



Town Board Regular Meeting

December 12, 2022 - 7:00 PM

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

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www.windsorgov.com/MeetingsOnDemand.

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 - absent
Ken Bennett
Julie Cline
Victor Tallon
Jason Hallett – virtual

Also Present:

Shane Hale, Town Manager
Kim Emil, Assistant Town Attorney
Eric Lucas, Public Services Director
Rick Klimek, Police Chief
John Thornhill, Community Development Director
Scott Ballstadt, Planning Director
Tara Fotsch, Deputy Director of PRC
Brian Rowe, Deputy Director of Public Works
Dean Moyer, Finance Director
Sandra Mezzetti, Senior Planner
Omar Herrera, Deputy Director of Engineering
Kim Lambrecht, Planner II
Curtis Templeton, Civil Engineer
Wade Willis, Open Space and Trails Manager
Leif Lesoing, Water Resources Administrator
McKenzie Paine, Visual Media Supervisor
Karen Frawley, Town Clerk

2. Pledge of Allegiance

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

4. Proclamations

a. American Public Works Association (APWA) Award

The Town was awarded an APWA Award under the Parks & Trails category for medium sized communities for the State Highway 392 & Colorado Blvd Roadway, Trail and Pedestrian Bridge project. This is an opportunity to present the award and recognize the work of Curtis Templeman and Wade Willis who spearheaded this project.

Mr. Lucas presented the American Public Works Association award to Curtis Templeton and Wade Willis.

5. Board Liaison Reports

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

Town Board Member Charpentier was absent and will provide an update at the next board meeting.

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

Mayor Pro Tem Wilson reported that the 34 and I-25 Coalitions have not met since the last provided update.

Mayor Pro Tem Wilson reported that the Larimer County Behavioral Health Policy Council has not met since the last provided update.

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

Town Board Member Bennett reported that the Arts Commission has not met since the last provided update.

Town Board Member Bennett reported that Parks, Recreation and Culture Advisory Board had an update on the comprehensive plan that is in progress. The board held a discussion about the park improvement fund for 2023.

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

Town Board Member Cline reported that the Poudre River Trail Corridor Authority discussed items that were discussed during its retreat as well as looked at the Facebook posts and information from Colorado Gives Day.

Town Board Member Cline reported that the Clearview Library Board met and passed their 2023 budget and announced they will be closed on December 16th for staff training as well as the main library will be closed on January 9th for renovations for a day or two.

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

Town Board Member Tallon reported that the last Planning Commission saw the presentation on the American Legacy Academy that is on the agenda for 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 neither the Housing Authority nor the Tree Board have met since the last provided update.

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 Windsor hosted the North Front Range MPO and a new chair and vice-chair were nominated and approved. Commissioner Scott James will be the chair of the MPO and Council Member Mallo from Loveland will be the vice-chair for 2023. An executive session was also held to evaluate the executive director and she did get extended for 2023, though she has made it known that she will be retiring soon.

6. 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 November 28, 2022 Town Board Regular Meeting Minutes - K. Frawley, Town Clerk

Approval of the November 28, 2022 Town Board regular meeting minutes.

2. Approval of the December 5, 2022 Town Board Special Meeting Minutes - K. Frawley, Town Clerk

Approval of the December 5, 2022 Town Board Special Meeting Minutes.

3. Resolution No. 2022-78 - A Resolution Designating a Public Place for the Posting of Notices Concerning Public Meetings - K. Frawley, Town Clerk

The Colorado Open Meetings Act requires Town Board to annual designate a specific place for the posting of public meeting notices. Although the Act allows online meeting postings, Windsor has traditionally identified the bulletin board on the main level of Town Hall for this purpose.

4. Resolution No. 2022-79 A Resolution of the Windsor Town Board Approving the Accessioning of Items to the Town of Windsor Museum Collection - T. Fotsch, Deputy Director of PRC

The Parks, Recreation, and Culture Advisory Board will occasionally have the opportunity to review recommended accessions and deaccessions to the permanent collection of the Town of Windsor Museum, per adopted policies. PReCAB has reviewed these recommended actions and has recommended accessioning via Resolution PRC 2022-79

5. Resolution No. 2022-80 A Resolution Designating the Chief of Police as the Town of Windsor Emergency Response Authority - R. Klimek, Police Chief

As required by CRS 29-22-111 the Town must designate by resolution or ordinance an emergency response authority. The designation must be reported to the Colorado state patrol.

This has in the past fallen under the authority of the Chief of Police.

6. Resolution No 2022-86, Approving a Separation, Waiver and Release Agreement between the Town and Ian D. McCargar

7. Resolution No 2022-87 - A Resolution Appointing Kimberly Emil as Interim Town Attorney and Setting Compensation effective January 2, 2023

Ian D. McCargar's service as Town Attorney will end on January 1, 2023. The Town Board desires to appoint Kimberly Emil, the assistant town attorney to serve as the Interim Town Attorney, and also sets the compensation for such service at \$150,000/year, effective January 2, 2023. Ms. Emil shall serve in such capacity until a newly appointed Town Attorney is ready to assume the full duties and responsibilities required in such position.

8. Report of Bills - November 2022 - D. Moyer, Director of Finance

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

C. BOARD ACTION

1. Ordinance No. 2022-1671 Amending Chapter 16 of the *WINDSOR MUNICIPAL CODE* by the Addition of New Requirements Related to the Regulation of Wells Used for Geologic Sequestration of Carbon Dioxide

Town Board previously discussed carbon sequestration wells and the draft ordinance at the February 28, 2022 and November 14, 2022 work sessions in conjunction with a proposal from Front Range Energy described as follows:

Town Board Member Bennett moved to approve Ordinance No. 2022-1671 as amended, Town Board Member Hallett seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

2. Resolution No. 2022-81 - A Resolution Re-Appointing the Presiding Judge and Associate Judge for the Town of Windsor, and Confirming the Term of Office for Each

This Resolution re-appoints our two judicial officers for a two-year term commencing January 1, 2023. Their current appointments expire at the end of 2022. Each of our judges have indicated their willingness to serve another term.

Town Board Member Hallett moved to approve Resolution No. 2022-81, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

3. Resolution No. 2022-82 - A Resolution Reappointing Kimberly A. Emil as Municipal Prosecutor for the Town of Windsor - Kimberly A. Emil

The reappointment of the Town Prosecutor is an annual step taken by Town Board in accordance with the Home Rule Charter. Ms. Emil has served the Town competently and professionally since her initial appointment in 2004.

Town Board Member Hallett moved to approve Resolution No. 2022-82, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

4. Resolution No. 2022-83 - A Resolution Approving and Adopting the October 24, 2022, Intergovernmental Agreement Between and Among the Town of Windsor, the Town of Severance, the Town of Eaton, and the Fort Collins-Loveland Water District with Respect to Water Treatment Plant Consultant Services

The Town of Windsor has a long working history with the Town of Eaton, Town of Severance and the Fort Collins-Loveland Water District to build a future water treatment facility on the land acquired by the group in December 2020. The partners have determined that the retention of an experienced water treatment consultant is necessary to assure the planning for the formation of a new water treatment authority. The group has selected Ally Utility Consulting LLC, ("Ally") to provide consulting services in accordance with the scope of work defined by the group, and Windsor will be the point of contact for the contract with Ally. The partners will each transfer \$50,000 to Windsor, for a total of \$200,000 and the formation of the new authority will be completed in 2023.

Town Board Member Bennett moved to approve Resolution No. 2022-83, Mayor Pro Tem Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

5. Resolution No. 2022-84 - A Resolution approving a fee waiver request from the Windsor Housing Authority

The Town Board previously approved a fee waiver in the amount \$651,839 in January 2021, for the construction of the Golden Meadows Senior Development, renamed "Jacoby Meadows Senior Apartments". However, the project did not move forward because it did not receive the required funding needed from the Colorado Housing and Finance Authority (CHFA). The 2021 resolution has since expired.

Town Board Member Hallett moved to approve Resolution No. 2022--84, Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

6. Resolution No. 2022-85 - A Resolution in support of matching funds to be made available to the Windsor Housing Authority with respect to Jacoby Meadows Senior Apartments.

Please see information provided with the fee waiver request, Resolution No. 2022-84.

Town Board Member Hallett moved to approve Resolution No. 2022-85, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

7. Ordinance No. 2022-1672 An Ordinance Providing for the Review and Disposition of Complaints Regarding Financial Disclosure Reports Filed Under the Colorado Fair Campaign Practices Act in the Town of Windsor

In 2019, Senate Bill 19-232 was adopted stating that all complaints involving a “municipal campaign finance matter” must now be filed with the municipal clerk. The Senate bill did not, however, provide any direction on how municipal clerks are supposed to process, investigate, conduct hearings, or otherwise deal with such complaints. In the wake of this Senate Bill, some municipalities have adopted by ordinance formal local procedures for handling Fair Campaign Practice Act complaints.

Town Board Member Hallett moved to approve Ordinance No. 2022-1672, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney

Per Ms. Emil, reminder that there is an executive session tonight.

2. Communications from Town Staff

Per Ms. Mezzetti,

Ms. Lamberecht presented an overview of the American Legacy Academy project.

a. American Legacy Academy Statutory Notice

American Legacy Academy ("American Legacy") is a charter school authorized by a charter agreement with the Weld RE-4 School District. American Legacy is negotiating with Marina One, LLC ("Marina One") to lease from Marine One a building that American Legacy would use as its Windsor charter school location.

3. Communications from Town Manager

a. Monthly Board Report - Focus Area Updates

4. Communications from Town Board

E. EXECUTIVE SESSION

1. 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 Failure to Pay Sales Taxes (Kim Emil, Assistant Town Attorney; Dean Moyer, Finance Director)

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 failure to pay

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

Upon a motion duly made, the Town Board entered into an Executive Session at 8:30 p.m.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 9:08 p.m.

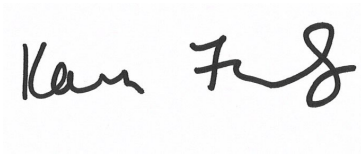
The Executive Session was closed and the Town Board returned to the Regular Meeting.

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 9:08 p.m.

F. ADJOURN

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

Upon a motion duly made, the meeting was adjourned at 9:08 p.m.

A handwritten signature in black ink, appearing to read "Karen Frawley". The signature is written in a cursive, flowing style.

Karen Frawley, Town Clerk