



TOWN BOARD WORK SESSION

February 6, 2023 - 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. Taxability of Bag Fee Ordinance Discussion - D. Moyer, Finance Director
2. Emergency Management Office - R. Klimek, Police Chief
3. District 1 Vacancy Update - K. Frawley, Town Clerk
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: February 6, 2023
To: Mayor and Town Board
From: Dean Moyer, Finance Director
Re: Taxability of Bag Fee Ordinance Discussion - D. Moyer, Finance Director
Item #: 1.

Background / Discussion:

Overview of Colorado disposable bag fee, delivery fee, and essential hygiene products.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

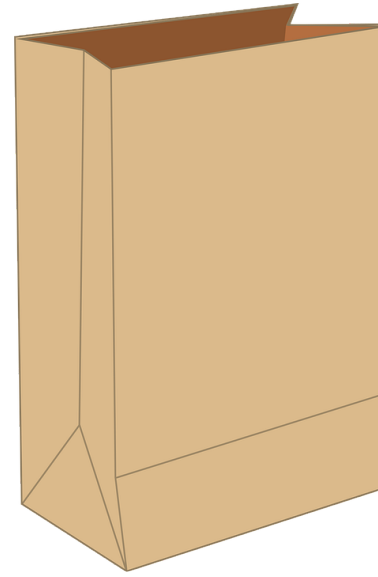
Attachments:

1. Colorado Disposable Bag Fee - PPT

Colorado Disposable Bag Fee

Delivery Fee

Essential Hygiene Products



Agenda

- Introduction HB 21-1162
Plastic Pollution Reduction Act
- Who is Affected
- What is a Carryout Bag
- Where Does the Money Go
- Estimated Revenue Stream
- What to Remember
- Essential Hygiene Products
- Delivery Fee
- Summary
- Questions & Board Direction

Introduction HB21-1162

- A statewide disposable bag fee went into effect January 1, 2023. **Plastic or paper** single use carryout bags will be charged a 10¢ fee collected at time of purchase. The fee has been imposed by the State of Colorado and it is the Town's responsibility to collect fees and monitor compliance for businesses located within Town limits.
- 2024: Prohibits single use **plastic** carryout bags at all businesses and restaurants, as well as expanded polystyrene food containers. Paper bags may be provided for a 10¢ fee.

Who is Affected

- **The Disposable Bag Fee will be in Place at:**

- All Colorado businesses with an out of state location or that are part of a franchise, corporation, or partnership that has physical locations outside of Colorado
- All Colorado businesses with 4 or more locations
- All farmer's markets, roadside markets or stands, festivals, or other temporary vendors or events

- **The Disposable Bag Fee will not Affect:**

- All Colorado businesses with 3 or fewer locations
- Retail food establishments
- Customers participating in Federal or State food assistance programs

What is a Carryout Bag

Definition per the State Legislation:

A bag that is provided to customers at a store or retail food establishment at the point of sale for use by the customer to transport or carry purchased items



- **Does not include:**

- A bag made of paper when the paper has a basis weight of thirty pounds or less (think McDonalds, Freddy's)
- A bag provided by a pharmacy to a customer purchasing prescription medication
- A bag used by a customer inside the store to package loose or bulk items (such as fruit, vegetables, nuts, nails, bolts, etc.)
- A bag used to contain or wrap items that when in contact with other items could dampen or contaminate them (such as frozen foods, meat, seafood, flowers, etc.)
- A bag used to wrap prepared foods, bakery goods, or garments

Where Does the Money Go?

- Purchase of bags must be denoted on the customer's receipt (quantity & amount). Does not apply to customers participating in Federal or State food assistance programs.

Funds are Distributed as Follows:

- 40% To the Business Collecting - 4¢
 - 60% To the Town of Windsor - 6¢
- Collections to be used for administrative costs, recycling and composting programs, and related outreach and education



Estimated Revenue

Reporting & Remit Requirement

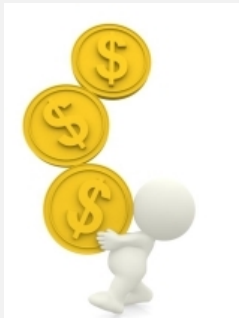
April 1, 2024

Scenarios

1. Two “large grocers” @ \$1,200/month/store
\$28,200/year

(based on information from Fort Collins/program started May of 2022)

2. \$1 per household/month @ 15,339
estimated households x 12
\$184,068/year



What Can We Do With It?

(examples)

- Help defray the cost of Windsor Clean-up Days



- Reusable Bag Program
i.e. – Town of Windsor logoed bag
distributed to residents

\$1.45/5,000 bags = \$7,250

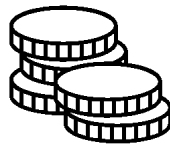
What to Remember

Who is Responsible?

- This legislation was passed by the State of Colorado (not the Town of Windsor)



- The Town of Windsor is responsible for monitoring compliance and the collection of fees



Can Customers Avoid the Fee?

- Customers can avoid paying the fee by bringing their own bags or by opting out of using a bag



The single-use bag fee is not a tax and none of the proceeds can be used for other non-related government expenses. At the State level, the fee is not included as revenue for the purposes of calculating sales tax to a customer

Essential Hygiene Products HB22-1055

BILL SUMMARY

- The act creates a state sales and use tax exemption commencing January 1, 2023, for all sales, storage, use, and consumption of incontinence products and diapers and period products. The act further provides that counties and municipalities may choose to adopt either or both exemptions by express inclusion in their sales and use tax ordinance or resolution.
- * Self-collecting home-rule municipalities are not affected by this change.



Retail Delivery Fee

SUMMARY

- Effective July 1, 2022, Colorado imposes a retail delivery fee on all deliveries by motor vehicle to a location in Colorado with at least one item of tangible personal property subject to state sales or use tax.
- The retailer or marketplace facilitator that collects the sales or use tax on the tangible personal property sold and delivered, including delivery by a third party, is liable to collect and remit the retail delivery fee. Deliveries include when any taxable goods are mailed, shipped, or otherwise delivered by motor vehicle to a purchaser in Colorado.

What's Next to Discuss?

Summary

Carry-Out Bag Fee Sales Tax Exemption?

Yes or No

R

Essential Hygiene Products Sales Tax Exemption?

Yes or No

R

Retail Delivery Fee Sales Tax Exemption?

Yes or No

R

- Ordinance Required
 - Codify and Add to Sales Tax Code



Follow-up Discussion with Kim Emil, Interim Town Attorney



MEMORANDUM

Date: February 6, 2023
To: Mayor and Town Board
From: Rick Klimek, Police Chief
Re: Emergency Management Office - R. Klimek, Police Chief
Item #: 2.

Background / Discussion:

Following the 2008 Torando, the Town of Windsor and the Fire District established an emergency operations center at Fire Station #1. An area in the building was equipped with equipment to operate during an emergency. The growth of Windsor and the needs now have overwhelmed the location. The phones and laptop computers became outdated quickly.

The need for an operation center is greatly needed. An effort to identify and create the needed space has been going on for over a year. Building space for a new police building was examined. The building cost for the space was extremely high, primarily because of Federal building requirements. Additionally, maintaining the updated equipment can come at a high cost.

There is unfinished space in the Larimer County Emergency facility in Johnstown. The location is close enough to Windsor to provide an efficient operations center. Windsor would finish the office space that is available. The cost to finish the space would offset the lease on the space dollar for dollar until the lease equals the building costs.

Advantages for the location include the location and ability to collaborate with other emergency planners in surrounding jurisdictions. The building provides the updated and necessary communication equipment to operate small to large scale events. Larimer County maintains and updates the equipment regularly. The building maintenance is included in the lease of the space.

The total space available is 1350 square feet. An additional 125 square feet is added to the lease for the common area, breakroom, and restrooms that are in place shared by all tenants. This space is empty and is a tenant finish.

Financial Impact:

The finish of the space would consist of exterior wall finish (2) with windows trim. An inner entrance door, interior walls (approximately 3-5) drop ceiling with fire suppression relocates, heating and electrical routings and flooring. If the entire space (1350) were rented and finished at an estimated cost of \$200 per square foot, the cost would be \$270,000.

The Windsor Office of Emergency Management could realistically operate with approximately half of the available space offered, or 700 square feet. The finish cost, at the same \$200 square foot amount, would be

\$140,000.

The lease rental of the space is \$25 per square foot/annually. If the entire space were rented with the added 125 square feet of common areas, the rent would be \$36,875 per year.

The lease rental on the less square footage, also including the common areas again, at \$25 per/annually would amount to \$20,625 per year.

Lastly, the tenant's will be rewarded dollar for dollar in the rent.

The entire space would be paid for 7.32 years in finished costs and the smaller space would be paid out for 6.78 years at the costs listed.

Relationship to Strategic Plan:

safe community

Recommendation:

Staff recommends moving forward with entering into a lease for the off emergency management office.

CC:

Attachments:



MEMORANDUM

Date: February 6, 2023
To: Mayor and Town Board
From: Karen Frawley, Town Clerk
Re: District 1 Vacancy Update - K. Frawley, Town Clerk
Item #: 3.

Background / Discussion:

Due to the resignation of Scott Charpentier, the District 1 vacancy was announced on January 10th with applications due by February 3 at 5 p.m. Applications and letters of interest were received by two individuals in District 1.

The interview schedule is as follows:

6:00 - Larry Roche

6:20 - Ronald Steinbach

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. Roche Application
2. Steinbach Application



RECEIVED JAN 20 2023

Application for Town Board – District 1

Please complete this application and a letter of interest and return it to the Town Clerk's Office, 301 Walnut Street, Windsor, CO 80550, fax to (970) 674-2456 or email to kfrawley@windsorgov.com. The application deadline is February 3, 2023 at 5 p.m.

Qualifications

- Must be a citizen of the United States
- Must be 18 years of age or older at the time of appointment
- Candidate must reside in the municipality in which he or she is to be selected for a period of at least twelve consecutive months immediately preceding the date of the selection.
- Candidate must reside in District 1.
- Candidate must be a registered elector.
- No person who has been convicted of a felony shall be eligible. A background check is required for municipal candidates.

Verification of any or all applicant qualifications occurs after submittal of the application and letter of interest.

Name: Larry Roche

Address: 6301 Crooked Stick Drive, Windsor, CO 80550

Day Phone: 970-215-6162 cell Night Phone: 970-215-6162 cell

E-Mail Address: roche1947@yahoo.com

How long have you been a resident in Windsor? +9 Current Occupation: Retired

Why do you want to represent District 1 as a Town Board Member? I want to play a part in guiding a better future for Windsor's next generation while keeping what is unique about Windsor.

Briefly explain what you believe are the two most important issues facing the Town Board and how do you believe those issues should be addressed?

1) I believe that Windsor's transportation needs will be a challenge. Additional avenues will be needed to manage traffic flows through the town. Reasonable accommodations can be made to balance traffic congestion with accessibility to businesses and the high school.

2) Safety and security are important to maintaining a safe community and environment for Windsor citizens. As a Town Board member, I will be sensitive to the needs of our police and fire departments.

I certify that all statements on this form are true and complete. I further understand that false statements shall be sufficient cause for rejection of this application.

Signature: Larry Roche

Date: 1/18/2023

January 18, 2023

Karen Frawley
Town Clerk's Office
301 Walnut Street
Windsor, CO 80550

Re: Application Town Board District 1

Dear Karen:

I understand that an opening has occurred with the departure of Scott Charpentier, District 1, Windsor Town Board. I meet all of the qualifications necessary to serve on the Windsor Town Board. I currently live and own a home within the District 1 boundaries. I believe my election to the Windsor Town Board District 1 would serve the citizens of Windsor and residents of District 1.

Following is a brief description of my experience and qualifications to serve on the Windsor Town Board. I have lived in Windsor for over 9 years with my wife of 51 years. Prior to moving to Windsor, I lived in Fort Collins having lived in Larimer County for almost 20 years. During that time, I served on Observatory Village HOA, Fort Collins, and Windsor Warehouse Condos Association, Windsor. I'm currently the Chairman/President Windsor Highlands Metro District 3, Highland Meadows Golf Community. I served on the Larimer County Republican Party Board, during several election cycles.

I retired from Pfizer, Adams Division, in 2002 after 35 years of employment. During my career, I held positions of increasing responsibility in various sales and trade development positions. Those positions included managing various sales teams, national accounts and trade relations responsibilities. My career involved working in team structures across departments and functions. I received several industry awards and trade recognitions for my service and dedication to the industry. I'm a qualified independent investor managing several diversified equity/credit portfolios. I belong to and have served as President for several Northern Colorado vintage car clubs. I believe my career, life experiences, training and knowledge have equipped me to represent the interests of the citizens of Windsor.

On a personal note, I'm appreciate living in Windsor and being a resident of Highland Meadows Golf Community. I believe we have something special in Windsor that blends a small town character with a eye to the future. I want to play a part in guiding a better future for Windsor's next generation while protecting what we have that makes us unique.

Respectfully,

A handwritten signature in cursive script that reads "Larry Roche". The signature is written in dark ink and is positioned above the printed name and address.

Larry Roche
6301 Crooked Stick Drive
Windsor, CO 80550
970-215-6162 cell



Application for Town Board – District 1

RECEIVED JAN 24 RECD

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- Candidate must reside in District 1.
- Candidate must be a registered elector.
- No person who has been convicted of a felony shall be eligible. A background check is required for municipal candidates.

Verification of any or all applicant qualifications occurs after submittal of the application and letter of interest.

Name: Ronald W. Steinbach

Address: 7008 Ruidoso Drive, Windsor, CO 80550

Day Phone: 970-290-1980

Night Phone: 970-460-0810

E-Mail Address: Ronstein20@msn.com

How long have you been a resident in Windsor? 14 yrs Current Occupation: Retired

Why do you want to represent District 1 as a Town Board Member? Address growth and traffic in downtown and with Mr. Wilson, ensure that Larimer county residents are heard on important issues including development along Fairgrounds

Briefly explain what you believe are the two most important issues facing the Town Board and how do you believe those issues should be addressed?

1) Balance the Strategic Plan goals of Small Town Feel and Strategic Growth. This can best be accomplished by channeling development in Downtown that reflects the architectural feel of the area, while allowing more creative development on the eastern and western edges of Town.

2) Reduce truck traffic on Main Street. The Board needs to increase the efforts currently undertaken with the Downtown Alternative Route Study and more aggressively pursue solutions.

I certify that all statements on this form are true and complete. I further understand that false statements shall be sufficient cause for rejection of this application.

Signature: Ronald W. Steinbach

Date: 1/24/2023

January 24, 2023

RE: Application for Town of Windsor District 1 Board Member

Mayor Rennemeyer and Town Board Members:

Attached you will find my application for the District 1 Town Board position that is currently vacant. While 14 months is not time to have a major impact on Town Board policies, I do believe that I can contribute to Town Board decision-making during that period of time.

I have been a Windsor resident since spring of 2008. I have always felt that the Board has taken actions that have had a positive impact on the Town. So I do not see any critical decisions that need to be made in the short term. My interests are more longer term: Two areas related to growth management and another related to traffic.

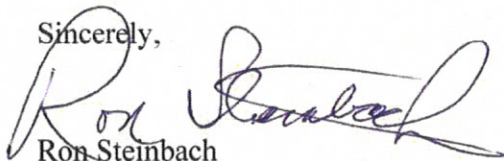
My growth management issues are complementary. The first is to ensure that any development in the downtown area, in particular the backlots, harmonizes well with the existing downtown architectural landscape. To me, that means that more modern designs should be pushed out to the outskirts of town, such as the Brands East along Fairgrounds Avenue. That area will be of particular interest to District 1 constituents.

My traffic concerns are related to downtown. The recent Alternative Route Study – Update was not particularly encouraging. I believe that if this situation is not more aggressively addressed, we may be looking at a downtown reminiscent of north College Avenue in Fort Collins. I think we can do better than that.

Most of my professional career has been public service focused. I spent almost forty years working in the electric power industry, in what we call Public Power—consumer and government owned electric utilities. I am a Marine Corps and Air National Guard veteran. I served one term on the Town of Windsor Historical Preservation Commission. I served two terms on the Board of Highland Ridge Homeowners Association. Most recently, I served as a Larimer County Election judge in 2020 and 2021.

I look forward to the opportunity to better serve the Town of Windsor.

Sincerely,



Ron Steinbach

RONALD W STEINBACH

7008 Ruidoso Drive

Windsor, CO 80550

(970) 290-1980

RECENT WORK HISTROY

Electric Utility Analysis and Management

I have almost forty years of experience in contracts and rates development for not-for-profit electric utilities, often referred to as Public Power entities. My work focused on power and transmission sales and transmission management, including the development and negotiation of Federal Power Sales Agreements and transmission service contracts. and construction, operations and maintenance agreements. My primary focus was customer service at the wholesale level and regional and inter-utility relationships including regional arrangements that are critical to managing large, interconnected transmission systems.

From 1982 to 2008 I worked for the Western Area Power Administration on both the power and transmission sides of the house.

From 2008 to 2016 I worked directly for Tri-State exclusively on transmission related projects

In 2016, I retired from Tri-State as a full-time employee and established my own consulting firm working on transmission issues. While Tri-State was my primary client I also performed work for three other clients. In 2021, my consulting firm ceased operations.

EDUCATION

I hold a Master's degree in Public Administration from the University of West Florida in Pensacola Florida, and a Bachelor of Arts degree in History from DePaul University in Chicago.

PUBLIC SERVICE

Marine Corps 1971 -1975

Wyoming Air National Guard 1983-1990

Windsor Historical Preservation Commission

Larimer County Election Judge

Highland Ridge HOA Board Member and President



MEMORANDUM

Date: February 6, 2023
To: Mayor and Town Board
From: Shane Hale, Town Manager
Re: Future Meetings Agenda
Item #: 4.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 2023 Future Meetings Agenda



FUTURE TOWN BOARD MEETINGS

February 13, 2023 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting District 1 Vacancy Interviews
February 13, 2023 7:00 p.m.	Town Board Regular Meeting
February 20, 2023	Canceled – Presidents Holiday
February 27, 2023 5:30 p.m.	Town Board Work Session Raw Water Surcharge Key Performance Indicators
February 27, 2023 7:00 p.m.	Town Board Regular Meeting
March 6, 2023 5:30 p.m.	Town Board Work Session Municipal Court Update
March 13, 2023 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting
March 13, 2023 7:00 p.m.	Town Board Regular Meeting
March 20, 2023 5:30 p.m.	Town Board Work Session
March 27, 2023 5:30 p.m.	Town Board Work Session
March 27, 2023 7:00 p.m.	Town Board Regular Meeting
April 3, 2023 5:30 p.m.	Town Board Work Session
April 10, 2023 5:30 p.m.	Town Board Work Session
April 10, 2023 7:00 p.m.	Town Board Regular Meeting
April 17, 2023 5:30 p.m.	Town Board Work Session

April 24, 2023 Town Board Work Session
5:30 p.m.

April 24, 2023 Town Board Regular Meeting
7:00 p.m.

Future Work Session Topics

- DDA Entertainment District
- Telecom Code (Pending FCC Rules)
- Weld RE-4 School Land Dedication/Cash in lieu of Land Update
- Traffic Maintenance Funding (March/April)