



Town Board Regular Meeting

September 9, 2024 - 7:00 PM

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

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MINUTES

A. CALL TO ORDER

Mayor Cline called the meeting to order at 7:13 p.m.

1. Roll Call

Present:

Mayor Julie Cline
Mayor Pro Tem Ron Steinbach
Brian Jones
Lainie Peltz
Ken Symsack
Rick Klimek
Jason Hallett

Also Present:

Shane Hale, Town Manager
Dan Money, Town Attorney
Eric Lucas, Deputy Town Manager
Stephen Garrison, Police Chief
Scott Ballstadt, Planning Director
Dean Moyer, Finance Director
Kim Emil, Deputy Town Attorney
Kimberly Lambrecht, Senior Planner
Sandra Mezzetti, Senior Planner
Kyra McKinley, Visual Media Coordinator
Karen Frawley, Town Clerk

2. Pledge of Allegiance

Mayor Cline asked Town Board Member Klimek 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 presented, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows; Yeas - Julie Cline, Ron Steinbach, Brian Jones, Lainie Peltz, Ken Symsack, Rick Klimek, Jason Hallett; Nays - None; Motion Passed.

4. Proclamations

a. Suicide Awareness and Prevention Month

b. Constitution Week

Mayor Cline read the proclamations aloud.

5. Board Liaison Reports

Mayor Pro Tem Member Steinbach - Larimer County Behavioral Health Policy Council, Windsor Housing Authority

Mayor Pro Tem Steinbach reported that the Larimer County Behavioral Health Policy Council reported there is an issue with Summit Stone, who provides the bulk of support for the council where they laid off seventy-five people recently, but it had no impact on the facility itself. Every year the council has a grant impact fund program, and they forwarded three-million dollars in awards to the Larimer County Commission. There were two agencies in Windsor who received grants, Finally Home and First Responders, who both received \$30,000.00. There was a total of eighty-four requests and gave out forty-one awards.

Mayor Pro Tem Steinbach reported that the Windsor Housing Authority reviewed the groundbreaking ceremony, and they estimate a 54-week construction process. The Authority is also recommending changes to the bylaws to clean up various items.

Town Board Member Jones - Historic Preservation Commission, Tree Board

Town Board Member Jones reported that the Historic Preservation Commission met when out of town, will provide an update at an upcoming meeting.

Town Board Member Jones reported that the Tree Board's meeting for last month was canceled.

Town Board Member Peltz - Clearview Library Board, Great Western Trail Authority

Town Board Member Peltz reported that the Clearview Library Board reported that the library served eighteen-thousand two-hundred and forty-eight patrons in July. There are two openings for the library board trustees positions that were posted September 5th and will remain open until October 1st.

Town Board Member Peltz reported that the Great Western Trail Authority provided its stakeholder report to Town Board which was included in the packet. The authority reported it has had a successful year including completing the trail between Eaton and Windsor which is eleven miles long.

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

Town Board Member Symsack reported that the Parks, Recreation and Culture Advisory Board was canceled due to staff working Harvest Festival. The rec center had a successful shutdown week and pool renovation. Eastman Park Skatepark is done and the ribbon cutting will be held on September 28th from 11:00 to 12:00. The Founder's playground resurfacing is being installed this week and there will be a small gathering to celebrate in a few weeks. There will be a tour in October of Eastman Park for the board as well as going over the budget.

Town Board Member Symsack reported that the Windsor Arts Commission approved the design for the mural on Main Street which was initially approved last month. It is the recipient of the first mural grant which will turn a \$5,000.00 investment into a \$12,000.00 investment. The three finalists were selected for the proposals for the artistic entry signage

project, the final selection will be made in October. The Arts Commission will take a field trip to the studio where the benches for the Kyger Open Space are being created. The stagecoach time machine has been delivered to the Halfway House property and has been installed.

Town Board Member Klimek - Chamber of Commerce, Water and Sewer Board

Town Board Member Klimek reported that the Chamber of Commerce discussed the strategic plan that was developed by the board. Finances were also discussed, which are looking good at this time.

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

Town Board Member Hallett - Planning Commission, RE-4 School District, Windsor Downtown Alliance

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

Town Board Member Hallett reported that the RE-4 School District are working on the Windsor Middle School and some mechanical stuff that needed to be repaired in the roof.

Town Board Member Hallett reported that the Windsor Downtown Alliance approved a grant for a mural on Main Street. The alliance is planning a Jingle and Jammies event for the holidays with more information to come. The alliance is also working on obtaining their non-profit status so they can have more control over their own events.

Mayor Cline - Poudre River Trail Corridor Authority, I-25 Coalition, North Front Range MPO, US34 Coalition & NoCo34 TMO

Mayor Cline reported that the Poudre River Trail Corridor Authority reported a bear on the trail, which had been moved to another location. The trail is holding a dedication of a gainery for Doug Lockhart in the Signature Bluffs natural area. The Full Moon Bike Ride is scheduled for Tuesday, September 17th. The board approved spending some budgeted money on putting a video together about the trail.

Mayor Cline reported that the I-25 Coalition mobility hubs will be doing some grand openings within the next month.

Mayor Cline reported that the North Front Range MPO received an update on the air quality. The MPO is still working on the range of air quality and is petitioning the EPA to see if the range can be lowered. The MPO still has some open positions for its transportation planner. The MPO is reviewing its ten-year priority project list and determining if there is any projects that need to be moved up in priority.

Mayor Cline reported that the US34 Coalition there will be a webinar on September 17th where it will be discussed a transit plan and other topics.

Mayor Cline reported that the NoCo34 TMO has branded itself Go34 and are looking at ways to promote the transportation organization. They also reported that they are down to two candidates for their open part-time executive director position.

6. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Approval of the August 26, 2024 Town Board Regular Meeting Minutes - K. Frawley, Town Clerk

Approval of the meeting minutes.

2. Board and Commission Appointments - K. Frawley, Town Clerk

During the week of August 28th, Mayor Cline and Mayor Pro Tem Steinbach conducted Board and Commission interviews for vacant seats on the Windsor Downtown Alliance; Planning Commission; and Housing Authority. The following individuals are being recommended for appointments:

Windsor Downtown Alliance:

Caroline Walker - Regular Member - Term expiring June 2028

Daniel Kostrewa - Regular Member - Term expiring June 2028

Planning Commission:

Nancy Frase - Alternate Member - Term expiring September 2026

Windsor Housing Authority:

Shannon Ezell - Alternate Member - Term expiring March 2027

3. Report of Bills - August 2024 D. Moyer, Director of Finance

Town Board Member Hallett moved to approve the consent calendar as presented, Town Board Member Steinbach seconded the motion. Roll call on the vote resulted as follows; Yeas - Julie Cline, Ron Steinbach, Brian Jones, Lainie Peltz, Ken Symsack, Rick Klimek, Jason Hallett; Nays - None; Motion Passed.

C. BOARD ACTION

1. Ordinance 2024-1702 - An Ordinance Approving the Lone Tree Annexation to the Town of Windsor Pursuant to the Municipal Annexation Act of 1965 and Establishment of Zoning - Kevin S. Woods (City Manager, City of Thornton), Owner; Jason Pierce (Thornton Water Project Director), Applicant/Representative.

Executive Summary

Kevin S. Woods, City Manager, City of Thornton, owner/petitioner/applicant, represented by Jason Pierce, Thornton Water Project Director, filed a Petition to Annex 51.389 acres of property (known as the Lone Tree property) to the Town of Windsor. The subject property is the topic of the 2023 Second Intergovernmental Agreement (IGA) between the City of Thornton and the Town of Windsor, which was implemented to coordinate future waterline and road improvements within the Town's Growth Management Area. The IGA set conditions and criteria for the annexation of the property, with which Thornton has complied. The designation of Recreation and Open Lands (ROL) zoning was also part of the IGA.

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

Town Board Member Hallett moved to approve Ordinance No. 2024-1702, Town Board

Member Klimek seconded the motion. Roll call on the vote resulted as follows; Yeas - Julie Cline, Ron Steinbach, Brian Jones, Lainie Peltz, Ken Symsack, Rick Klimek, Jason Hallett; Nays - None; Motion Passed.

2. Public Hearing and Consideration of a Wireless Telecommunications Facility within the Jacoby Farm Subdivision 5th Filing, Tract A, 301 17th Street

Executive Summary

The applicant, Mr. Thomas Wilkerson, on behalf of Vertical Bridge, future tower owner, has submitted a site plan application for a new wireless telecommunication facility.

Staff and Planning Commission have reviewed the proposed telecommunications facility site plan (location), in accordance with review criteria set forth in Section 16-5-40 of the Town's Municipal Code and found the application compliant with these requirements.

Town Board Member Hallett stated "Mayor Cline, 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 and possibly other quasi-judicial matters were 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 the Town Board public hearings."

Town Board Member Symsack stated "for the record in my capacity as living in Jacoby Farms with a vested interest, but in no way will it affect my decision making and will make my decision based solely on the evidence presented during the public hearings."

Mayor Cline opened the hearing up for public comment, to which ten people spoke urging the board to deny the site location due to health concerns, property values, location selection, and the tower not being necessary or needed.

Mayor Cline closed the public hearing and discussion ensued between the board members.

Town Board Member Hallett moved to approve, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows; Yeas - Julie Cline, Ron Steinbach, Brian Jones, Lainie Peltz, Ken Symsack, Rick Klimek, Jason Hallett; Nays - None; Motion Passed.

3. Public Hearing and Consideration of a Conditional Use Permit for a 75-foot Telecommunications Tower within the Jacoby Farm Subdivision 5th Filing, Tract A, 301 17th Street

Executive Summary

The applicant, Mr. Thomas Wilkerson, on behalf of Vertical Bridge, future tower owner, has submitted an application for a Conditional Use Permit – to allow a proposed seventy-five-foot (75') telecommunication tower to exceed the fifty-foot (50') height limit per Section Sec. 16-5-40(e) of the Town's Municipal Code.

Mayor Cline opened the hearing up for public comment, to which four people addressed the

board urging the board to deny the conditional use permit due to concerns over wildlife, property values, the trees that will be placed on site and irrigation concerns, and the height maximum being already set out in the code.

Town Board Member Jones moved to approve the conditional use permit for a 75-foot telecommunications tower within the Jacoby Farm subdivision with the conditions of requiring landscaping on all four sides of the fence, include a gate, that complies with the town's design standards, at the entrance of the service road for employee access only, dead vegetation replacement timeframe to work with town staff on timing, work with staff on any replacement of the cottonwood trees when needed, and comply with town landscaping standards. Town Board Member Klimek seconded the motion. Roll call on the vote resulted as follows; Yeas - Julie Cline, Ron Steinbach, Brian Jones, Lainie Peltz, Ken Symsack, Rick Klimek; Nays - Jason Hallett; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney

2. Communications from Town Staff

a. Great Western Trail Authority 2024 Stakeholder Report and 2025 Budget Requests

b. Citizen Initiative Petition Information

On Sunday, August 4, 2024, the Town Clerk received a citizen initiative petition, an initiative to strictly regulate, control and permit a limited number of state-authorized retail marijuana businesses within the Town of Windsor. The proponents were required to obtain at least 1,535 signatures in order to have a valid petition. The proponents collected and submitted 2,534. The clerk's office had 30 days to validate the signers on the petition, at which time, on September 3rd, an initial determination was submitted to the proponents. The initial determination deemed that there were 1,926 valid signers and therefore the petition was deemed valid and sufficient. There is also a 40-day protest period that coincides with the 30-day verification period in which the item cannot be brought to the board for action before the time period expires, which is September 13th. Once that time period expires, the Town Clerk has 20 days to bring the item before the Town Board for action, or no later than October 3, 2024.

c. Strategic Plan Key Performance Indicators for September 2024

Attached are the Town's Key Performance Indicators for September 2024. 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:

The highlighted KPI for this month is Part 1 Crimes per 1,000 population. The number is up from July of 2024 (3.72) but lower when compared to September of 2023 when it was 6.2. This data continues to reaffirm the overall safe community here in Windsor.

I would like to note that staff has created a new KPI, found under vital infrastructure and highlighted this month. It will replace the KPI you currently see under Strategic Growth titled Gallons per Customer per Day ≤ 90 . I intend to remove this KPI from future reports as staff is no longer utilizing it.

2. Vital Infrastructure:

We have added three new KPI's under vital infrastructure. The first mentioned above, is the 5-year rolling average usage compared with the population. As you can see, we are comparing our population size and water usage by water customers and gallons per capita daily (GPCD). Staff are utilizing this graph to measure the impact of improvements made by the Town and our customers to use less water while the population grows. This is a good indicator that efforts such as dual-use systems, water efficiency measures and education are working because we are seeing usage drop despite the increase in the population.

The second new KPI is WWTP Capacity/Flow. This KPI was requested by the Town Board during our strategic plan as a way to visualize the plant capacity issues we are facing. As you can see, we have a plant that is rated for 2.8 million gallons per day (MGD). We are currently at 2.31 MGD. As you know, the state requires communities to be in design when you reach 80% capacity and under construction for a new or expanded plant when you reach 95%. We have reached those limits and are under construction at the headworks portion of the plant with the design of the new liquids plant ready to commence.

The last new KPI is showing our YTD Treated Water by Provider. As you can see, we purchase water from three providers. This chart shows our water purchased YTD and the remaining capacity we will need this year. We are on target for 2024 and do not anticipate the need to purchase additional capacity.

3. Vibrant and Healthy Economy:

I am highlighting two KPI's this month both of which are the sales tax per quarter. As you can see we now have 2nd quarter data for both.

Within the DDA Sales Tax collections show receipts of \$196,602 are \$40,539 or 17.1% less than what was collected in the 2nd quarter of 2023. Year to date, 2024 receipts are trailing 2023 by \$49,988 or 11.4%. Reasons for fewer collections, other than a decline in aggregate business, include: a smaller base tax rate for the 1st quarter of 2024 as opposed to a 3.95% rate for collections in January 2023 and unused restaurant occupancy at The Mill for a portion of 2024.

Town Sales Tax collections through June equaled \$13,337,418 which is \$9,786 or 0.1% less than was collected through June 2023.

d. Financial Report July 2024

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 (33.17% completed)

Staff is currently working on 3 separate properties under consideration. We remain hopeful that an acquisition in the coming months is a possibility.

2. Sustainable Infrastructure

Provide a safe and reliable water supply for the community (80.63% completed)

Staff is continuing to work on the updated Water Efficiency Plan and will have a first draft in September. Staff is also continuing to evaluate sources to fill the gap in the Non-Potable Water Master Plan.

Staff is working to review the draft agreement that would increase supply capacity. Construction of the Secondary Water Connection with Fort Collins-Loveland Water District is complete.

The Gold Hill Water Pressure Zone Improvements design is scheduled in 2024, with construction scheduled for 2025.

After evaluating pipeline alternatives to improve water pressure near US34 and CR17, it was determined that the most economical option is to build a booster pump station. A consultant has started the design of the booster pump station.

3. Vibrant and Healthy Economy

Implement public art program. (88.33% completed)

The stagecoach at Jacoby Farm was installed on Tuesday, 8/27. The Kyger project is underway. The CRC signage is also underway, narrowing the artists down to three who will present to WAC in the coming month.

Per Mr. Hale, tomorrow night, kicks off the first citizen academy. There are twenty-five residents that are registered to participate. There will be a ribbon cutting on Friday at the new police station at 1:00 p.m.

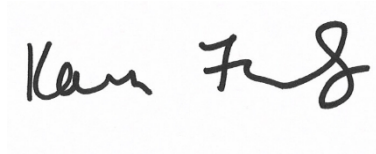
4. Communications from Town Board

Per Mayor Cline, coffee with the Mayor will take place on Friday at the Recreation Center at 10 a.m. and on Tuesday, the Urban Land Institute will hold a walking tour of Downtown. The ad hoc charter committee interviews will take place this week. Twenty-five residents will be interviewed and, hopefully, selections will be made by Friday.

E. ADJOURN

Town Board Member Hallett moved to adjourn, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows; Yeas - Julie Cline, Ron Steinbach, Brian Jones, Lainie Peltz, Ken Symsack, Rick Klimek, Jason Hallett; Nays - None; Motion Passed.

Upon a motion duly made, the meeting was adjourned at 10:52 p.m.

A handwritten signature in black ink, appearing to read "Karen Frawley". The signature is written in a cursive, flowing style. The first name "Karen" is written in a simple, slightly slanted cursive. The last name "Frawley" is more elaborate, with a large, stylized "F" and a long, sweeping tail that loops around and ends in a small flourish.

Karen Frawley, Town Clerk