



Town Board Regular Meeting

February 26, 2024 - 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 7:03 p.m.

1. Roll Call

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

Also Present: Shane Hale, Town Manager
Dan Money, Town Attorney
Jess Humphries, Administrative Services Director
Dean Moyer, Finance Director
Aaron Lopez, Interim Police Chief
Kim Emil, Deputy Town Attorney
Rece Lampe, Digital Media Coordinator
Kyra McKinley, Visual Media Coordinator
Karen Frawley, Town Clerk

2. Pledge of Allegiance

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

4. Board Liaison Reports

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

Town Board Member Steinbach reported that the Historic Preservation Commission has not met since the last provided update.

Town Board Member Steinbach reported that the Water and Sewer Board recommended approval of an agreement with the North Weld Water and there is a Poudre River Forum to

be held on March 1st which will be a \$75.00 registration fee. Leif is working on a water cube to be used as a visual for what 1,000 gallons looks like.

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 updates.

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

Town Board Member Bennett reported that the Parks, Recreation and Culture Advisory Board has not met since the last provided update.

Town Board Member Bennett reported that the Windsor Arts Commission has a project in production which is the Stage Coach Time Machine at the Halfway Homestead House. Other projects are in the planning stages, including the Poudre River Project which will be similar to the Eastman Park South development and the Kyger open space. Town Board Member Bennett reported that the Arts Commission is down a person and is currently accepting applications to fill the vacancy.

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

Town Board Member Cline reported that neither board has met since the last provided updates.

Town Board Member Tallon - Planning Commission, Chamber of Commerce

Town Board Member Tallon reported that the Planning Commission held a work session on the final stages of the comprehensive plan update. Town Board Member Tallon reported that the Planning Commission Chair, Gale Schick has decided not to be reappointed and will end his service to the Planning Commission in March after thirty-six years.

Town Board Member Tallon reported that the Chamber of Commerce met during a special meeting that he could not attend and will provide an update at a future board meeting.

Town Board Member Hallett - Windsor Housing Authority, Tree Board, Attainable Housing Ad Hoc Committee

Town Board Member Hallett reported that the Windsor Housing Authority Jacoby Meadows project has two plans going. One, the Housing Authority submitted a letter of interest to the Weld Trust in order to bridge the funding gap since Prop 123 fell through. If that doesn't work, the plan is to go with a low interest loan from the impact development fund with a target date of June or July for construction starting.

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

Town Board Member Hallett reported that the Attainable Housing Ad Hoc Committee had a guest speaker and went over the survey questions to be included in the community survey and continued work on the draft report to provide to the Town Board at a future meeting.

Mayor Rennemeyer - Windsor Downtown Alliance, North Front Range MPO

Mayor Rennemeyer reported that the Windsor Downtown Alliance approved the agreement for the sale of the Windsor Mill and staff is going to prepare a request for an express of

interest in the 4th Street property to be able to find out what interest in redevelopment.

Mayor Rennemeyer reported that the North Front Range MPO has not met since the last provided update.

5. Public Invited to be Heard

B. CONSENT CALENDAR

1. Approval of the February 12, 2024 Town Board Special Meeting Minutes - K. Frawley, Town Clerk

Approval of the meeting minutes.

2. Approval of the February 12, 2024 Town Board Regular Meeting Minutes - K. Frawley, Town Clerk

Approval of the meeting minutes.

3. Resolution 2024-11 A Resolution Approving the Memorandum of Understanding Concerning the Establishment of the Weld County Special Weapons and Tactics Team and the Memorandum of Understanding for Participation in the Larimer County Regional All Hazards Crisis Response Team - A. Lopez, Interim Chief of Police

The Town of Windsor has maintained Memorandums of Understanding ("MOU") regarding SWAT services and responses to critical incidents occurring within our jurisdiction. The agreements in these cases include updates being proposed at the requests of both the Weld County and Larimer County Sheriff's Offices and are being presented to all participating agencies within the respective counties. Updates to the Weld MOU are minimal, in that we are adding another officer to the team, and pertain primarily to service response to agencies whose jurisdictions include multiple counties, reports, evaluations of staff assigned to the team, etc. The Larimer agreement is refreshing and rebranding the existing document, since they changed their name from the Larimer County SWAT team to the Larimer County Regional All Hazards Crisis Response Team ("AHCR"), to be endorsed by the current agency head of each respective jurisdiction covered.

4. Resolution No. 2024- 12 - A Resolution Approving a Grant of Easement from the Town of Windsor to the Weld RE-4 School District from Skyview Elementary to Eastman Park for Fiber Telecommunications Lines in the Town of Windsor, Colorado - Joe Gaona, IT Manager

Late last summer, the Town Board authorized a cooperative contract between the Town and Weld RE-4 School District (Weld RE-4) to hire Colorado Boring Company to build our fiber network. Weld RE-4 plans to install a fiber telecommunications line from the Skyview Elementary location through Eastman Park to our Water Tower, ending at the new Raindance Elementary school site. The attached Easement Grant outlines the path the fiber will be placed, and that the Town will also collocate its fiber optic cable within the same easement to provide fiber optic services to the Town's facilities at Eastman Park and the Water Tower.

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

C. BOARD ACTION

1. Ordinance No. 2024-1695 - An Ordinance Amending Windsor Municipal Code Section 6-1-50 Concerning Classifications of Liquor Licenses within the Town and Setting Related Fees

The town first approved an ordinance imposing a municipal occupation tax in June 1976 for businesses focusing on the sale of liquor for beverage purposes. The occupation tax is not a "tax" in the true sense, but rather a fee imposed on businesses that sell alcoholic beverages and is intended to help defray the cost of the liquor licensing program. Currently, the types of licenses included in that ordinance in which the Town of Windsor collects occupation tax are as follows: Fermented malt beverage on/off premises, hotel/restaurant, tavern, lodging and entertainment, retail off premises and club. This, however, is not inclusive of all the license types that Windsor issues and therefore one reason for the update to the municipal code. Since there has been a lot of confusion about the title "occupation tax", the ordinance will also serve to update the name of the fee to "liquor classification fee". There have been no changes to the ordinance since the approval of the first reading on February 12, 2024. Mayor Rennemeyer opened the meeting up for public comment, to which there was none.

None moved to approve Ordinance No. 2024-1695, None seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Ron Steinbach, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

2. Resolution No. 2024-13 - A Resolution Approving and Adopting the Schedule of Fees Applicable to Liquor Licensing Administration within the Town of Windsor, Colorado

At the January 22nd work session, staff presented a liquor license fee review to the Town Board. Over the last several years, the Liquor Enforcement Division (LED) has made updates to various fees to include name changes and the addition of certain types of licenses and permits. It is important to note that the LED sets a cap on what the local licensing authority may charge for different license and permits. The most recent update took place on August 10, 2023, with the LED's fee schedule included in the packet.

Some notable changes include:

- The cap for a new liquor license application fee increased;
- The Art Gallery permit name being changed to a Retail Establishment Permit;
- The addition of a Resort Complex and related facility permits;
- The addition of a tasting permit fee;
- The manager registration fee has been decreased per the LED cap; and
- The change of location fee increased.

With the passage of Ordinance No. 2024-1695, the annual liquor classification fee (once called an occupation tax) is proposed to increase as well. As stated in the work session,

this fee has not been reviewed since its inception in 1976 and is meant to defray the cost of the liquor licensing program. It is estimated that the liquor licensing program costs the town around \$60,000.00. With the current fees, the town only recoups around \$9,000.00. The chart below will lay out the current and proposed fees for the Town of Windsor with the proposed changes in red:

New License Fees	Current Fee	Proposed Fee
New liquor license application fee (one-time fee)	\$850.00	\$1000.00
Transfer application fee (one-time fee)	\$750.00	
Temporary Transfer	\$75.00	
Renewal License Fees		
Annual Application-ALL Licenses	\$100/yr.	
Hotel/Tavern	\$75/yr.	
Retail Liquor	\$22.50/yr.	
Beer & Wine	\$48.75/yr.	
Club	\$41.25/yr.	
Fermented Malt Beverage (On and Off Premise)	\$3.75/yr.	
Arts	\$41.25/yr.	
Art Gallery Retail Establishment Permit	\$3.75/yr.	
Drugstore	\$22.50/yr.	
Lodging & Entertainment	\$75.00/yr.	
Brew Pub	\$75.00/yr.	
Mini Bar with Hotel/Restaurant	\$48.75/yr.	
Resort Complex	\$0.00/yr.	\$75.00/yr.
Resort Complex Related Facility Permit	\$0.00/yr.	\$15.00/yr.
Bed & Breakfast	\$3.75/yr.	
Special Event Permit (Liquor or Fermented Malt Beverage)	\$100/App	
Manager Registration/Hotel/Tavern/L&E/Campus Liquor only	\$75.00	\$30.00
Change of Location	\$500.00	\$750.00
Late Renewal	\$500.00	
Corporation/LLC Changes	\$100.00	
Tasting Permit	\$0.00	\$100.00/yr.
Annual Liquor Classification Fee (paid at time of renewal)		
Hotel and Restaurant License	\$200.00/yr.	\$1200.00/yr.
Retail Liquor Store License	\$150.00/yr.	\$700.00/yr.
Fermented Malt Beverage License (on and off)	\$150.00/yr.	\$500.00/yr.
Club License	\$100.00/yr.	\$1000.00/yr.
Beer and Wine License	\$100.00/yr.	\$500.00/yr.
Resort Complex License	\$100.00/yr.	\$1200.00/yr.

Tavern License	\$200/yr.	\$1200.00/yr.
Lodging and Entertainment License	\$200/yr.	\$1200.00/yr.

If approved, the above fees would be effective on the same day as the liquor classification fees ordinance, which is ten days after final publication. In an effort to keep the fees relevant to the licensing program, staff will begin bringing the liquor fee schedule to the Town Board for an annual review.

Town Board Member Hallett moved to approve Resolution No. 2024-13, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Ron Steinbach, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

3. Resolution No. 2024-14 - A Resolution regarding Town Consent to the Assignment of the Amended and Restated Façade Easement Agreement for the Windsor Mill Project

Old Windsor Mill, LLC, has entered into a contract with Nothin Fncy, LLC, for the sale of the Windsor Mill property, located at 3rd Street and Main Street. This Property is under a 2018 Façade Easement Agreement between Old Windsor Mill, LLC and the Windsor Downtown Alliance (WDA), formerly known as the Downtown Development Authority (DDA).

Old Windsor Mill, LLC, desires to assign the Façade Agreement to Nothin Fncy, LLC, in connection with its sale of the Windsor Mill Property, excepting from such assignment the annual incentive payments provided for under the Façade Agreement, which Old Windsor Mill, LLC, intends to reserve for itself. Pursuant to Section 12 of the Façade Agreement, Old Windsor Mill, LLC, cannot assign the Façade Agreement to Nothin Fncy, LLC, without the prior written consent of the DDA and the Town, which consent may not be unreasonably withheld or conditioned.

Old Windsor Mill, LLC, and Nothin Fncy, LLC, have requested that the DDA and the Town consent to the assignment of the Façade Agreement, with the form of such assignment being the agreement entitled "Assignment and Assumption of the Amended and Restated Façade Easement Agreement." On February 21, 2024, the DDA passed a Resolution granting DDA consent to the assignment of the Façade Agreement. Whereas, the project having been fully constructed in accordance with the designs approved under the Façade Agreement, Old Windsor Mill, LLC, requests that the Town Board consent likewise so that Nothin Fncy may purchase the Windsor Mill Property from Old Windsor Mill, LLC.

Town Board Member Hallett moved to approve Resolution No. 2024-14, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Ron Steinbach, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney

2. Communications from Town Staff

a. Windsor Police January 2024 Statistics

3. Communications from Town Manager

a. Responsive Letter

Included in the packet was a responsive letter to the citizen who participated in the public invited to be heard section of the last Town Board meeting providing answers to his questions.

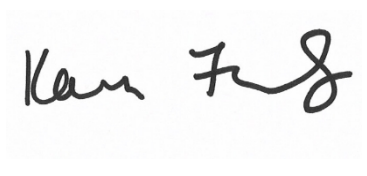
4. Communications from Town Board

Mayor Rennemeyer reported that he will be speaking at Leadership Northern Colorado tomorrow. There is a groundbreaking on Wednesday afternoon at Severance High School's CTE facility at 3:30. There have been a few interviews for the Chamber's executive director open position. The Windsor Downtown Alliance is having their What's Brewing event on March 7th at 8:30 at Cancun Mexican Grill.

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 - Paul Rennemeyer, Barry Wilson, Ron Steinbach, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

Upon a motion duly made, the meeting was adjourned at 7:28 p.m.



Karen Frawley, Town Clerk