



Town Board Regular Meeting

October 23, 2023 - 7:00 PM

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

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MINUTES

A. CALL TO ORDER

Mayor Pro Tem Wilson called the meeting to order at 7:15 p.m.

1. Roll Call

Present:

Mayor Pro Tem Barry Wilson
Ron Steinbach
Julie Cline
Victor Tallon
Jason Hallett – Virtual

Absent:

Mayor Paul Rennemeyer
Ken Bennett

Also Present:

Shane Hale, Town Manager
Dan Money, Town Attorney
Jess Humphries, Administrative Services Director
John Thornhill, Community Development Director
Scott Ballstadt, Planning Director
Stacy Brown, Economic Development Director
Joe Gaona, IT Manager
Leif Lesoing, Water Resource Administrator
Wade Willis, Open Space and Trails Manager
David Eisenbraun, Senior Planner
Sandra Mezzetti, Senior Planner
Mark Price, Planner I
Doug Roth, Civil Engineer
Ben Bodiker, Visual Media Coordinator
Karen Frawley, Town Clerk

2. Pledge of Allegiance

Mayor Pro Tem Wilson asked Town Board Member Steinbach to lead the Pledge of Allegiance.

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 Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

4. Presentations

a. Economic Development Update - Upstate Colorado & Small Business Development Center Presentations

Upstate Colorado and Small Business Development Center presented updates of their programs to the board.

Mr. Hale offered congratulations to Ms. Brown and Ms. Frawley. Ms. Brown received two awards on Thursday night, Windsor was named the medium sized community of the year as well as Ms. Brown was named the Economic Developer of the Year. Ms. Frawley was awarded the clerk of the year award for a medium sized municipality.

5. Board Liaison Reports

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

Town Board Member Steinbach reported that the Historic Preservation Commission reviewed the final edits on the historic preservation plan and worked on determining which historic properties to purchase plaques for.

Town Board Member Steinbach reported that the Water and Sewer Board received a budget presentation and reviewed the utility rate study.

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 none of his boards have met since the last provided update.

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

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

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

Town Board Member Cline reported that the Clearview Library Board will meet this Thursday and will officially approve an offer to the Town Board for their Main Street property.

Town Board Member Cline reported that the Poudre River Trail Corridor Authority has not met since the last provided update.

Town Board Member Tallon - Planning Commission, Chamber of Commerce

Town Board Member Tallon reported that the items the Planning Commission considered are on the agenda tonight for the Board's consideration.

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 reported that the Windsor Housing Authority met it's two new members, Amy Roe and Wayne Dehn. The Authority also discussed the uptick in vacancies that will be coming due to some of the assistance expiring.

Town Board Member Hallett reported that the Tree Board has not met since the last provided update.

Town Board Member Hallett attended the Windsor Downtown Alliance meeting in the Mayor's absence and reported that they are working on holiday projects and reported the Downtown area is doing well.

Mayor Rennemeyer - Windsor Downtown Alliance, North Front Range MPO

Mayor Rennemeyer was absent and will provide an update at the next meeting.

6. Public Invited to be Heard

Mayor Pro Tem Wilson opened the meeting up for public comment, to which there was none.

B. CONSENT CALENDAR

1. Approval of the October 9, 2023 Town Board Regular Meeting Minutes - K. Frawley, Town Clerk

Approval of the meeting minutes.

2. Resolution No. 2023-55 - A Resolution Approving a Pipeline Crossing License Agreement between the Town of Windsor and the Great Western Railway of Colorado, LLC - D. Roth, Civil Engineer

The attached Pipeline Crossing License Agreement gives the Town the right to occupy and operate the potable waterline that crosses under the Great Western Railway right of way.

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

C. BOARD ACTION

1. Public Hearing - An Ordinance Approving A PUD (Planned Unit Development) Overlay to the GC (General Commercial) Zoning District - Water Valley 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

See attached staff memo.

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

Town Board Member Tallon stated "Mayor Pro Tem Wilson, 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."

Mayor Pro Tem Wilson opened the hearing for public comment, to which there was none.

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

2. Ordinance No. 2023-1686 - An Ordinance Approving a Rezoning - A PUD (Planned Unit Development) Overlay to the GC (General Commercial) Zoning District - Water Valley 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

Please refer to public hearing item materials.

Town Board Member Hallett moved to approve Ordinance No. 2023-1686, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

3. Public Hearing - Conditional Use Permit [Case No. CUG23-004] to allow a temporary use not specifically included as a use by right in any zone district, located on a portion of Lot 5 of Great Western Industrial Park Subdivision 7th Filing (30755 Great Western Drive) – Ben Goldwasser & Adam Bird, Central Oceans, Applicant

The applicant, Central Oceans, represented by Mr. Ben Goldwasser and Mr. Adam Bird, is requesting a Conditional Use Permit (CUP) to allow an existing approved temporary use for a solar energy equipment storage and distribution yard for a period of one year, with the right to extend (administratively, by the Director of Planning) for an additional one-year term if necessary, to facilitate the conclusion of the project. The Planning Commission, as part of their determination, voted to approve a one-year CUP.

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

Mayor Pro Tem Wilson opened the hearing up for public comment, to which there was none.

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

4. Approval of a Conditional Use Permit [Case No. CUG23-004] to allow a temporary use not

specifically included as a use by right in any zone district, located on a portion of Lot 5 of Great Western Industrial Park Subdivision 7th Filing (30755 Great Western Drive) – Ben Goldwasser & Adam Bird, Central Oceans, applicant

See public hearing memorandum.

Town Board Member Tallon moved to approve the conditional use grant for 30755 Great Western Drive, Hallett seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

5. Public Hearing - An Ordinance for Municipal Code Amendments, Chapter 15-14-50 and 15-14-70, Concerning an Ordinance Amending Windsor Municipal Code Section 15-14-50 and Section 15-14-70 Concerning Flood Damage Prevention and Related Definitions, Adoption of a Flood Insurance Study, and Adoption of New Flood Insurance Mapping

See attached staff memo.

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

Mayor Pro Tem Wilson opened the hearing up for public comment, to which there was none.

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

6. Ordinance No. 2023-1687 - An Ordinance Amending Sections 15-14-50 and 15-14-70 of the Windsor Municipal Code and Adopting the 2023 Weld County Flood Insurance Rate Maps and Flood Insurance Study Concerning Flood Damage Prevention Measures Applicable to Land Use Practices within the Town of Windsor

Please refer to public hearing item materials.

Town Board Member Hallett moved to approve Ordinance No. 2023-1687, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

7. Ordinance 2023-1688 - An Ordinance Amending Certain Portions of Chapter 10, Article IX of The Windsor Municipal Code Regarding Regulations Applicable to the Ability to Regulate, Modify and Post Signage, and Establish Approved E-Bike Trails Within Town-Owned Parks, Open Space, and Trails in The Town Of Windsor, Colorado

Staff recently identified a need to clarify the 2022 Parks, Open Space and Trails Ordinance as it relates to staff's authority to protect and preserve the Town's resources. The proposed revision authorizes the deputy director to modify or regulate allowed uses. This Ordinance is a housekeeping update to properly reflect the intent of the Code to alleviate some inconsistencies in the application of the code. It also supports and allows enforcement of current signage regarding what is approved regarding e-bikes on trails as well as the ability of the Town to modify these regulation with signage if deemed

necessary to protect the Town's property. Further, this revision brings the Town inline with state regulations as well as with neighboring communities as it relates to the use of e-scooters and other low speed electrical equipment. These protections would extend to Town Trails, Parks, Facilities, and Open Spaces. The proposed language is in bold in the attached proposed ordinance revision. This was approved by the Parks, Recreation and Culture Advisory Board on October 3, 2023 and presented as a work session item to Town Board on October 16, 2023.

Town Board Member Hallett moved to approve Ordinance No. 2023-1688, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

8. Ordinance No. 2023-1689 - An Ordinance Approving the Quit Claim Deed Transferring Real Property to the Weld County RE-4 School District for the North Campus New Middle School

In 2021, the Town of Windsor purchased a 138.2 acre farm north of the Public Services building. Shortly after the purchase of the property, a conceptual master plan was prepared for the farm property commonly called the "North Campus". Windsor worked with the Weld County RE-4 School district to incorporate a new middle school site into the master plan.

Town Board Member Hallett moved to approve Ordinance No. 2023-1689, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

9. Resolution No. 2023-56 - Adopting an Intergovernmental Agreement with Windsor Severance Fire Rescue Regarding Payment of Fees for Town and WSFR Projects

As was discussed at the October 9, 2023 Town Board work session, the enclosed intergovernmental agreement (IGA) between the Town and Windsor Severance Fire Rescue (WSFR) is intended to bring consistency to the process of fee payments and waivers for Town and WSFR projects. Obviously, both entities are exempt from tax payment, but some fees that are assessed are necessary to cover respective operating costs and some impact fees need to be paid per the adopted methodology behind the fee.

Town Board Member Hallett moved to approve Resolution No. 2023-56, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

10. Resolution No. 2023-57 - A Resolution Approving and Adopting the Water Lease Agreement between the City of Loveland and Town of Windsor

The City of Loveland has agreed to lease the Town, up to 500 acre-feet of water annually starting in 2024 and continuing through December 2033. This lease is a gap rental that will provide the Town a supply of water until NISP (Northern Integrated Supply Project) is constructed. NISP is currently estimated to be online in 2032. Every year staff will provide a rental projection to Loveland within fourteen days of Northern Water setting the Spring Quota for CBT units. The Town will then have 30 days to pay the rental amount at the then current non-agricultural municipal lease rate. The amount of money for the

annual lease payment and amount of water leased is part of the Town's raw water cash in lieu fee.

Town Board Member Hallett moved to approve Resolution No. 2023-57, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

11. Resolution No. 2023-58 - Ratifying the Waiver of Certain Development-Related Fees Concerning the New Middle School

The attached letter from the Weld RE-4 School District (District) requesting that the Town waive "plan application" fees was previously reviewed regarding the two new elementary schools in the Peakview and RainDance neighborhoods. The fees for the new middle school north of the Town's Public Services site were not previously addressed as it was early in the process and the specific fee amounts were not known.

Town Board Member Hallett moved to approve Resolution No. 2023-58, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

12. Resolution 2023-59 - A Resolution Approving a Construction Agreement Between the Town of Windsor, CO, and Colorado Boring Company, L.L.C., to Bore and Install Underground Fiber Between the Weld RE-4 District Administration Building and the District's Elementary School at Raindance.

After approval from the Town Board, The Town of Windsor staff has jointly submitted a Request for Purchase (RFP) bid with the Windsor School District on August 18th, 2023, to construct a fiber optic network that would benefit both entities. This contract will authorize the selected contractor from the RFP, Colorado Boring Company, to start building our fiber network.

Town Board Member Hallett moved to approve Resolution No. 2023-59, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney

Per Mr. Money, anytime there is an ordinance that deals with the land use code, there is a requirement for a public hearing. That is why some of the ordinances have a public hearing during the approval process. Mr. Money also reported that he will be speaking at a conference in Denver in November regarding use by special review.

2. Communications from Town Staff

a. Windsor Police September 2023 Statistics

Per Ms. Humphries, GIS along with Public Work will be receiving the Management

Innovation award on their work for collaborating together and making efficiencies by reducing some software into one for the plow ops. Julia Bartmann will be getting an award at the same time for her work on public outreach for public works week.

3. Communications from Town Manager

Per Mr. Hale is appreciative to see staff recognized for their hard work. Mr. Hale also provided a reminder that the library board will be meeting on Thursday at 5:30 at the library and will look at approving the counter-offer to the Town.

4. Communications from Town Board

E. ADJOURN

Town Board Member Hallett moved to adjourn, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Barry Wilson, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

Upon a motion duly made, the meeting was adjourned at 9:15 p.m.



Karen Frawley, Town Clerk