



Town Board Regular Meeting

September 26, 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 7:00 p.m.

1. Roll Call

Present:

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

Also Present:

Shane Hale, Town Manager
Ian McCargar, Town Attorney
Eric Lucas, Public Services Director
Rick Klimek, Police Chief
John Thornhill, Community Development Director
Scott Ballstadt, Planning Director
Stacy Miller, Economic Development Director
Kim Emil, Assistant Town Attorney
Wade Willis, Open Space and Trails Manager
Ben Bodiker, Visual Media Coordinator
Rece Lampe, Digital Media Corrdinator
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 Cline moved to move item B.3 to Board Action item C.1 and all other items moved down correspondingly. Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, 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 Historic Preservation Commission has not met since the last provided update.

Town Board Member Charpentier reported that the Great Western Trail Authority did not have enough people for a quorum and therefore will provide an update after the next meeting.

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

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

Mayor Pro Tem Wilson reported that the Larimer County Behavioral Health Policy Council, 34, and I-25 Coalitions have not met since the last provided update.

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

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

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

Town Board Member Cline reported that the Clearview Library Board has not met since the last provided update.

Town Board Member Cline reported that the Poudre River Trail Corridor Authority has not met since the last provided update. The Poudre River Trail Corridor Authority held its Party on the Poudre event on Wednesday, September 21st. It was a very well-attended event and has tentatively raised \$8,000.00.

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

Town Board Member Tallon reported that he was unable to attend the Planning Commission meeting.

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 Tree Board has not met since the last provided update.

Town Board Member Hallett reported that he was unable to attend the Windsor Housing Authority and will provide an update after the next meeting.

Mayor Rennemeyer - Downtown Development Authority, North Front Range MPO

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

Mayor Rennemeyer reported that the Downtown Development Authority reviewed a presentation from Laura Browarny, Culture Supervisor, regarding the mural that is on the side of the 408 Exchange. The wayfinding sign construction project is moving forward and the DDA board decided to move forward with drawing the scope of the project. The DDA is currently working on redesigning its website.

5. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Approval of the September 12, 2022 Town Board Regular Meeting Minutes - K. Frawley, Town Clerk

Approval of the September 12, 2022 Town Board regular meeting minutes

2. Resolution No. 2022-52 a Resolution Approving an Amendment to the Current Agreement for Building Department Services Between the Town of Windsor and SAFEbuilt Colorado - S. Ballstadt, Director of Planning

On July 25, 2022, Town Board adopted Resolution 2022-34 approving the most recent agreement with SAFEbuilt for plan review and building inspection services which included the following updates:

4. Resolution No. 2022-54 a Resolution Reaffirming a Purchase and Sale Agreement by and Between the Town of Windsor and Sherron Brunner, for the Sale and Acquisition of Real Property, and Authorizing Town Manager Shane Hale to Take all Steps Necessary for Closing - Ian D. McCargar, Town Attorney

In accordance with the contract for purchase of three parcels in downtown Windsor, the Title Insurance Company has requested formal authorization for the Town Manager to take the steps necessary for closing. This Resolution satisfies this requirement. The transaction is scheduled to close October 11, 2022, subject to finalization of terms following due diligence.

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

C. BOARD ACTION

1. Resolution No. 2022-53 a Resolution Partially Vacating a Portion of a Platted Utility Easement Located Along the Western Property Line of Lot 26, Block 1 of the Water Valley South Subdivision 18th Filing in the Town of Windsor, Colorado - S. Ballstadt, Director of Planning

The Town has been asked by the property owner of the subject lot to vacate a portion of a 10-foot utility easement along the western property boundary for the purpose of locating a portion of a structure (deck) in the area to be vacated. As indicated in the enclosed petition, the portion of easement to be vacated is of no continuing use or maintenance to the Town or utility providers, except:

Discussion ensued between Town Board and staff.

Town Board Member Cline moved to conditionally approve Resolution No. 2022-53 based on the following conditions: 1. Agree to the conditions of approval placed by

Comcast where the owner will be responsible for the damages that could possibly happen if Comcast would need to come into the easement, 2. Comply with the Poudre Tech Metro District request, 3. Must obtain the signature from Century Link approving the partial vacation of the easement, Town Board Member Hallett seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

2. Public Hearing, approval of the Amended and Restated Consolidated Service Plan for the Village East Metropolitan Districts Nos. 1, 2, 4 & 5

The proponents of the Village East Metropolitan Districts Nos. 1, 2, 4 & 5 have requested approval for an amended and restated service plan that reflects the current development plan for remaining development within Village East. This public hearing is a statutory requirement.

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

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

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

3. Ordinance No. 2022-1665 an Ordinance Approving the Amended and Restated Consolidated Service Plan for the Village East Metropolitan Districts Nos. 1, 2, 4 & 5

Having concluded the required public hearing, this action step is the time to weigh and discuss the evidence presented in light of the applicable criteria. Town Board should cast its votes based solely on the evidence presented.

Town Board Member Hallett moved to approve Ordinance No. 2022-1665, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

4. Resolution No. 2022-55 a Resolution Approving an Exclusive Negotiation Agreement and Letter of Intent Between and Among the Town of Windsor, Windsor Downtown Development Authority and Tribe, LLC, with Respect to Downtown Redevelopment

This Resolution approves an exclusive negotiation agreement and letter of intent ("ENA") between and among the Town, the Downtown Development Authority and Tribe, LLC, the terms of which are expressly aspirational. The intent of this agreement is to lay the groundwork for a future binding redevelopment agreement for the parcels of land identified in the ENA.

Discussion ensued between Town Board and staff.

Town Board Member Hallett moved to approve Resolution No. 2022-55, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas -

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

5. Ordinance No. 2022-1662 an Ordinance Approving the Service Plan for Water Valley Metropolitan District No. 3, and Authorizing the Execution of an Intergovernmental Agreement Between the Town and the District

This Ordinance is presented for final adoption following introduction and public hearing on September 12, 2022. The Ordinance and its attachments are unchanged from first reading. A copy of Ms. Steffl's Memorandum from first reading is provided for reference as to the details. Mayor Rennemeyer opened the meeting up for public comment, to which there was none.

Town Board Member Hallett moved to approve Ordinance No. 2022-1662, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

6. Ordinance No. 2022-1663 an Ordinance Amending Certain Portions of the Windsor Municipal Land Use Code, Chapters 14-17

Chapters 14 through 18 of the Town's Municipal Code, which collectively make up the Town's Land Use Code, were updated in February 2021. Implementation of the code in the time since adoption has revealed some areas that were inadvertently omitted and other areas in need of minor revision. The following updates for Chapters 14-17 consist primarily of necessary corrections or clarifications, with some proposed amendments where action is needed to resolve ongoing issues with the current code.

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

Town Board Member Hallett moved to approve Ordinance No. 2022-1663, Mayor Pro Tem Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

7. Resolution No. 2022-56 a Resolution of the Windsor Town Board Encouraging Voters to Vote in Favor of Ballot Question 3F; A Measure that will Provide a Dedicated Source of Funding for Open Space Land Acquisition and Stewardship

The Friends of Windsor Open Space group has requested that Town Board approve a resolution of support for the Open Space Tax measure referred to the voters by Resolution No. 2022-44, which has now been identified as Ballot Question 3F.

Town Board Member Hallett moved to approve Resolution No. 202-56, Mayor Pro Tem Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney

Per Mr. McCargar, appreciates the allowance to attend the CML annual fall attorney's conference. Mr. McCargar also reminded the Board that there are two executive sessions on

the agenda and the title in full must be recited in full.

2. Communications from Town Staff

a. Windsor Police August 2022 Statistics

Not applicable

3. Communications from Town Manager

Per Mr. Hale, he attended the ICMA conference in Ohio and it was one of the best conferences he has attended, and appreciates the ability to attend. Mr. Hale also reported the progression of the ITC agreement for broadband and there will be a meeting tomorrow to go over the redline agreement.

4. Communications from Town Board

E. EXECUTIVE SESSION

1. An Executive Session Pursuant to Colorado Revised Statutes § 24-6-402(4)(e)(I) for the Purpose of Determining Positions Relative to Matters that may be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators with Respect to Property Acquisition. (Shane Hale, Town Manager; John Thornhill, Community Development Director; Ian D. McCargar, Town Attorney)

2. An Executive Session Pursuant to Colorado Revised Statutes § 24-6-402 (4)(e)(I) for the Purpose of Determining Positions Relative to Matters that may be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators with Respect to Economic Development Opportunities. (Stacy Miller, Director of Economic Development)

Mayor Pro Tem Wilson moved to enter into an executive session pursuant to Colorado Revised Statutes § 24-6-402 (4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations, and instructing negotiators with respect to property acquisition; as well as enter into an executive session pursuant to Colorado Revised Statutes § 24-6-402 (4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to economic development opportunities, Town Board Member Hallett seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

Upon a motion duly made, the Town Board entered into an Executive Session at 8:12 p.m.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 9:02 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 9:02 p.m.

F. 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, SCOTT CHARPENTIER, JULIE CLINE, VICTOR TALLON, JASON HALLETT; NAYS - NONE; MOTION PASSED.

Upon a motion duly made, the meeting was adjourned at 9:02 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 extends to the right.

Karen Frawley, Town Clerk