



Town Board Regular Meeting

November 14, 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 7:08 p.m.

1. Roll Call

Present:

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

Also Present:

Shane Hale, Town Manager
Ian McCargar, Town Attorney
Jess Humphries, Administrative Services Director
Eric Lucas, Public Services Director
Rick Klimek, Police Chief
John Thornhill, Community Development Director
Kim Emil, Assistant Town Attorney
Dean Moyer, Finance Director
Stacy Miller, Economic Development Director
Tara Fotsch, Deputy Director of PRC
Brian Rowe, Deputy Director of Public Works
Ken Breneman, Stormwater and Special Projects Supervisor
Wade Willis, Trails and Open Space Manager
Ben Bodiker, Visual Media Coordinator
Karen Frawley, Town Clerk

2. Pledge of Allegiance

Mayor Rennemeyer asked Town Board Member Bennett to lead the Pledge of Allegiance.

3. An Executive Session Pursuant to Colorado Revised Statutes § 24-6-402 (4) (b) to Confer with the Town Attorney for the Purposes of Receiving Legal Advice on Specific Legal Questions Concerning Charter Amendment (Ian D. McCargar, Town Attorney)

Town Board Member Hallett moved to enter into an executive session pursuant to Colorado Revised Statutes §24-6-402 (4)(b) to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions concerning charter amendment, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Scott Charpentier, Barry Wilson, 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 7:09 p.m.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 7:28 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 7:28 p.m.

4. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration

Town Board Member Hallett moved to amend the agenda by removing item C.6 and renumbering all other items, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

5. Proclamations

a. Small Business Saturday

Mayor Rennemeyer read the small business Saturday proclamation aloud.

b. Life-saving awards.

Chief Klimek presented a life-saving award to Officer Joseph Arnold White for his life-saving efforts while on duty on both May 16, 2021 and May 24, 2021.

6. Board Liaison Reports

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

Town Board Member Charpentier reported that the Great Western Train Authority is finishing up completing the final piece of the trail as well as wrapping up the budget. The Authority will hold its social on December 1st.

Town Board Member Charpentier reported that he was unable to attend the last Historic Preservation Commission meeting, but has looked over the minutes to track what is happening. The Commission is nailing down the requirements to register for the historical list.

Town Board Member Charpentier reported that the Chamber held its annual Gala. The new board members have been voted in and the votes are still out on who the new chamber board president will be, and the Chamber will hold its annual Ugly Sweater Wine Walk this upcoming weekend.

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

Mayor Pro Tem Wilson reported that the I-25 Coalition has not met since the last provided update.

Mayor Pro Tem Wilson reported that the Highway 34 Coalition has been working on updating their bylaws as well as looking at potential grants that are available.

Mayor Pro Tem Wilson reported that the Larimer County Behavioral Health Policy Council held its elections and Mayor Pro Tem Wilson is no longer the chair of that board, but will serve in the role of vice-chair for 2023. The Council sent some recommendations to the Larimer County Commissioners to fill some vacancies on the council as well as the technical advisory council, which were all approved. Mayor Pro Tem Wilson was able to tour the new facility that is being built. The building is still on schedule and they should occupy the building in August of 2023, with the first patient being seen in November of 2023.

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 will meet tomorrow night and will be voting on the placement of the Matt Ounsworth sculpture that was created during one of the Art LIVE! events.

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

Town Board Member Cline reported that the Clearview Library Board is still working through their bylaw revisions. They are also discussing their library district investments with different investment groups to determine the best way to invest money. The Library board has been looking at their draft budgets which includes a little bit of a cost of living adjustment for staff. The Library will be closed for a little bit longer than they hoped due to some contracting issues and scheduling, so the public will want to check their schedule during the Christmas and January timeframe before going to the library.

Town Board Member Cline reported that the Poudre River Trail Corridor Authority did not meet. However, there was a half-day retreat on November 3rd where the Authority made the decision that the board is needed. The search for the Executive Director position will continue sometime in January.

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

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

Town Board Member Tallon reported that the Water and Sewer board had a discussion on smart water and are planning on providing a presentation to the Town Board regarding their recommendations for the future.

Town Board Member Hallett - Windsor Housing Authority, Tree Board

Town Board Member Hallett reported that the Windsor Housing Authority has not met since the last provided update.

Town Board Member Hallett reported that the Tree Board had discussions on the artwork for their annual calendar. The Tree board heard a presentation from Wade Willis regarding the second phase of the Riverwalk Experience.

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 the LinkNoCo Transit study was approved by the board to move forward. The North Front Range MPO voted to opt out of the FAMLI act.

7. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Approval of the October 24, 2022 Town Board Regular Meeting Minutes - K. Frawley, Town Clerk

Approval of the October 24, 2022 Town Board regular meeting minutes.

2. Approval of the November 7, 2022 Town Board Special Meeting Minutes - K. Frawley, Town Clerk

Approval of the November 7, 2022 Town Board special meeting minutes.

3. Resolution No. 2022-60 - A Resolution Approving and Ratifying an Amendment to the Current Professional Services Between the Town of Windsor and SAFEbuilt Colorado, LLC - B. Rowe, Deputy Director of Public Works

On October 10, 2022, Stormwater staff attended a Town Board work session to provide an overview of the MS4 Permit Program and discussed the benefits of having a third-party inspection service. The Town has had a professional agreement since 2020 with SAFEbuilt to provide single-lot stormwater inspections. Based on the program's success and outstanding service relationship with SAFEbuilt, this contract amendment would increase the scope of services to allow SAFEbuilt to perform stormwater inspections at commercial and multi-family construction projects.

4. Resolution No. 2022-61 - A Resolution Pursuant to Section 9.1.A of the Windsor Home Rule Charter Reaffirming the Appointment of Ian D. McCargar as Windsor Town Attorney, and Affirming the Terms of Representation - Ian D. McCargar, Town Attorney

In accordance with the Windsor Home Rule Charter, the Town Board convened an executive session on November 7, 2022, and at the conclusion thereof directed that the attached Resolution be presented for consideration this evening.

5. Resolution No. 2022-62 - A Resolution Pursuant to Section 8.1 of the Windsor Home Rule Charter Reaffirming the Appointment of Shane Hale as Windsor Town Manager and Affirming Modifications to his Terms of Employment - Ian D. McCargar, Town Attorney

The Town Board convened for executive session on November 7, 2022, to conduct the annual performance evaluation of the Town Manager pursuant to Section 8.1.C of the Charter. Following conclusion of the executive session, Town Board has directed that this Resolution be placed before it for official action.

6. Resolution No. 2022-63 - A Resolution Ratifying and Approving the Submission of an Application by the Town of Windsor Police Department for a Peace Officer Behavioral Mental Health Support and Community Partnerships Grant from the Colorado Department of Local Affairs - R. Klimek, Police Chief

The Windsor Police Department has applied for a state grant from the Department of Local Affairs (DOLA) to obtain additional funding to support various programs that meet the requirements of the Peace Officer Mental Health Support Grant. Two prior attempts have failed, however, the scope of allowable uses has expanded since our last effort earlier this year. The grant had to be submitted on November 1, 2022, therefore it is requested that the Town formalize this application by approving and ratifying the application, retroactive to the date of November 1, 2022.

7. Report of Bills October 2022 - D. Moyer, Director of Finance

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

C. BOARD ACTION

1. Ordinance No 2022-1667 - An Ordinance Repealing, Amending and Readopting Portions of Article III of Chapter 13 of the Windsor Municipal Code With Respect to Stormwater Basins Fees Imposed by the Towns Stormwater Drainage Utility Enterprise

The Storm Drainage Fund is, by classification, a self-funding enterprise of the Town of Windsor. Revenues, in general, must be adequate to pay for both operating and capital expenditures.

Town Board Member Bennett moved to approve Ordinance No. 2022-1667, Mayor Pro Tem Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

2. Resolution No. 2022-64 - A Resolution Establishing Rates for Town of Windsor Water Service Customers, and Authorizing the Implementation of Such Rates

The Water Fund is, by classification, a self-funding enterprise of the Town of Windsor. Revenues in general must be adequate to pay for both operating and capital expenditures.

Town Board Member Hallett moved to approve Resolution No. 2022-64, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

3. Resolution No. 2022-65 - A Resolution Establishing Rates for Town of Windsor Sanitary Sewer Service Customers, and Authorizing the Implementation of Such Rates

The Sewer is by classification, a self-funding enterprise of the Town of Windsor. Revenues, in general, must be adequate to pay for both operating and capital expenditures.

Town Board Member Hallett moved to approve Resolution No. 2022-65, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

4. Resolution No. 2022-66 - A Resolution Approving and Adopting Revisions to the Schedule of Water Plant Investment Fees Imposed by the Town of Windsor

The Water Fund is by classification, a self-funding enterprise of the Town of Windsor. Revenues, in general must be adequate to pay for both operating and capital expenditures.

Town Board Member Hallett moved to approve Resolution No. 2022-66, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

5. Resolution No. 2022-67 - A Resolution Approving and Adopting Revisions to the Schedule of Sewer Plant Investment Fees Imposed by the Town of Windsor

Town Board Member Hallett moved to approve Resolution No. 2022-67, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

6. Ordinance No. 2022-1669 - An Emergency Ordinance Referring to the Voters an Amendment to Section 3.3.B of the Town of Windsor Home Rule Charter to Conform the Qualifications of Town Elective Officers to the Provisions of Article XII, Section 4 of the Colorado Constitution; Setting the Ballot Title; Providing the Effective Date of This Resolution; Setting Forth Details in Relation Thereto; and Making Findings of Fact in Support of Emergency Adoption

This Ordinance refers two questions for voter approval at the January 24, 2023, special election. State law requires that such referral be by ordinance. As we are targeting the January 24, 2023, special election, notice of the election must be published, and the election shall be held not less than sixty nor more than one hundred twenty days after publication of such notice. Hence, in order to meet these tight notification windows, this Ordinance is presented as an emergency ordinance. Mayor Rennemeyer opened the meeting up for public comment, to which there was none.

Town Board Member Hallett moved to approve Ordinance No. 2022-1669, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

7. Resolution No. 2022-68 - A Resolution Accepting the Audit Report for 2021 Prepared by BDO USA, LLP, Certified Public Accountants

The Annual Audit Report for 2021 was presented by our audit firm of BDO USA, LLP at the work session this evening. The draft version of the report was included in the materials for the work session and the "draft" watermark will be removed upon the Board's acceptance of the report. The approved report will then be submitted to the State Auditor and various creditors, rating agencies and posted on our website for public viewing. We also hope to submit this report to GFOA for the Financial Reporting Award

if possible.

Town Board Member Hallett moved to approve Resolution No. 2022-68, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

8. Outside Agency Funding Request - Imagine Zero and Windsor Gives

Imagine Zero of Weld County and Windsor Gives are requesting a sponsorship of \$800 for their "Move Through the Darkness Challenge". This funding is being requested out of the Outside Agency Fund which is under the Town Board budget. The current YTD for that budget line is \$65,181; leaving a balance of \$90,599. This sponsorship would leave the balance at \$89,799.

Town Board Member Bennett moved to approve the outside agency funding for \$800.00, Town Board Member Hallett seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

9. Ordinance No. 2022-1670 - An Ordinance Amending the Windsor Municipal Code to Implement a Voter-Approved Measure Under Which the Open Space Acquisition and Maintenance Fund is Created, and Fixing Sales Tax and Use Tax Rates in Accordance Therewith

This Ordinance implements required changes to the Windsor Municipal Code to implement the Open Space Tax measure approved by the voters on November 8, 2022. The referred measure contained specific Code language, and this Ordinance carries it into the Code as a legislative act.

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

Mayor Pro Tem Wilson moved to approve Ordinance No. 2022-1670, Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Scott Charpentier, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney

Per Mr. McCargar, there is an executive session and the motion will need to include the full title being read.

2. Communications from Town Staff

Officer Rusch spoke to the Board about the Special Olympics conference he attended.

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

3. Communications from Town Manager

a. Monthly Board Report - Focus Area Updates

4. Communications from Town Board

Per Town Board Member Cline, Windsor High School wrestling team held it's casino night fundraiser and it was a huge success once again.

Per Mayor Rennemeyer, Coffee with the Mayor will be held on Friday, November 18th at the Recreation Center from 10:00 to 11:00 a.m.

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 Economic Development Opportunities. (Stacy Miller, Director of Economic Development)

Town Board Member Hallett moved to enter into an executive session pursuant to Colorado Revised Statutes section 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 Bennett seconded the motion. Roll Call on the vote resulted as follows; Yeas - Charpentier, Wilson, Bennett, Rennemeyer, Cline, Tallon, Hallett; Motion Passed.

Upon a motion duly made, the Town Board entered into an Executive Session at 8:54 p.m.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 9:32 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 9:32 p.m.

F. ADJOURN

TOWN BOARD MEMBER TALLON MOVED TO ADJOURN, TOWN BOARD MEMBER HALLETT SECONDED THE MOTION. ROLL CALL ON THE VOTE RESULTED AS FOLLOWS; YEAS - PAUL RENNEMEYER, BARRY WILSON, SCOTT CHARPENTIER, KEN BENNETT, JULIE CLINE, VICTOR TALLON, JASON HALLETT; NAYS - NONE; MOTION PASSED.

UPON A MOTION DULY MADE, THE MEETING WAS ADJOURNED AT 9:32 P.M.



Karen Frawley, Town Clerk