



Town Board Regular Meeting

September 11, 2023 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

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MINUTES

A. CALL TO ORDER

Mayor Rennemeyer called the meeting to order at 7:09 p.m.

1. Roll Call

Present:

Mayor Paul Rennemeyer
Mayor Pro Tem Barry Wilson
Ron Steinbach
Ken Bennett
Julie Cline
Victor Tallon
Jason Hallett – Absent

Also Present:

Shane Hale, Town Manager
Dan Money, Town Attorney
Eric Lucas, Public Services Director
John Thornhill, Community Development Director
Scott Ballstadt, Planning Director
Dean Moyer, Finance Director
Tara Fotsch, Deputy Director of PRC
Aaron Lopez, Police Commander
Carlin Malone, Chief Planner
Kim Emil, Deputy Town Attorney
Mark Price, Planner I
Ben Bodiker, Visual Media Coordinator
Karen Frawley, Town Clerk

2. Pledge of Allegiance

Mayor Rennemeyer asked Town Board Member Tallon to lead the Pledge of Allegiance.

Mayor Rennemeyer asked for all to participate in a moment of silence for 9/11 remembrance.

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

Town Board Member Tallon moved to approve the agenda as written, Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Victor Tallon, Ron Steinbach, Barry Wilson, Paul Rennemeyer, Ken Bennett, Julie Cline; Nays - None; Motion Passed.

4. Proclamations

a. Suicide Awareness and Prevention Month

b. Constitution Week

c. Foster Friendly Windsor Initiative

Mayor Rennemeyer read the proclamations aloud.

5. Presentation

a. Trident Veteran Adaptive Program Sponsorship Request

Trident Veteran Adaptive Program (TVAP) is dedicated to providing Veterans and first responders and their families and friends with recreational opportunities to experience adventures and supported activities in a safe environment that will enhance their lives. Our first adventure series is our DISCOVER SCUBA program.

DISCOVER SCUBA Diving Program. Every year, we receive hundreds of requests from disabled Veterans across the country asking TVAP to organize and travel to their home towns. Most Veterans are living and functioning on a limited budget, and traveling to Colorado each year is simply not realistic. They ask if we would bring our DISCOVER SCUBA experience to them, so they can share this opportunity with their fellow Vets and families. We are ready to take on this logistical and equipment challenge, and need our corporate partners to embrace the plan and help us launch this unique and impressive deployment. Our goal is to reach six cities each year, and to bring our diving program to the tens of thousands of disabled Vets in each of those cities.

TVAP is requesting \$1500 from the Town Board for their upcoming event on October 21st in Windsor. Town Board approved the sponsorship request.

6. Board Liaison Reports

Town Board Member Steinbach - Historic Preservation Commission, Water and Sewer Board

Town Board Member Steinbach reported that neither board has met since the last provided update.

Mayor Pro Tem Wilson - Larimer County Behavioral Health Policy Council, Great Western Trail Authority, 34, and I-25 Coalitions

Mayor Pro Tem Wilson reported that the Larimer County Behavioral Health Policy Council has not met since the last provided update.

Mayor Pro Tem Wilson reported that the Great Western Trail Authority has not met since the last provided update.

Mayor Pro Tem Wilson reported that the 34 Coalition has received funding to create a

TMO (transportation management organization) and within will have a scoring committee which Eric Bracke will be part of.

Mayor Pro Tem Wilson reported that the I-25 Coalition introduced the new transportation commissioner for the region, Jim Kelly. Nearing substantial completion by December of 2023 and the express lanes will be free for the winter months.

Town Board Member Bennett – Parks, Recreation and Culture Advisory Board, Windsor Arts Commission

Town Board Member Bennett reported that neither board has met since the last provided update.

Town Board Member Cline – Clearview Library Board, Poudre River Trail Corridor Authority

Town Board Member Cline reported that the Clearview Library Board had two people speak during their last meeting regarding their land that had been requested to be purchased. Several staff members were also introduced who began working over the last year. There is a lot of progress going on at the new branch in Severance and they are hoping to open in April of 2024. The library is going to purchase and put in an RFID book drop as a way to have fewer staff.

Town Board Member Cline reported that the Poudre River Trail Corridor Authority brought in new board members who are all great additions to the board. The Party for the Poudre will be held on Thursday, September 21st from 6:00 to 9:00 p.m. at the Kress Cinema and Lounge. You can go on the website to purchase tickets or can send an email and request them. The moonlight bike ride was very well attended and a successful event.

Town Board Member Tallon - Planning Commission, Chamber of Commerce

Town Board Member Tallon reported that the Planning Commission reviewed items that are on the agenda tonight.

Town Board Member Tallon reported that the Chamber of Commerce has not met since the last provided update.

Town Board Member Hallett - Windsor Housing Authority, Tree Board

Town Board Member Hallett was absent and will provide an update at the next board meeting.

Mayor Rennemeyer - Windsor Downtown Alliance, North Front Range MPO

Mayor Rennemeyer reported that the Windsor Downtown Alliance held the monthly What's Brewing event at the Pineapple Market and it was very well attended.

Mayor Rennemeyer reported that the North Front Range MPO heard about the realignment project of Colorado, staff had been unsuccessful in trying to get any other community partners to participate in helping with funding the project. Therefore, since it did not go through, the MPO will take official action next month to use funds to complete the southern part of the road that was already allocated. The MPO board also approved the 2022 audit and viewed a presentation regarding I-25 and the new devices for the HOV lanes.

7. Public Invited to be Heard

Mayor Rennemeyer opened the meeting up for public comment, to which there was none.

B. CONSENT CALENDAR

1. Approval of the August 28, 2023 Town Board Regular Meeting Minutes - K. Frawley, Town Clerk

Approval of the August 28th Town Board meeting minutes.

2. Resolution No. 2023-49 - A Resolution Approving the Fifth Amended Intergovernmental Agreement of Larimer Emergency Telephone Authority Authorizing Jackson County's Participation and Authorizing the Mayor to Sign - A. Lopez, Police Commander

The Town of Windsor has had a standing intergovernmental agreement (IGA) with the Larimer Emergency Telephone Authority (LETA) utilizing shared emergency management services. This IGA is an update to the existing agreement, adding Jackson County to the consortium.

3. Report of Bills - August 2023 - D. Moyer, Finance Director

Town Board Member Tallon moved to approve the consent calendar as written, Town Board Member Steinbach seconded the motion. Roll call on the vote resulted as follows; Yeas - Victor Tallon, Ron Steinbach, Barry Wilson, Paul Rennemeyer, Ken Bennett, Julie Cline; Nays - None; Motion Passed.

C. BOARD ACTION

1. Continuance of a Public Hearing for a Rezoning - A PUD (Planned Unit Development) Overlay to the GC (General Commercial) Zoning District - Water Valley South Subdivision 13th Filing, Lots 5, 6 and 7 (The Lofts at Water Valley Village) - Garrett Scallon and Austin Lind, applicant, The Water Valley Company, LLC, on behalf of Eagle Crossing Inc., property owner; and Brian Williamson, applicant's representative, TST Inc. Consulting Engineers

At their September 6, 2023 meeting, the Planning Commission continued their public hearing on the rezoning to October 18, 2023.

Staff is requesting the Town Board public hearing for this item be continued to the regular Town Board meeting of October 23, 2023.

Town Board Member Tallon stated, "Mayor Rennemeyer, for the record, I would like to point out that in my capacity as Town Board liaison to the Planning Commission, I was present at the Planning Commission meeting during which this matter was previously presented. I wish to state that my participation in the Planning Commission proceeding has in no way influenced me in my capacity as a Town Board member this evening. I will make my decision and cast my vote this evening based solely on the evidence presented during this public hearing."

Town Board Member Tallon moved to continue the item to a date certain of October 23, 2023, Mayor Pro Tem Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Victor Tallon, Ron Steinbach, Barry Wilson, Paul Rennemeyer, Ken Bennett, Julie Cline; Nays - None; Motion Passed.

2. Public Hearing - Conditional Use Permit to allow a temporary modular classroom in the Residential Mixed Use-One (RMU-1) Zone District - Water Valley South Subdivision 6th Filing, Lot 2 (360 Crossroads Boulevard) - Josh Savage, Timberline Church, Applicant

The applicant, Timberline Church, represented by Mr. Josh Savage, is requesting a Conditional Use Permit (CUP) to allow one temporary modular classroom in the RMU-1 zone district for a three-year period.

Town Board Member Steinbach moved to open the public hearing, Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Victor Tallon, Ron Steinbach, Barry Wilson, Paul Rennemeyer, Ken Bennett, Julie Cline; Nays - None; Motion Passed.

Mayor Rennemeyer opened the hearing up for public comment, to which there was none.

Town Board Member Bennett moved to close the public hearing, Town Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Victor Tallon, Ron Steinbach, Barry Wilson, Paul Rennemeyer, Ken Bennett, Julie Cline; Nays - None; Motion Passed.

3. Approval of a Conditional Use Permit to allow a temporary modular classroom in the Residential Mixed Use-One (RMU-1) Zone District - Water Valley South Subdivision 6th Filing, Lot 2 (360 Crossroads Boulevard) - Josh Savage, Timberline Church, Applicant

Please refer to public hearing item materials.

Town Board Member Tallon moved to approve the conditional use permit for a temporary modular classroom, Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Victor Tallon, Ron Steinbach, Barry Wilson, Paul Rennemeyer, Ken Bennett, Julie Cline; Nays - None; Motion Passed.

4. Ordinance No. 2023-1681 - An Ordinance Pursuant to Section 3.1 of the Town of Windsor Home Rule Charter Approving an Election District Map Provision Within the Town of Windsor, Colorado

This is the second reading of this ordinance, no changes have been made to the ordinance since the first reading. Mayor Rennemeyer opened the meeting up for public comment, to which there was none.

Town Board Member Tallon moved to approve Ordinance No. 2023-1681, Mayor Pro Tem Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Victor Tallon, Ron Steinbach, Barry Wilson, Paul Rennemeyer, Ken Bennett, Julie Cline; Nays - None; Motion Passed.

5. Ordinance No. 2023-1682 - An Ordinance Amending Chapter 1, Article VIII, of the Town of Windsor Municipal Code Pertaining to Campaign Finance and the Fair Campaign Practice Act by Adding Campaign Finance Rules and Regulations Under New Code Sections 1-8-40 to 1-8-120 of the Windsor Municipal Code

At the August 14, 2023 work session, staff provided information to the Town Board regarding House Bill 23-1245. The bill amends the fair campaign practices act (FCPA) in relation to municipal elections. Historically, the municipal election code, Title 31, has no mention of FCPA, so unless a home-ruled municipality has its own FCPA ordinance, Title 1 must be followed. The Town Board directed staff to draft a FCPA ordinance for consideration and therefore, the attached ordinance was created. You will see in the ordinance some areas of interest include:

1. Creating a \$500 limit for campaign contributions for municipal candidates from any person or committee, but excludes contributions made by a candidate to their

- own candidate committee, and independent expenditures which have no limit.
2. Required disclosure reporting dates of 35 days, 14 days, and the Friday before the election, and 35 days following the election.
 3. Retention of disclosure reports is maintained for one year after the election.

The House Bill has been created in an effort to make municipal elections more transparent, but some of its amendments will create an undue hardship for the municipality, particularly in the retention of disclosure reports and the reporting dates.

Town Board Member Bennett moved to approve Ordinance No. 2023-1682, Mayor Pro Tem Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Victor Tallon, Ron Steinbach, Barry Wilson, Paul Rennemeyer, Ken Bennett, Julie Cline; Nays - None; Motion Passed.

6. Ordinance No. 2023-1683 - An Ordinance Approving an Intergovernmental Agreement By and Between the Town of Windsor, Colorado, and the Windsor Downtown Development Authority Regarding the Exchange of Real Property (Windsor Downtown Property Exchange)

The Downtown Windsor Alliance has requested that the Town Board consider exchanging the Town's joint ownership interest in 213 and 215 4th Street for the "backlot" parcels, which includes the 400 and 500 blocks. One of the main factors prompting this exchange is that the backlot parcels have been zoned Permanent Parking District, through a special election. Whereas the Town desires to increase downtown parking for the residents of Windsor, this exchange would allow for additional parking. This exchange would be done through an Intergovernmental Agreement (IGA) between the Town and the DDA. A condition of this exchange would be that the DDA deed restrict the 213 and 215 4th Street parcels to DDA administrative uses and/or commercial property tax generating purposes only. This restriction would stay in effect for 100 years from the recording of the deed and restriction.

Town Board Member Cline moved to amend the IGA by striking the fourteenth "whereas" paragraph, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Victor Tallon, Ron Steinbach, Barry Wilson, Paul Rennemeyer, Ken Bennett, Julie Cline; Nays - None; Motion Passed.

Town Board Member Cline moved to approve ordinance no. 2023-1684, Mayor Pro Tem Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Victor Tallon, Ron Steinbach, Barry Wilson, Paul Rennemeyer, Ken Bennett, Julie Cline; Nays - None; Motion Passed.

7. Ordinance No. 2023-1684 - Amending the Windsor Municipal Code Pertaining to the Planned Unit Development (PUD) District, Section 16-1-170(c) - PUD Restrictions and General Requirements

Based upon staff's recommendation, the Planning Commission proposes an amendment to the PUD Restrictions and General Requirements as it pertains to a 40-acre minimum acreage requirement for a PUD zoning overlay. This 40-acre figure was an arbitrary number included in the latest land use code update which is proving to prevent appropriate use of a PUD for property under 40 acres.

Town Board Member Steinbach moved to approve Ordinance No. 2023-1684, Mayor Pro Tem Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Victor Tallon, Ron Steinbach, Barry Wilson, Paul Rennemeyer, Ken Bennett, Julie Cline; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney

2. Communications from Town Staff

a. Key Performance Indicator Report for September 2023

Attached are the Town's Key Performance Indicators for September 2023. Every month I highlight a KPI in each of the strategic focus areas in an effort to provide context to the data we are collecting.

1. Strategic Growth: While not a complete year, with data now through August, we are seeing a better snapshot of the cost of maintaining our open space. The current \$110 per acre to maintain provides us with a verification of the dollar amounts we have heard from other agencies. It also will aid in firming up future maintenance budget projections as we look to add 1,100 additional acres of open space over the coming years.

2. Vital Infrastructure: The only statistical change in this focus area continues to be the 2023 YTD Capital Expenses. We remain in the heart of the construction season and spending continues to increase in all areas of the capital budget. The largest being in the areas of water and sewer infrastructure. Followed by streets, parks, vehicles and buildings.

3. Vibrant and Healthy Economy: Sales tax data for the second quarter for both the town and tax captured within the DDA town were updated this month. While the Town sales tax dipped from the first quarter, it was more than we have seen when compared to the same quarter in each of the last three years. The DDA sales tax number also outpaced previous years and was the highest quarter of any quarter over the last three years. In both instances, these numbers indicate healthy sales throughout the town.

3. Communications from Town Manager

a. Monthly Board Report - Focus Area Updates

1. Strategic Growth

Acquire additional open space to ensure Windsor maintains its identity and quality of life (Goal 38% completed)

A land evaluation tool was developed by Staff and presented to Town Board. Now that the Town has metrics to judge different properties, Staff will be able to work

with property owners with an understanding of what properties best contribute to the values identified by residents through surveys, as well as the specific language of the ballot issue authorizing a new tax for this purpose.

2. Sustainable Infrastructure

Hwy 392 widening west of Colorado Blvd (WCR 13) to Highland Meadows Pkwy (Action Step 15% completed)

Design is approximately 60% complete. Staff worked with a team of consultants to submit an application for the RAISE Grant in the amount of \$24 million.

Unfortunately, the Town was not awarded the RAISE Grant, but staff will continue to look for future grant opportunities. This remains the Town's largest road improvement need, but the cost and the fact that it's owned and maintained by CDOT both require the Town to seek other funding options in order to undertake the project.

3. Vibrant and Healthy Economy

Enhance and expand downtown vitality (Goal 23% completed)

The Downtown Development Authority (DDA), now Windsor Downtown Alliance (WDA), selected RVi Planning and Landscape Architects to create a master plan for the downtown area. The first public outreach meeting was held in late August.

The 400-block parking lot is paved and now open. The museum lot will go under construction following Labor Day.

Per Mr. Hale, the attorney general, will be hosting a listening session regarding the Kroger/Albertson's merger on Thursday, September 14th from 4:30 to 5:30 p.m. in the Town Board Chambers of Town Hall, the public is invited to attend.

4. Communications from Town Board

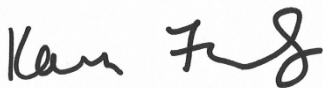
Per Mayor Rennemeyer, Wednesday will be Pints with Paul at Peculiar Ales from 4:30 to 6:30 p.m. Coffee with the Mayor will be held on Friday at the Community Recreation Center from 10:00 to 11:00 a.m.

Per Town Board Member Cline reported that the Windsor High School football game will be held on Thursday night at the district field in Timnath.

E. ADJOURN

Town Board Member Tallon moved to adjourn, Town Board Member Steinbach seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Ken Bennett, Julie Cline, Victor Tallon, Ron Steinbach; Nnays - Nnone; Motion Passed.

Upon a motion duly made, the meeting was adjourned at 8:38 p.m.



Karen Frawley, Town Clerk