



Town Board Regular Meeting

August 8, 2022 - 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 7:02 p.m.

1. Roll Call

Present: Mayor Paul Rennemeyer
Mayor Pro Tem Barry Wilson - Absent
Scott Charpentier
Ken Bennett
Julie Cline
Victor Tallon
Jason Hallett

Also Present: Shane Hale, Town Manager
Ian McCargar, Town Attorney
Rick Klimek, Police Chief
Scott Ballstadt, Planning Director
Kim Emil, Assistant Town Attorney
Dean Moyer, Finance Director
Carlin Malone, Chief Planner
Kim Lambrecht, Planner II
Doug Roth, Civil Engineer
Ben Bodiker, Visual Media Coordinator
Karen Frawley, Town Clerk

2. Pledge of Allegiance

Mayor Rennemeyer asked Town Board Member Hallett 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, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

4. Board Liaison Reports

Town Board Member Charpentier - Chamber of Commerce, Historic Preservation Commission, Great Western Trail Authority

Town Board Member Charpentier reported that the Chamber of Commerce has not met

since the last provided update, so there is no report at this time.

Town Board Member Charpentier reported that the Historic Preservation Commission has not met since the last provided update, so there is no report at this time.

Town Board Member Charpentier reported that the Great Western Trail Authority continues working on completing the rest of the trail.

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

Mayor Pro Tem Wilson was absent and will have a report at the next meeting.

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 met and discussed the 2023 budget request that they intend to request as well as benchmarking.

Town Board Member Bennett reported that the Windsor Arts Commission has not met since the last provided update. However, the Arts Commission hosted its first live art event on Thursday at the summer concern series where people watched and interacted with the artist who created a wood painting. The artist is also the artist who was selected to create a mural in the Downtown area.

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

Town Board Member Cline reported that the Clearview Library Board is working to update its bylaws and policies, as well as reviewing its facilities updates.

Town Board member Cline reported that the Poudre River Trail Corridor Authority will participate in the Poudre Pour which will be held on October 15th from 1:00 to 5:00 p.m. at Boardwalk Park. The third trishaw which is coming from Sweden is en route and will be housed in Windsor when it arrives. The authority will be holding a retreat for strategic planning possibly in October. Party on the Poudre will be held on September 20th 21st at the Poudre Learning Center and more details will be released soon.

Town Board Member Tallon - Planning Commission, Water and Sewer Board

Town Board Member Tallon reported that items from the Planning Commission meeting will be on the agenda tonight.

Town Board Member Tallon reported that the Water and Sewer Board 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 House Authority has not met since the last provided update.

Town Board Member Hallett reported that the Tree Board is preparing for its tree walk which will be held on August 23rd at 5:30 pm located at Main Park.

Mayor Rennemeyer - Downtown Development Authority, North Front Range MPO

Mayor Rennemeyer reported that the Downtown Development Authority has not met since the last provided update.

Mayor Rennemeyer reported that the North Front Range MPO discussed the update to the greenhouse gas emissions numbers.

5. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the July 25, 2022 Town Board Regular Meeting - K. Frawley, Town Clerk

Minutes of the July 25, 2022 Town Board Regular Meeting

2. Resolution No 2022-38 -A Resolution Approving and Accepting a Temporary Construction Easement, A Permanent Public Drainage and Utility Easement and Agreement, and Approving a Settlement Agreement, Concerning Property Known As The Care Housing Development in the Town of Windsor, Colorado - D. Roth, Civil Engineer

In 2003 the Town of Windsor adopted a storm drainage master plan that identified storm drainage needs within Windsor's growth management area. One area identified in the storm drainage master plan as needing storm drainage improvements includes a region from Chimney Park to Eastman Park Drive. Windsor has been working on a two-part project that will improve storm drainage approximately from Chestnut Street to Eastman Park Drive.

3. Report of Bills July 2022 - D. Moyer, Director of Finance

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, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

C. BOARD ACTION

1. Public Hearing - Ordinance No. 2022-1658 - An Ordinance Approving a Rezone from General Commercial (GC) to Limited Industrial (LI) - East Point Subdivision, portion of Lot 1, Block 1 - Chris Ruff, Manager, East Pointe Windsor LLC, Owner's Representative

The owner / applicant, Mr. Chris Ruff, of East Pointe LLC, has submitted a rezoning application to rezone 4.214 acres from General Commercial (GC) to Limited Industrial (LI). The proposed rezoning is located within the East Pointe Subdivision, southeast of the intersection of State Highway 392 and State Highway 257 (more particularly, south of Pointe Plaza Drive, approximately 700 feet east of State Highway 257).

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

Town Board Member Tallon read the following statement aloud; "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 members asked clarifying questions to the staff.

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

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

2. Ordinance No. 2022-1658 - An Ordinance Approving a Rezone from General Commercial (GC) to Limited Industrial (LI) - East Pointe Subdivision, portion of Lot 1, Block 1 - Chris Ruff, Manager East Pointe Windsor LLC, Owner's Representative

Please refer to Public Hearing materials.

Town Board Member Bennett moved to approve Ordinance No. 2022-1658, Town Board Member Hallett seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

3. Public Hearing - Conditional Use Grant (CUG) - for Temporary Outdoor Storage of RVs/Boats in the Limited Industrial (LI) zone district - Falcon Point Subdivision 2nd Filing, Lot 1 - Tony Ollila, Applicant

The applicant, Tony Ollila, GYS Development LLC is requesting approval of a Conditional Use Grant (CUG) for outdoor storage of RVs and Boats at the Falcon Point Self Storage located at 600 Gyr Falcon Court (Lot 2, Falcon Point Subdivision 2nd Filing). The proposed exterior storage of RVs/Boats is not specifically included as a permitted use or permitted accessory use in the Limited Industrial (LI) zone district per Section 16-1-130 of the Town of Windsor Municipal Code, thus a Conditional Use Grant will be required.

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 - Paul Rennemeyer, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

Town Board Member Tallon read the following statement: "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 members asked clarifying questions to staff.

Mayor Rennemeyer opened the hearing up for public comment. Biff Bickenmeyer from Denver addressed the board regarding where the property lines are for this item.

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

4. Conditional Use Grant (CUG) - for Temporary Outdoor Storage of RVs/Boats in the Limited Industrial (LI) zone district - Falcon Point Subdivision 2nd Filing, Lot 1 - Tony Ollila, Applicant

Please refer to Public Hearing materials.

Town Board Member Hallett moved to approve of the Conditional Use Grant, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

5. Public Hearing, Ordinance No. 2022-1657 - An Ordinance Approving an Amended and Restated Consolidated Service Plan for Great Western Metropolitan District Nos. 1-11

This public hearing is required by state law, and is intended to provide the proponent with an opportunity to present evidence in support of the proposed Service Plan amendment. You may recall that this public hearing was opened and continued to this evening at the request of counsel for the Districts to allow counsel to further refine the service plan elements.

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

Town Board members asked clarifying questions of staff and the applicant's representative.

Mayor Rennemyer opened the hearing to 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 - Paul Rennemeyer, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

6. Ordinance No. 2022-1657 - An Ordinance Approving the Amended and Restated Consolidated Service Plan for the Great Western Metropolitan District Nos. 1-11

The Great Western Metropolitan Districts propose an update to their prior-approved Service Plan, the details of which were presented during the public hearing. This action item calls for Town Board to discuss the evidence presented during the public hearing, weigh the evidence as presented, and vote to either approve the Service Plan amendment without conditions, approve with conditions or deny it.

Town Board Member Hallett moved to approve Ordinance No. 2022-1657, Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

7. Ordinance No. 2022-1655 - An Ordinance approving a Rezone from Residential Mixed Use-One (RMU-1) to Residential Mixed Use-Two (RMU-2) and Amending a Plan Unit Development (PUD) Overlay - Overland 368 Annexation - Shelley Lamastra of Russell+Mills Studios and Bryan Reid of Forestar Group, Inc., applicant's representatives

Proposal

The applicant, Mr. Bryan Reid, of Forestar Group, Inc., represented by Ms. Shelley LaMastra of Russell+Mills Studios, has submitted a rezoning application to rezone the existing RMU-1 (Residential Mixed Use One) zone district to RMU-2 (Residential Mixed Use Two) zone district and amend a Planned Unit Development (PUD) zoning overlay for 172.86 acres. The applicant has also submitted the Overland 368 Master Plan Amendment, concurrent with the rezone request.

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

Town Board Member Hallett moved to approve Ordinance No. 2022-1655, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

8. Ordinance No. 2022-1656 - Approving the Service Plan for Overland Metropolitan Districts Nos. 1-6, and Authorizing the Execution of an Intergovernmental Agreement Between the Town and the Districts

This Ordinance is presented for final adoption. The Ordinance and its attachments are unchanged from what was presented during the public hearing on July 25, 2022. Mayor Rennemeyer opened the meeting up for public comment, to which there was none.

Town Board Member Bennett moved to approve Ordinance No. 2022-1656, Town Board Member Hallett seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

9. Resolution No. 2022-39 - A Resolution Approving the Execution of a Letter of Intent in Support of the Town of Windsor's Participation in the Northern Integrated Supply Project and Related Financing Options

Northern Water has been conditionally-approved to qualify for significant financial support of NISP through lending sponsored by the federal Water Infrastructure Finance and Innovation Act ("WIFIA"). During multiple meetings of counsel over the last year, the participants have approved a uniform Letter of Intent, the purpose of which is to provide WIFIA assurances that the participants are committed to the project. The attached Letter of Intent is customized for Windsor's use. All other NISP participants are approving identical commitment letters.

Town Board Member Hallett moved to approve Resolution No. 2022-39, Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

10. Resolution No. 2022-40 - A Resolution Appointing Karen Goldman to Serve as Hearing Officer to Make Determinations as to Protests Filed Pursuant to Section 31-11-110 of the Colorado Revised Statutes, and Appointing Greg Bell to Serve as an Independent Legal Advisor to Ms. Goldman

This Resolution appoints two individuals to assist the Town Clerk with determination of any protests that may be filed in conjunction with a citizen-initiated petition for amendments to the *Windsor Municipal Code*. Although no protests have been filed as of this date, the Town Clerk and I are recommending that we be prepared to address any protests that may be filed in accordance with state law.

Town Board Member Hallett moved to approve Resolution No. 2022-40, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney

Per Mr. McCargar, the marijuana petition that staff approved to form is not collecting the needed signatures and the proponents are asking to come before the Town Board to present the ordinance and ask for approval. Town Board instructed staff that they would like it to go through the normal petition process and needs to obtain the required signatures. Mr. McCargar informed the board of his upcoming work schedule with his upcoming vacation.

2. Communications from Town Staff

Per Chief Klimek, expressed his gratitude to the Board for their participation in the National Night Out events. On August 15th, there will be another event to honor Officer Powell at the Police Department from 4:00 to 5:00 p.m.

a. Financial Report June 2022 - D. Moyer, Director of Finance

3. Communications from Town Manager

Per Mr. Hale, in the packet, there are some strategic plan updates. Mr. Hale provided the upcoming strategic plan public engagement opportunities, Tuesday from 5:00 to 7:00 p.m. at the Community Recreation Center as well as after Coffee with the Mayor on Friday at the Community Recreation Center.

a. Monthly Board Report - Focus Area Updates

4. Communications from Town Board

Town Board Member Bennett reported that the Duck Derby was held last Saturday and there was a record of 540 ducks.

Mayor Rennemeyer expressed his gratitude to those who held events during National Night Out. Mayor Rennemeyer provided a reminder about the upcoming Pints with Paul to be held on August 10th at The 408 Exchange from 4:30 to 6:30 p.m. as well as Coffee with the Mayor at the Recreation Center on Friday from 10:00 to 11:00 a.m.

E. EXECUTIVE SESSION

1. An executive session pursuant to C.R.S. § 24-6-402 (4)(f)(I) to discuss personnel matters involving the retirement of Town Attorney Ian D. McCargar and absent a request by Mr. McCargar for a public discussion of the matter. (Shane Hale, Town Manager; Ian D. McCargar, Town Attorney)

Town Board Member Hallett moved to Enter into an executive session pursuant to C.R.S. §24-6-402 (4)(f)(I) to discuss personnel matters involving the retirement of Town Attorney Ian D. McCargar and absent a request by Mr. McCargar for a public discussion of the matter, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

Upon a motion duly made, the Town Board entered into an Executive Session at 9:03 p.m.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 9:22 p.m.

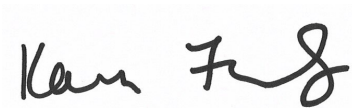
The Executive Session was closed and the Town Board returned to the Regular Meeting.

Upon returning to the Regular Meeting, Mayor Rennemeyer 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 at 9:22 p.m.

F. ADJOURN

Town Board Member Tallon moved to adjourn, Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

Upon a motion duly made, the meeting was adjourned at 9:22 p.m.



Karen Frawley, Town Clerk