parks and Wildlife

# MEMORANDUM

**Date:** November 28, 2022
**To:** Mayor and Town Board
**From:** Shane Hale, Town Manager
**Re:** Future Meetings Agenda
**Item #:** 5.

**Background / Discussion:**

**Financial Impact:**

**Relationship to Strategic Plan:**

**Recommendation:**

**CC:**

**Attachments:**
1. 2022 Future Meetings Agenda

## FUTURE TOWN BOARD MEETINGS

| | |
|---|---|
| December 5, 2022<br>5:30 p.m. | Town Board Work Session<br>Water Surcharge Policy Discussion<br>Jacoby Meadows Fee Waiver Request |
| December 12, 2022<br>5:30 p.m. | Town Board Work Session<br>Board/Manager/Attorney Monthly Meeting<br>Road Impact Fees |
| December 12, 2022<br>7:00 p.m. | Town Board Regular Meeting |
| December 14, 2022<br>6:30 p.m. – 8:30 p.m. | Board/Manager/Attorney Dinner Social |
| December 19, 2022 | Canceled |
| December 26, 2022 | Canceled – Christmas Holiday |

**Future Work Session Topics**

- DDA Entertainment District
- Telecom Code (Pending FCC Rules)
- Regional Water Treatment Plant Site Update
- Weld RE-4 School Land Dedication/Cash in lieu of Land Update
- Roadway Safety Program (January)
- Windsor Energy Action Plan Update (January 23rd)
- Main Street Alternate Route Study Update (January 9th)???