



WINDSOR DOWNTOWN DEVELOPMENT AUTHORITY

P.O. BOX 381, Windsor, CO 80550

www.windsordda.com

BOARD OF DIRECTORS MEETING

June 12, 2013 – 7:30 a.m.

301 Walnut Street, First Floor Conference Room, Windsor, CO 80550

AGENDA

- A. Call to Order
- B. Roll Call
- C. Public Invited to be Heard
- D. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board
- E. Approval of Minutes from the May 15, 2013 Board of Directors Meeting – P. Garcia
- F. Report of Bills & Financial Report – P. Garcia
- G. USA Pro Challenge Update – A. Porter
- H. Usage of newly purchased lots in DDA; Fourth of July – P. Garcia
- I. Governmental Immunity Act, Local Government Designated Agent – P. Garcia
- J. DDA July meeting date – Reschedule to July 10, 2013 – P. Garcia
- K. Report from Sub-Committees
 - 1. Marketing Committee
 - i. Wheels n Deals Promotion
 - ii. Water bottles/DDA logo – coordination & distribution dates
 - iii. Salsa in the Streets update
 - 2. Beautification Committee
 - i. Planters
 - ii. Xcel undergrounding
 - iii. Façade Improvement Program
 - iv. Gas meter inventory
 - 3. Parking Committee
 - i. Bike Racks
- L. Communications
 - 1. Referrals from Planning Department – B. Walker
- M. Adjourn



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BOARD OF DIRECTORS MEETING

May 15, 2013 – 7:30 a.m.

301 Walnut Street, First Floor Conference Room, Windsor, CO 80550

MINUTES

A. Call to Order

Chairman Winter called the meeting to order at 7:30 a.m.

B. Roll Call

Chairman Bob Winter
Vice Chairman Dan Stauss
Secretary/Treasurer Craig Peterson
Kristie Melendez
Sean Pike
Jason Shaeffer

Also present:

Town Manager
Town Clerk
Director of Finance
Chief Planner
Associate Planner
Associate Planner
Legal Counsel

Kelly Arnold
Patti Garcia
Dean Moyer
Scott Ballstadt
Brett Walker
Josh Olhava
Lucia Liley

C. Public Invited to be Heard

There was no public comment.

D. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board

There were no changes to the Agenda.

E. Approval of Minutes from the April 18, 2013 Board of Directors Meeting – P. Garcia

Mr. Peterson moved to approve the minutes of the April 18, 2013 meeting as presented; Ms. Melendez seconded the motion. Roll call on the vote resulted as follows:

Yeas – Winter, Stauss, Peterson, Melendez, Pike, Shaeffer

Nays – None. Motion carried.

F. Report of Bills & Financial Report – P. Garcia

Ms. Garcia reported on the bills included for approval; one for legal services and another for labels.

Ms. Liley requested time to amend fees for legal services, noting she will resubmit that invoice at a later date.

Mr. Peterson moved to approve the bills as amended; Mr. Pike seconded the motion. Roll call on the vote resulted as follows:

Yeas – Winter, Stauss, Peterson, Melendez, Pike, Shaeffer

Nays – None. Motion carried.

G. Resolution No. 2013-DDA01 – A Resolution Approving the Purchase of Real Property in the Town of Windsor, CO – L. Liley

Ms. Garcia reported the survey and environmental study have been ordered on the property.

Ms. Melendez moved to approve Resolution 2013-DDA01; Mr. Peterson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Winter, Stauss, Peterson, Melendez, Pike, Shaeffer

Nays – None. Motion carried.



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H. Tax increment projects presentation – L. Liley

Ms. Liley presented information relating to tax increment funding as it relates to the DDA. She noted the process begins with a petition from the property owner, which is presented to the DDA Board for approval, and in turn is accepted by Ordinance by the Town Board. She emphasized this is a powerful tool to gain participation of property owners within the DDA boundaries.

Ms. Liley explained using the tax increment system is a simple tool with many advantages. It allows the DDA to develop solid budgets based upon estimates from the County Assessor, make real-time adjustments to planning and priorities, and rebalance goals and options based upon reliable data. Ms. Liley noted projects can take on a cooperative nature, and many entities can be involved provided they complete the necessary agreements.

Ms. Liley also distributed photos of projects from Fort Collins, and urged members to create a list of eligible features for project acceptance. She explained owners must present a detailed plan as part of their application. Upon approval of the project, an itemized financial report is prepared, and a closing is held at which time all parties receive documents detailing the responsibilities and financial commitments of each.

Mr. Arnold questioned if a loan program would be a viable option. Ms. Liley responded Fort Collins has elected to approach projects as grants vs. loans. She also noted projects are tied to properties, and change of ownership does not negate agreements with the DDA.

Mr. Ballstadt asked how the City of Fort Collins chose to align internal policies between the City and their DDA. Ms. Liley explained policies through which DDA properties are flagged so that any projects brought to the City are in turn redirected to the DDA to begin the application process. She also invited the Windsor DDA to attend a Fort Collins DDA meeting to see their process and ask questions, noting they meet on the second Thursday of the month at 7:30 a.m. She assured staff the City of Fort Collins staff would be happy to meet with them and assist where possible.

Ms. Melendez moved to have staff take steps to begin developing a Façade Program for Windsor; Mr. Shaeffer seconded the motion. Roll call on the vote resulted as follows:

Yeas – Winter, Stauss, Peterson, Melendez, Pike, Shaeffer

Nays – None. Motion carried.

I. Dashboard Map Exercise – Identify levels of participation throughout the DDA

Mr. Walker and Mr. Arnold briefly explained the focus of this exercise is to identify spheres of influence within the DDA boundaries. Members discussed properties block by block and prioritized them based upon current participation in DDA programs, opportunities for growth, parking issues, and needs. It was noted this exercise should be repeated at least every 6 months to compare and measure effectiveness of activities. Mr. Ballstadt added future discussions may need to include a review of the zoning code in the area.

J. Report from Sub-Committees

1. Marketing Committee

- Pro Cycling Challenge update

Ms. Melendez reported the “Wheels & Deals” promotion will launch on August 2, and will have its own logo for posters and water labels. She noted the marketing focus of the event will reach beyond the borders of Windsor to draw participants and visitors as a regional event. She also reported the American Legion will host a breakfast for “Wheels & Deals” participants.

Ms. Melendez reminded the Board that Mantooth is working with Taco Johns in supporting a potential continuation of Salsa in the Streets in September.

2. Beautification Committee

The Beautification Committee has not met.



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P.O. BOX 381, Windsor, CO 80550

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3. Parking Committee

- Bicycle parking – bike rack information, placement and consideration of costs - *Information provided at DDA meeting*

Mr. Walker shared conversations regarding bike rack options to the DDA; one with loops and a second that looks like a bike but is a rack (called an Advocate), noting red to be the preferred color. He added he is looking for local artisans to create the racks, and has located a group in Pierce that may be able to supply the racks in time for the event. He is awaiting prices, and a portfolio of previous creations from the source, and will share that information with the Board when received. Mr. Peterson reminded the Board of local availability of powder coating, which would keep the racks looking new much longer than if left untreated. It was noted that Mr. Stauss may be able to pick the racks up while in Wisconsin, if local fabrication is not an option.

K. Communications

Ms. Garcia displayed the Preserve America designation sign to be placed on the corner of 6th and Main Streets.

Mr. Arnold told of this year's first Concert in the Park to be held in conjunction with the All-Town BBQ on June 6. He noted this will be the first event with the expanded Beer Garden, and would like to receive feedback from the DDA following the event.

Mr. Arnold also shared discussions with the Colorado State Historical Society office related to the mill. He described a Conditions Assessment program that would include a community wide feasibility and assessment study. He told the Board the assessment would be conducted by students at CU Denver, following completion of a Memorandum of Understanding between Mr. Lauer, The Town of Windsor, The State of Colorado and the DDA.

Ms. Melendez raised questions about parking, particularly in preparation for the bike race, inquiring if plans were in place for signage. Mr. Arnold responded the Town will take the lead on signage, noting some placements will be permanent and some temporary.

L. Adjourn

Mr. Peterson moved to adjourn the meeting at 9:15 a.m.; Mr. Stauss seconded the motion. Roll call on the vote resulted as follows:

Yeas – Winter, Stauss, Peterson, Melendez, Pike, Shaeffer

Nays – None. Motion carried.

Mary Lee, Deputy Town Clerk

Downtown Development Authority

REPORT OF BILLS

05/07-06/06/2013

At the regular meeting of the Downtown Development Authority,
Colorado, held in the Windsor Town Hall Board Room on June 19, 2013
the following claims were presented, examined, and approved by the DDA

VENDOR	DESCRIPTION	INVOICE #	AMOUNT
Thomas Eckrich	Plaque for Phinney for Board svc	594211	\$ 40.00
Northern Colorado Pro Challenge	US Pro Cycling Sponsorship		2,500.00
Something with Pizzaz	DDA Water Bottle Labels	742	395.90
Town of Windsor Parks, Rec & Culture	Swinging in the Streets Sponsorship		250.00
Stateswest Assessment Svcs Inc	Phase I Env Site Assessmnt	3535	1,600.00

TOTAL DISBURSEMENT REQUEST \$ 4,785.90

TOTAL \$ 4,785.90



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

Finance Department	
Vendor #	3455
Obligation #	99912

PAYMENT REQUEST

INVOICE NUMBER: 594211	Notes:
VENDOR: TOM ECKRICH	
DBA:	
(IF OTHER THAN VENDOR)	
Address: 5518 Janna Dr.	
Phone: 970-669-9731	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
04/22/2013	Judy Morris		<i>P. J. ...</i>

BUDGET LINE ITEM				DESCRIPTION	TOTAL
FUND	DEPT.	FUNCTION	PROJECT		
19	486	6210		Plaque for Phinney	40.00
				<i>Resigned - for src. on board of commissions</i>	
				TOTAL	\$40.00

Return to Stacey in Finance

594211

CUSTOMER'S ORDER NO.		DATE				
		04/22/13				
NAME						
TOM ECKRICH						
ADDRESS						
5518 JAHNA DR.						
CITY, STATE, ZIP						
LOVELAND, Co. 80538						
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE	PAID OUT
					RETD.	
QUAN.	DESCRIPTION		AMOUNT			
1	1	PLAQUE FOR WINOSAR				
2		TOWN SERVICE				
3		@ 40. ⁰⁰ ea				140 00
4						
5						
6		PLEASE MAKE CHECK				
7		PAYABLE TO				
8		TOM ECKRICH				
9						
10						
11						
12						
RECEIVED BY						

KEEP THIS SLIP FOR REFERENCE
3705



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

<u>Finance Department</u>	
Vendor #	6869
Obligation #	100076

PAYMENT REQUEST

INVOICE NUMBER: 2013-6	
VENDOR: NOCO Cycling 2013	
DBA:	
(IF OTHER THAN VENDOR)	
Address: 5280 Arena Circle, Suite 100	
Loveland, CO 80538	
	DDA EXPENSE
Phone: 1-970-619-4008	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
5/3/2013	Patti Garcia		P. Garcia <i>[Signature]</i>

BUDGET LINE ITEM				DESCRIPTION	TOTAL
FUND	DEPT.	FUNCTION	PROJECT		
19	486	6213		US Pro Cycling 2013 Sponsorship	\$2,500
				TOTAL	\$2,500.00



Invoice

DATE	INVOICE #
5/3/2013	2013-06

Terms: Net 10

BILL TO: Town of Windsor DDA PO Box 381 Windsor, CO 80550

DESCRIPTION	TOTAL
<i>US Pro Cycling 2013 Sponsorship</i>	\$2,500.00
Balance Due	\$2,500.00

If you have any questions concerning this invoice, please call Diana Frick 970-619-4008
Remit to: NOCO Cycling 2013, 5280 Arena Circle, Suite 100, Loveland, CO 80538



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

Finance Department	
Vendor #	6872
Obligation #	100114

PAYMENT REQUEST

INVOICE NUMBER: 742	Notes:
VENDOR: Something With Pizzaz, llc	
DBA: Easy Chair Media	
(IF OTHER THAN VENDOR)	
Address: 800 3 rd St., Windsor, Co 80550	
Phone: 970-686-2699	
Fax:	

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
05/09/2013	Judy Morris		<i>PSG</i>

BUDGET LINE ITEM					
FUND	DEPT.	FUNCTION	PROJECT	DESCRIPTION	TOTAL
19	486	6213		Water bottle labels	\$395.90
				"Windsor Downtown Development Authority	
				TOTAL	\$395.90

Return to Stacey in Finance

Something with Pizzaz, LLC

Invoice

624 Main
Windsor, CO 80550

Phone (970) 686-2699

Fax Number (866) 430.9635

Date	Invoice #
5/9/2013	742

Bill To
Easy Chair Media 800 3rd St Windsor, CO 80550

P.O. No.	Terms	Project
Windsor DDA	Net 15	

Quantity	Description	Rate	Amount
960	full color water bottle labels "Windsor Downtown Development Authority"	0.39	374.40T
	shipping	21.50	21.50T
	No tax government office	0.00	0.00
	Out-of-state sale, exempt from sales tax	0.00%	0.00
Thank you for your business.		Total	\$395.90

Deliberately Creative Marketing

Phone #	Fax #
970.231.8750	866.430.9635

19-486-6213



Town of Windsor
 301 Walnut Street
 Windsor Colorado 80550
 (970)686-7476 Fax (970)686-7180

Finance Department	
Vendor #	6454
Obligation #	100172

PAYMENT REQUEST

INVOICE NUMBER: Swinging in the Streets	Notes:
VENDOR: Town of Windsor Pks, Rec & Culture	
MERCHANT/dba: (IF OTHER THAN VENDOR)	
Address: 301 Walnut Street	
Windsor, CO 80550	
Phone:	Give the check to Carrie Knight

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
5/22/13	C. Turner for DDA		

BUDGET LINE ITEM				DESCRIPTION	TOTAL
FUND	DEPT.	FUNCTION	PROJECT		
19	486	6213		Sponsorship of "Swinging in the Streets" Event	250.00
				DDA Board of Director Meeting on 3/20/13	
					\$ 250.00



WINDSOR DOWNTOWN DEVELOPMENT AUTHORITY

P.O. BOX 381, Windsor, CO 80550

www.windsordda.com

BOARD OF DIRECTORS MEETING

March 20, 2013 – 7:30 a.m.

301 Walnut Street, First Floor Conference Room

Windsor, CO 80550

MINUTES

A. Call to Order

Chairman Winter called the meeting to order at 7:32 a.m.

B. Roll Call

Chairman Bob Winter
Vice Chairman Dan Stauss
Secretary/Treasurer Craig Peterson
Brent Phinney
Kristie Melendez
Jason Shaeffer
Sean Pike

Excused:

Also present:

Town Manager	Kelly Arnold
Town Clerk	Patti Garcia
Associate Planner	Brett Walker
Associate Planner	Josh Olhava
Administrative Specialist	Sandra Sheffler
Art & Heritage Manager	Carrie Knight

C. Public Invited to be Heard

Ron Lauer, owner of the Mill, inquired about what was needed to make the first floor of the Mill ready to be occupied. Town Manager Arnold referred him to the Planning Department. Associate Planner Olhava will work with Mr. Lauer and facilitate a meeting with SafeBuilt. Mr. Arnold asked for an update on the status of the Mill. It is still for sale; however it is not listed with a real estate agent. He is considering a possible owner carry situation if he finds someone to make the purchase. His goal is to get the Mill back to completeness and back to original status. Chairman Winter stated Mr. Lauer has the full support of the DDA to get the building up to code and will refer potential buyers his direction. Mr. Lauer has concept drawings available and the building is essentially "shovel ready" for construction. Mr. Phinney asked if he had considered delisting the mill from the National Historical Registry to simplify the construction process and Mr. Lauer hesitates to do that because of the historical significance the mill plays for the Town of Windsor. He also questioned some wording in his original State grants that specify in the case of a natural disaster the contract is void. Mr. Arnold requested Mr. Olhava help facilitate a meeting with the State to find out his options regarding the grant, agreement and the condition of the building. This meeting should include Mr. Lauer, Mr. Arnold, Mr. Olhava, Mr. Winter and Carrie Knight, Museum Manager.

D. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board

The agenda was approved by consensus of the board.

E. Approval of Minutes from the February 13, 2013 Board of Directors Meeting – P. Garcia



WINDSOR DOWNTOWN DEVELOPMENT AUTHORITY

P.O. BOX 381, Windsor, CO 80550

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Board Member Peterson motioned to approve the Minutes as presented; Board Member Stauss seconded the motion. Roll call on the vote resulted as follows:

Yeas – Winter, Stauss, Peterson, Melendez, Phinney

Nays – None. Motion carried.

F. Report of Bills & Financial Report – P. Garcia

Town Clerk Garcia stated there were no bills to present. Board Member Melendez asked about the status of the \$500 going towards the Farmer's Market and Ms. Garcia said she would look into it.

G. Executive Session

An executive session for the purchase of real property, pursuant to C.R.S. 24-6-402(4)(a); and determining positions relative to matters that may be subject to negotiations; developing strategies for negotiations; and instructing negotiators, pursuant to C.R.S. 24-6-402(4)(a).

Vice Chairman Stauss motioned to go into Executive Session for the purchase of real property, pursuant to C.R.S. 24-6-402(4)(a); and determining positions relative to matters that may be subject to negotiations; developing strategies for negotiations; and instructing negotiators, pursuant to C.R.S. 24-6-402(4)(a); Secretary Treasurer Peterson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Winter, Stauss, Peterson, Melendez, Phinney

Nays – None. Motion carried.

The meeting moved to Executive Session at 7:48 a.m.

Secretary Treasurer Peterson motioned to return to the Regular Meeting; Board Member Phinney seconded the motion. Roll call on the vote resulted as follows:

Yeas – Winter, Stauss, Peterson, Melendez, Phinney

Nays – None. Motion carried.

Upon returning to the regular meeting, Chairman Winter advised that if any participants in the Executive Session believed the session contained any substantial discussion of any matters not included in the motion to convene the Executive Session, or believed any improper action occurred during the Session in violation of the Open Meetings Law, such concerns should now be stated. Hearing none, the Regular Meeting resumed.

The regular meeting resumed at 8:10 a.m.

H. Report from Sub-Committees

1. Marketing Committee – Kristie Melendez

The Board discussed a previous request from the Parks, Recreation & Culture Department for a sponsorship of the Swinging in the Streets event that will be held in conjunction with the Windsor Summer Concert Series.

Board Member Phinney motioned to approve a \$250 sponsorship for the Swinging in the Streets event; Secretary Treasurer Peterson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Winter, Stauss, Peterson, Melendez, Phinney

Nays – None. Motion carried.

- USA Pro Challenge

Ms. Melendez reported on several ideas to promote Downtown Windsor during the Pro-Cycling Tour, including a pancake breakfast, local business



301 Walnut Street
 Windsor, CO 80550
 Office 970-674-2400
 Fax 970-674-2456

Finance Department	
Vendor #	6782
Obligation #	100225

PAYMENT REQUEST

INVOICE NUMBER: 3535	
VENDOR: StatesWest Assessment Services Inc.	
DBA: (IF OTHER THAN VENDOR)	
Address: 875 Kendall Street Lakewood, CO 80214	
Phone: 1-303-232-5898	DDA EXPENSE
Fax:	DDA EXPENSE

INVOICE DATE	PROCESSED BY	SUPERVISOR APPROVAL	DEPT. HEAD APPROVAL
5/24/2013	Patti Garcia		P Garcia <i>P. Garcia</i>

BUDGET LINE ITEM				DESCRIPTION	TOTAL
FUND	DEPT.	FUNCTION	PROJECT		
19	486	6253		Phase I Environment Site Assessment Windsor Town, Block 5 (418 Ash Street) & Burlington Sub, Lot 22	\$1,600
				TOTAL	\$1,600.00



StatesWest Assessment Services Inc

875 Kendall Street
Lakewood, Colorado 80214

PHONE (303) 232-5898 FAX (303) 232-1133

INVOICE

DATE	INVOICE NO.
5/24/2013	3535

BILL TO
Town of Windsor 301 Walnut Street Windsor, CO 80550

TERMS	DUE DATE
Net 30 days	6/23/2013

REPORT DATE	ITEM	DESCRIPTION	CHARGES
5/23/2013	Phase I	Phase I Environmental Site Assessment (ASTM E1527-05) SITE: Windsor Town, Block 5 (418 Ash Street) & Burlington Sub, Lot 22 Windsor, CO 80550 Attn: Patti Garcia	1,600.00

Total	\$1,600.00
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Volume 1, Issue 5 May, 2013

Windsor DDA Revenue

Windsor Downtown
Development
Authority

Windsor DDA Revenue Summary April 30, 2013	Collections	Budget	% of Budget
Property Tax Mill Levy	\$1,528	\$4,006	38.14%
Incremental Property Tax	\$5,782	\$16,603	34.83%
Interest	\$0	\$250	0.00%
Town of Windsor Funding	\$83,333	\$250,000	33.33%
Total	\$90,643	\$270,859	33.46%

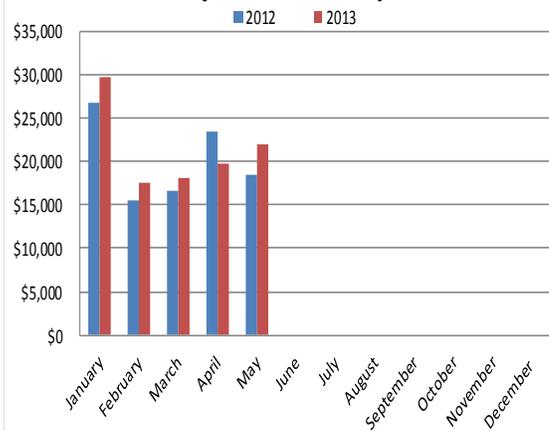
Special points of interest:

- Year to date sales tax collections through May 2013 totaled \$106,949. This was roughly \$6,000 above the 2012 collection of \$100,910.
- May 2013 sales tax collections were roughly \$3,400 above May 2012 collections. We had some late filings from April that filed two returns in May.
- Revenue is where we expect it to be after April at 33%.

Windsor DDA Expenditures

Windsor DDA Expenditures Summary April 30, 2013	Expenditures	Budget	% of Budget
Operations			
Office Supplies	\$123	\$300	40.83%
Public Relations/Advertising	\$500	\$25,000	2.00%
Board Development	\$0	\$1,000	0.00%
Dues/Fees/Subscriptions	\$109	\$500	21.80%
Travel/Mileage	\$0	\$100	0.00%
Legal Services	\$423	\$10,000	4.23%
Contract Services	\$0	\$20,000	0.00%
Publishing/Recording	\$0	\$300	0.00%
Printing/Binding	\$0	\$500	0.00%
Study Review/Consultant	\$0	\$5,000	0.00%
Administrative Transfer	\$6,667	\$20,000	33.34%
Operations Total	\$7,822	\$82,700	9.46%
Capital			
Site Improvements	\$0	\$116,752	0.00%
Buildings & Structures	\$0	\$116,752	0.00%
Capital Total	\$0	\$233,504	0.00%
Grand Total	\$7,822	\$316,204	2.47%

Monthly Sales Tax Comparison



Windsor Downtown Development Authority

P.O. Box 381
Windsor, CO 80550
Email: info@windsordda.com

**Were on the web
windsordda.com**

Welcome to Windsor



DDA Mission Statement

“It is the mission of the Windsor DDA to create a prosperous, vibrant, energetic, and clean town center, by marketing downtown opportunities, retaining and expanding current business opportunities, preserving downtown charm, and enhancing physical appearance and amenities through partnerships with the community and stakeholders.”



PLAN OF DEVELOPMENT PROJECTS

The projects, facilities, programs and functions to be established and provided in the district will benefit and promote the health, safety, prosperity, security and general welfare of all occupants and owners thereof and will prevent deterioration of property values, will prevent the growth of blighted areas, and will be of special benefit to all property within the district.

- A. The promotion of, participation in, and assistance to private and public developments consistent with the priorities of the DDA by all means permitted by federal, state and local laws and regulations, including but not limited to, land assemblage, and/or acquiring, constructing, reconstruction, rehabilitating, equipping, selling and leasing space.
- B. Public facilities and improvements as necessary to complement private developments.
- C. A parking program to provide sufficient public parking to service all occupants and owners within the district.
- D. A pedestrian and vehicular circulation system.
- E. A beautification program.
- F. A convention/exhibition facility to be built in conjunction with private development of a downtown hotel and banquet hall.

DDA Board

Bob Winter, Chairman — Bob@windsordda.com
Dan Stauss, Vice Chairman — Dan@windsordda.com
Craig Petersen, Secretary/Treasurer — Craig@windsordda.com
Brent Phinney — Brent@windsordda.com
Jason Shaeffer — Jason@windsordda.com
Sean Pike – Sean@windsordda.com
Kristie Melendez, TOW board representative — Kristie@windsordda.com



MEMORANDUM

Date: June 12, 2013
To: Downtown Development Authority Board
Via: Kelly Arnold, Town Manager
From: Patti Garcia, Town Clerk
Re: DDA purchased lots/use on Fourth of July
Item #: H.

Background / Discussion:

The Parks, Recreation & Culture staff have been discussing plans for the July 4 event. The DDA's newly purchased lots were brought up in connection with their traffic plan. It is their belief through past years that it is nearly impossible to keep people out of the lot unless it is manned.

We estimate closing on the lots on June 13 or 14. The property information will then be provided to CIRSA so it will be under the Town's property policy; I have been told that nothing additional needs to be done even though the property is owned by the DDA. Additionally, CIRSA does not require the DDA to prohibit or monitor usage in the lots for liability purposes. It is estimated that there are approximately 50 parking spaces available when striped.

Options for lot usage have been discussed; there has been some concern voiced by Parks, Recreation & Culture staff regarding the lot access points and traffic/event activity. They have explained that if the lot was manned or barricaded there could be more control of the traffic and activity in the area. Options include:

- a.) The DDA partners with a service club and operates a pay-for-parking operation.
- b.) The DDA requests that the town barricade the lot and the DDA manages the towing of potential trespassers.
- c.) The DDA does not address the issue and allows the public to park in the area.

Due to staff vacations, information regarding striping availability or cost won't be available until the Wednesday meeting.

Recommendation:

For discussion and to provide direction to staff.



MEMORANDUM

Date: June 12, 2013
To: Downtown Development Authority Board
Via: Kelly Arnold, Town Manager
From: Patti Garcia, Town Clerk
Re: Governmental Immunity Act, Local Government Designated Agent
Item #: I.

Background / Discussion:

The Local Government Designated Agent was created by House Bill 12-1244. Pursuant to the law, local governments in the State of Colorado are required to provide, and thereafter maintain, a listing of an "agent" for their government with the Department of Local Affairs (DOLA). This new reporting requirement is intended to serve notification purposes under the Colorado Governmental Immunity Act (GIA). An excerpt from the CML Public Officials Liability Handbook is attached which gives an overview of the GIA. The "agent" for purposes of the legislation is a person designated by a local government entity to receive a filing of notice of claim. This person is designated to receive any notice of lawsuit or any other legal notifications being made to the local government.

Kelly Arnold is the agent for the Town of Windsor. Staff has verified with DOLA that the DDA does need to register an agent. As Patti Garcia is currently the coordinator for the DDA, it would be appropriate for her to be registered as the "agent". Any information received by the Local Government Designated Agent would be immediately forwarded to the appointed members of the Downtown Development Authority board and legal counsel.

Recommendation:

Recommend to list Patti Garcia, Town Clerk, as the designated agent for purposes of the Governmental Immunity Act, Local Government Designated Agent for Information for Notice of Claim.

Attachments:

- Designated Agent form
- Excerpt from CML Public Officials Liability Handbook – Chapter 1: Liability under the state law; Introduction to the Colorado Governmental Immunity Act

STATE OF COLORADO

Division of Local Government
 1313 Sherman Street, Suite 521
 Denver, Colorado 80203
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LOCAL GOVERNMENT DESIGNATED AGENT INFORMATION FOR NOTICE OF CLAIM HB12-1244

	Date	6/12/13	LGID		
Local Government Information¹	Official Name	Windsor Downtown Development Authority			
	Principal Address	301 Walnut Street			
	Mailing Address (if not same as above)	PO Box 381			
	City	Windsor	State	CO	Zip 80550

Designated Agent²	Agent Name	Patti Garcia			
	Agent Title	Town Clerk			
	Agent Mailing Address (if not same as above)	301 Walnut Street, Windsor, CO 80550			
	Agent Alt. Address	301 Walnut Street			
	City	Windsor	State	CO	Zip 80550

I hereby certify the contact information provided in this filing is true and accurate for purposes of compliance with the requirements of 24-32-116 C.R.S.

 X

 Authorized Signatory

Title: _____

DATE: _____

¹ Local governments for purposes of this form are all governments not required to comply with 32-1-104 (2); those include municipalities, counties, city & counties, non-Title 32-1 special districts, school districts, and any other local government pursuant to statute.

² Person designated by a local governmental entity to receive a filing of a notice of claim pursuant to 24-10-109 (3) C.R.S.
 >Title 32-1 special districts official contact communicated annually by January 15th will be utilized as those local government's agents pursuant to 24-32-116.

Chapter One:

Liability under state law: Introduction to the Colorado Governmental Immunity Act

Introduction

This chapter discusses the public entity liability laws as they exist in Colorado. Because these laws vary from state to state, it is not possible to address the laws of each; it is important for each jurisdiction to obtain information and advice on the particular laws that apply to it.

Types of claims to which the Act applies

The Colorado Governmental Immunity Act (“Act”)¹ applies to all actions for injuries brought under state law (whether in state court or in federal court) against public entities and public employees which “lie in tort or could lie in tort regardless of whether that may be the type of action or the form of relief chosen by a claimant.”² (A tort is a private or civil wrong or injury, other than a breach of contract, for which there is a judicial remedy in the form of an action for damages.) The Act is intended to provide for all the circumstances under which the state, any of its political subdivisions, or the public employees of such public entities may be liable in such actions.³

Types of claims to which the Act does not apply

Most of the protections of the Act likely do not apply to actions brought under federal law in federal court.⁴ Examples of actions under federal law include actions for civil rights violations under 42 U.S.C. §1983, and federal antitrust actions.

Of course, the Act does not apply to actions which do not lie in tort and could not lie in tort. An example of such an action would be an action for a breach of contract.

Except as provided in the Act, a public entity’s liability is determined in the same manner as if the entity were a private person.⁵

Persons and entities to whom the Act applies

The Act applies to “public entities,” including “the state, county, city and county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof organized pursuant to law,” as well as to separate entities created by intergovernmental agreement.⁶ The Act applies to home rule as well as statutory municipalities. A home rule municipality may provide greater monetary compensation to injured persons than that provided for in the Act,⁷ but may not impose more stringent requirements than those in the Act.⁸

The Act also applies to “public employees,” defined to include generally an officer, employee, servant, or authorized volunteer of a public entity, whether or not compensated, elected, or appointed.⁹ Thus, the mayor and members of the city council, board of trustees or other governing body, board and commission members, employees, as well as authorized volunteers of the public entity, are covered by the Act.

Persons and entities to whom the Act does not apply

The Act excludes from the definition of “public employee” independent contractors and persons sentenced to participate in any useful public service.¹⁰ Thus, the protections of the Act do not apply to these persons. Perhaps more importantly, from the public entity’s perspective, if the entity has contractually assumed an unlimited indemnification obligation (*i.e.*, an obligation to defend and to pay the costs of any judgment or settlement) with respect to such persons, the entity’s liability is not limited by the Act (See Chapter 3, for an example of a non-liability provision). Independent contractors should be of particular concern to the public

entity, since they are often used to perform important functions and services such as construction work, building inspection, planning, engineering, and management.

Most of the Act's protections **do not** apply to a public employee whose act or omission resulting in a claim did not occur during the performance of the employee's public duties and within the scope of the public employment, or whose act was "willful and wanton."¹¹ The term "willful and wanton" is not defined in the Act; a separate statute¹² defines "willful and wanton" conduct as conduct "purposefully committed which the actor must have realized as dangerous, done heedlessly and recklessly, without regard to consequences, or of the rights and safety of others, particularly the plaintiff." Punitive or exemplary damages are discussed later in this chapter.

Some of the Act's protections for public employees are lost if the employee:

- Fails to notify the public entity of the existence of a lawsuit within the required time,¹³ or
- Compromises or settles a claim without the consent of the public entity,¹⁴ or
- Willfully and knowingly fails to notify the public entity of any incident which reasonably could be expected to lead to a claim, within a reasonable time after the incident occurs.¹⁵

Protections of the Act

The Act provides the following important protections to both public entities and public employees:

- Imposes a 180-day notice of claim requirement on persons claiming to have suffered injury because of the act or omission of a public entity or public employee.¹⁶ The claim is forever barred if the notice of claim is not filed with the public entity's governing body or attorney within 180 days after discovery of the injury.¹⁷
- Imposes maximum monetary limits on the payment of any judgment or settlement of \$150,000 per person and \$600,000 per occurrence.¹⁸ These monetary limits do not apply to a public employee who was not acting in the performance of the employee's public duties and within the scope of public employment, or whose acts or omissions were willful and wanton.¹⁹
- Provides **immunity** from liability, for public entities and public employees (except for public employees who were not acting in the performance of their public duties and within the scope of their public employment, or whose acts or omissions were willful and wanton), in actions under state law which lie in or could lie in tort.²⁰

However, no such immunity exists for injuries resulting from the following six circumstances:

- The operation of a motor vehicle, owned or leased by the public entity, by a public employee while in the course of employment (unless the vehicle was an emergency vehicle operating in accordance with C.R.S. §42-4-108(2) and (3), in which case immunity may exist)²¹;
- The operation of a public hospital, correctional facility, or jail by the public entity;
- A dangerous condition of any public building;
- Certain dangerous conditions of a public highway, road, or street which physically interfere with the movement of traffic;
- A dangerous condition of a public hospital, jail, public facility located in any park or recreation area maintained by a public entity, or of a public water, gas, sanitation, electrical, power, or swimming facility; and
- The operation and maintenance of any public water facility, gas facility, sanitation facility, electrical facility, power facility, or swimming facility by a public entity.²²

Focusing loss control efforts on the foregoing circumstances will help the public entity limit or avoid losses in these areas of vulnerability.

Additional protections for employees

The following additional protections apply to public employees:

- The public entity is liable for the costs of the defense of the public employee (unless the employee's act or omission did not occur during the performance of the employee's public duties and within the scope of public employment, or the act or omission was willful and wanton);²³ and
- The public entity is liable for the payment of judgments and settlements of claims against the public employee (unless the employee's act or omission did not occur during the performance of the employee's public duties and within the scope of public employment, or unless the act or omission was willful and wanton).²⁴

Both of these rights can be lost if the employee fails to meet the notification requirements described in this chapter.²⁵ Both rights can also be lost if the employee compromises or settles the claim without the public entity's consent.²⁶

If the public entity has provided a defense for a public employee whose act or omission is later determined by a court to have been outside the performance of the employee's duties, outside the scope of employment, or willful and wanton, the employee may be required to reimburse the public entity for the costs and attorney fees incurred by the entity in providing the defense.²⁷

Notification obligations for public employees

The public employee loses the right to look to the public entity for the provision of a defense and for the payment of a judgment or settlement if the public entity has not been made a party defendant in the action **and** the public employee fails to notify the public entity of the existence of the action within 15 days after commencement of the action.²⁸ Both rights are also lost if the employee has willfully and knowingly failed to notify the public entity of the incident or occurrence which led to the claim within a reasonable time after the incident or occurrence, if the incident or occurrence could reasonably have been expected to lead to a claim.²⁹

If the public entity has been made a codefendant in the action with the public employee, the public entity must notify the employee within 15 days after the commencement of an action whether it will provide a defense to the employee; if the public entity has not been made a codefendant, the public entity must so notify the employee within 15 days after receiving written notice from the employee of the existence of the action.³⁰

Additional notification obligations for CIRSA members

CIRSA's Bylaws and coverages also impose notification requirements. Member obligations under the Bylaws include the obligation to report to CIRSA all incidents or occurrences which could reasonably be expected to result in CIRSA being required to cover a claim or loss. As is typical of insurance policies, CIRSA's coverage documents also require the member to notify CIRSA promptly of any event, claim, or suit that the member could reasonably conclude is covered. In order to preserve any coverage which may exist, prompt compliance with the notification provisions of the coverage documents is critical.

Upon a member's notification to CIRSA's claims adjuster of a claim against the member or an employee of the member, the claims adjuster will provide notification as to whether coverage exists and whether a defense will be provided.

Waiving the Act's limits and immunities

No waiver occurs by the purchase of insurance in excess of the Act's \$150,000/ \$600,000 monetary limits, or for acts for which immunity exists under C.R.S §24-10-106. The only method by which the limits or immunities can be waived is by the public governing body's

adoption of a resolution waiving such limits or immunities.³¹ The resolution can apply only to injuries occurring subsequent to the adoption of the resolution.³² Public entities should approach such a resolution, if at all, with great caution, since insurance coverages may not apply to the increased limits or expanded areas of liability. CIRSA's coverages are not expanded by any resolution making such a waiver, and members must notify CIRSA in advance of any such waiver.

Status of punitive damages under the Act

Punitive damages or exemplary damages (the terms are synonymous) are damages awarded in circumstances where the injury complained of is "attended by circumstances of fraud, malice, or willful and wanton conduct."³³ State law limits the amount of punitive or exemplary damages that can be awarded to an amount equal to the amount of actual damages awarded to the injured person (or, in certain aggravated situations, three times the amount of such actual damages).³⁴

Public entities are not liable, either "directly or by indemnification," for punitive or exemplary damages under the Act.³⁵ However, public employees can be liable for the payment of punitive or exemplary damages if the employee's act or omission was willful and wanton.³⁶ Because the type of willful and wanton conduct which results in the award of punitive or exemplary damages is likely to be the same type of conduct which results in an employee's loss of the protections of the Act, engaging in such conduct is especially risky.

If a plaintiff alleges in an action that a public employee's act or omission was willful and wanton, and the plaintiff fails to "substantially prevail" on the allegation, the court must award attorney fees against the plaintiff and in favor of the employee (unless the court determines that such an award would be "unjust").³⁷

Public entities are authorized to adopt a resolution to defend a public employee against a claim for punitive damages, or to pay or settle a punitive damage claim against the employee.³⁸ CIRSA coverage does not exist for the payment or settlement of punitive damage claims.



MEMORANDUM

Date: June 12, 2013
To: Downtown Development Authority Board
Via: Kelly Arnold, Town Manager
From: Patti Garcia, Town Clerk
Re: Change of meeting date to July 10, 2013
Item #: J.

Background / Discussion:

Chairman Bob Winter has requested the DDA regular meeting date be moved from July 17, 2013 to July 10, 2013. If it is determined that the meeting date will change and a quorum is available, the July 10, 2013 date will be posted and published on the Town of Windsor & DDA websites.