



Town Board Regular Meeting

April 10, 2023 - 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
Ron Steinbach
Ken Bennett
Julie Cline
Victor Tallon
Jason Hallett

Also Present:

Shane Hale, Town Manager
Kim Emil, Interim Town Attorney
Eric Lucas, Public Services Director
Rick Klimek, Police Chief
John Thornhill, Community Development Director
Scott Ballstadt, Planning Director
Dean Moyer, Finance Director
Tara Fotsch, Deputy Director of PRC
Omar Herrera, Deputy Director of Engineering
Eric Bracke, Transportation Planner
McKenzie Paine, Visual Media Supervisor
Karen Frawley, Town Clerk

2. Pledge of Allegiance

Mayor Rennemeyer asked Town Board Member Tallon 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 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, Ron Steinbach; Nays - None; Motion Passed.

4. Proclamations

a. Arbor Day

Mayor Rennemeyer read the proclamation aloud.

5. Presentation

a. Mayor Presentation of Advisory Board Service Plaque to Danny Horner, Former Board of Adjustment Chairman

This service plaque is presented to Mr. Danny Horner for his 18 years of service on the Board of Adjustment, most of which also serving as Chairman. Mr. Horner has demonstrated a commitment and dedication to service to the Town of Windsor that is greatly appreciated.

Mayor Rennemeyer presented former Board of Adjustment/Appeals Chairman with a service award plaque.

6. Outside Agency Update

a. Project 1.27

Liz Brodzinski addressed the board regarding Project 1.27, a local nonprofit that works to inspire, resource and recruit foster families in Colorado.

7. Board Liaison Reports

Town Board Member Steinbach - Historic Preservation Commission, Water and Sewer Board

Town Board Member Steinbach reported that neither board has met since the last provided update.

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

Mayor Pro Tem Wilson reported that the Larimer County Behavioral Health Policy Council plans to move into the new facility on September 13th and see the first behavioral health patients on December 4th. There will be announcements where the public will be able to tour the new facility, but it will be limited to a certain number of participants per tour. The council will be adding a youth position on the board and are looking at a college-age person to fill it.

Mayor Pro Tem Wilson reported that the 34 Coalition has received a grant from the Colorado Department of Transportation for \$100,000.00 which will be used to fund the development of a transportation management office with five different goals. Mobility Services is going to start providing a shuttle that will go from Loveland to Estes Park on certain days which is targeted towards seniors and those with disabilities, but will be available for anyone to use.

Mayor Pro Tem Wilson reported that the I-25 Coalition's substantial completion date is reported to be December 15th of this year. The project has expended eighty percent of its budget and the final deck pour on the last bridge over the interstate has been completed.

Mayor Pro Tem Wilson reported that at the Parks, Recreation and Culture Advisory Board there were several pickleballers who spoke at the meeting regarding a desire to have more pickleball courts. Staff also reviewed the accreditation process and the board approved the

accessioning of items into the museum collection.

Mayor Pro Tem Wilson reported that the Great Western Trail Authority discussed the trail crossing at County Road 21 and the possibility of the approval of the crosswalk. Later this year, the authority will complete the last bridge which will complete that trail at which point they will start focusing on some other amenities like making safer crossings.

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

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

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 held its half-day retreat and completed a new mission and vision statement. Town Board Member Cline was voted Vice-Chair of the Authority. The Authority is also looking for a Windsor resident and a Greeley resident to fill vacancies on the authority. The Authority will hold a trail-a-thon on Earth Day, April 22nd at the Poudre Learning Center between 9 am and noon.

Town Board Member Tallon - Planning Commission, Chamber of Commerce

Town Board Member Tallon reported that neither board has met since the last provided update.

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 he missed the Tree Board meeting and will provide an update after the next meeting.

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.

Deputy Director of Engineering Herrera attended the meeting for Mayor Rennemeyer and provided an update from the North Front Range MPO.

8. Public Invited to be Heard

Racinda Godbold from 1897 Vista Plaza St. in Severance addressed the board regarding funding for the Severance High School After Prom event.

B. CONSENT CALENDAR

1. Approval of the March 27, 2023 Town Board Regular Meeting Minutes - K. Frawley, Town Clerk

Approval of the regular meeting minutes.

2. Approval of the April 3, 2023 Town Board Special Meeting Minutes - K. Frawley, Town Clerk
Approval of the special meeting minutes.

3. Board and Commissions Appointments - K. Frawley, Town Clerk

During the week of April 4th, Mayor Rennemeyer and Town Board Member Cline conducted Board and Commission interviews for vacant seats on the Windsor Housing Authority, Historic Preservation Commission, Board of Adjustment/Appeals, Park, Recreation, and Culture Advisory Board, and the Water and Sewer Board.

4. Resolution No. 2023-12 - A Resolution of the Windsor Town Board Approving the Accessioning of Items to the Town of Windsor Museum Collection - T. Fotsch, Deputy Director of Parks, Recreations, and Culture

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 theses recommended actions and has recommended accessioning via Resolution PRC 2023-12.

Museum collection items are only accessioned or remain in the collection when they fit the following criteria:

- Object illustrates unique Windsor heritage as specified in mission statement.
- Known provenance.
- Object displays rarity as specified in collections criteria
- Collection supports object's interpretive potential for exhibition.
- Condition
- Museum can adequately care for object

All items listed in the accession are items currently in the museums possession, and have been donated to the museum.

5. Resolution No. 2023 - 13 - A Resolution Approving and Adopting an Amendment to an Intergovernmental Agreement Between the Town of Windsor and the Colorado Department of Transportation with Respect to Funding for Improvements to the Intersection of State Highway 257 and Eastman Park Drive. - O. Herrera, Deputy Director of Engineering

In the later part of 2018, staff negotiated an intergovernmental agreement (IGA) with the Colorado Department of Transportation (CDOT) for the construction of public improvements at the intersection of State Highway 257 (SH 257) and Eastman Park Drive.

The original 2018 IGA allowed for a reimbursement up to \$1,000,000 of federal-aided funds to the Town of Windsor to assist in completing the project. The Town hired a consultant to begin design work in 2019. Due to the complex nature of navigating the requirements that come with a federally aided project, the design work continued into 2020.

In 2020, CDOT informed staff that they planned on resurfacing SH 257 starting in 2022 thru 2023 in the vicinity of the SH 257 and Eastman Park Drive intersection

improvements. In an effort to consolidate resources, CDOT approached Town staff about the idea of incorporating a portion of CDOT's SH 257 resurfacing project into the Town's intersection project. The Town originally planned on repaving the intersection with asphalt. However, CDOT had the intention to resurface the intersection with concrete paving due to failing road subgrades.

This discovery led to Amendment #1 of the IGA, which accounts for \$1,270,842 of additional State Funds. Those additional State funds helped pay for the conversion of materials going from asphalt to concrete paving, the Town's redesign efforts and signal upgrades at the intersection.

In 2021, a second Amendment to the IGA was approved to account for a reallocation in Federal Funds. The original \$1,000,000 was reallocated by CDOT from (Surface Transportation Block Grant) STBG Funds to Federal Stimulus Funds. In addition, \$1,125,175 of CDOT Funds were reallocated to Federal Resurfacing Funds. These Federal Funds totaling \$2,125,175 and \$145,658 of State Funds will remain eligible for reimbursement to the Town of Windsor upon construction of improvements at SH 257 and Eastman Park Dr. Intersection.

Now in 2023, a third Amendment to the IGA is necessary to account for additional funding awarded to the project for construction in 2023. The Amendment #3 reflects new federal Surface Transportation Block Grant (STBG) Funds awarded in the amount of \$2,059,427.00. The awarded amount is \$1,705,000.00 federal funds and \$354,427.00 Local Agency match funds. The modification includes an additional \$178,335.00 increased Local Agency resurfacing funds.

6. Resolution No. 2023-05 - A Resolution Approving a Larimer County Intergovernmental Agreement for Disaster-Emergency Mutual Aid and Disaster-Emergency Funding Assistance - B. Ball, Emergency Management Coordinator

In 2005 the Colorado State Office of Emergency Management attempted to engage 56 counties and several other jurisdictions in a statewide IGA. At that time the Town of Windsor signed onto that agreement. Since last summer I have attempted to determine what other jurisdictions were signed onto that agreement. We did not seem to have a copy in record.

The State Department of Homeland Security and Emergency Management who not only was re-branded but also moved their physical location since 2005 finally advised me that they could not locate the copies in their files either. I was advised by the state that the effort of a statewide IGA was determined to be overwhelming and was left to wither without follow up.

Larimer County Office of Emergency Management picked up the slack in their county and has drafted an IGA for Larimer County and the respective jurisdictions within it. This IGA will streamline the process and will save the Town of Windsor from having to engage with, draft and sign IGA's with individual jurisdictions.

Windsor's Interim Town Attorney worked with the county to finalize the document.

This document helps to address one part of the goals set for Windsor's Office of Emergency Management last year in updating our Memorandums of Understanding, Mutual Aid Agreements, and Intergovernmental Agreements. The work continues and I would like to thank Kim Emil who has helped in this process by drafting new MOU's with private partners advising and fulfilling the commitment.

7. Report of Bills for March 2023 - 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, Barry Wilson, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

C. BOARD ACTION

1. Ordinance No. 2023- 1675 - An Ordinance Repealing, Amending, and Readopting Chapter 17, Article 15 of the Windsor Municipal Code with Respect to Road Impact Fees

Ordinance No. 2001-1092 adopted the first Road Impact Fee structure. The Code requires a periodic review of the fee structure, basis, and cost models to assure that the Road Impact fee comport with legal requirements and the current costs of capital construction. Staff began this review in the summer of 2022 and have prepared the attached report.

The Town Board has reviewed and been updated on the progress of this effort in July and August of 2022 and in March, 2023. The information and proposed fees have been sent out to the development community for review and comment and we received three letters of comments. Staff met to discuss the comments and it resulted in no changes to the proposed fee structure. Considering the high inflationary environment of the construction industry, it is considered prudent to adjust the fee structure to keep up with rising costs. It is noted that the review of the fees is conducted on a yearly basis and adjustments will be made based on current construction costs at the time.

The comment letter from Water Valley was the most significant and the Town's response is attached. One comment regarded adding a new category for senior housing. The third comment stated that this was a tax and not a fee and also discussed affordable housing.

The fees are proposed to take effect on June 1, 2023 in an effort to allow the development community adjust to the higher costs for upcoming development projects. Development projects currently in the system will pay the road impact fee that was in effect at the time of submittal.

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

Town Board Member Hallett moved to approve Ordinance No. 2023-1675, 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, Ron Steinbach; Nays - None; Motion Passed.

2. Ordinance No. 2023-1676 - An Ordinance Repealing and Replacing Article II, Chapter 6, of the Windsor Municipal Code Concerning Special Event Liquor Permits, Creating Article VI Concerning Festival Permits and Creating Article VII Concerning Communal Outdoor Dining in the Town of Windsor, Colorado

Before you tonight is the first of two ordinances separating special event liquor related permits from those that do not involve alcohol. Special Event Permits involving any activity are currently housed in Chapter 6, Article II of our Windsor Municipal Code. This is placed directly under Article I governing Alcoholic Beverages. Over time and as the requests for special events increased, some confusion occurred between permitting activities as opposed to permitting liquor related special events, which resulted in some permit modifications to a liquor related event being approved by the wrong department.

The separation of the types of permits as proposed, by removing anything non-alcohol related to Chapter 11, that governs Streets, Sidewalks and Public Property, and creating a new Article for non-alcohol related events, should aid in avoiding the confusion and improper permissions that have occurred in the past.

Town Board Member Hallett moved to approve Ordinance No. 2023-1676, Town Board Member Steinbach seconded the motion. Roll call on the vote resulted as follows; Yeas - Paul Rennemeyer, Barry Wilson, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

3. Ordinance No. 2023- 1677 - An Ordinance Amending Chapter 11 of the Windsor Municipal Code, by Creating Article XI Concerning Special Activity Permits (Non-Alcohol Or Non-Liquor Related) in the Town of Windsor, Colorado

The purpose behind the two ordinances before you tonight is to separate out liquor related events from non-liquor related events. The approval of the Special Event Liquor Permit and Special Activity Permit Ordinances, will codify the current practice, and clean up the misunderstandings that have occurred by having all special event permits controlled under the Liquor Code.

Town Board Member Hallett moved to approve Ordinance No. 2023-1677, 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, Ron Steinbach; Nays - None; Motion Passed.

4. Resolution No. 2023 -14 - A Resolution of the Town of Windsor in Opposition to Statewide Land Use and Zoning Preemptions in Senate Bill 23-213

Senate Bill 23-213 was recently introduced in the legislature, and according to Kevin Bommer at CML, it is "the most sweeping attempt in recent Colorado history to remove local control and home rule authority from elected leaders, professional planning staff, and the people of Colorado." You'll note in the attached resolution opposing this bill that the analysis of CML and our own internal assessment is that this bill would result in poor planning, the lack of community input, parking issues, infrastructure issues, etc. However, it is very unlikely to result in more affordable housing.

Town Board Member Hallett moved to approve Resolution No. 2023-14, 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,

Ron Steinbach; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney

2. Communications from Town Staff

a. Monthly Key Performance Indicators Report

In late February, Town staff presented the proposed Key Performance Indicators (KPI's) to the Town Board. You may recall that this effort came out of the strategic plan as a means to track performance in areas within the plan. At that meeting, staff stated that we would begin monthly reporting on the KPI's in April, and highlight a few of the KPI's in the memo.

b. Windsor North Campus Update

The infrastructure design team has been making steady progress on the Windsor North Campus (WNC) phase one construction plans. Town staff has hosted several stakeholder coordination meetings with the Windsor Police Facility (WPF) and Windsor Middle School (WMS) design teams to ensure all projects move forward in a comprehensive manner.

3. Communications from Town Manager

a. Monthly Board Report - Focus Area Updates

1. Strategic Growth

Staff from Open Space and IT are working diligently on proposed policies, a scoring rubric, and the creation of a property evaluation map. We held an initial presentation with the leadership team on 3.16.23 and will work to refine everything for a follow-up in April. Once complete, staff will meet with Town Board to finalize how we intend to evaluate and acquire open space.

2. Sustainable Infrastructure

Senior Ride Program: Staff met with the 60+ Ride group. The Town will begin promoting its program in our Activity Guide, link on our website, and through social media. They have established over 42 riders from Windsor and they have 16 volunteer drivers for the program. They have secured an accessible van that can only be used outside of the Greeley/Evans community. 60+ would like to request funding from the Town Board for 2024. Staff would like to start transitioning our Senior Ride program to the 60+ program over the next year.

3. Vibrant and Healthy Economy

Staff is working on improvements to the alleyway adjacent to the tattoo parlor on the south side of Main St. This will aid in the ability of pedestrians who utilize the shared parking in the 400 block of Downtown to safely access the sidewalks on Main St. Additionally, new parking lots are scheduled to begin construction on or

about April 15th. When complete, these areas will not only provide additional parking but aid in pedestrian safety and access downtown.

4. Communications from Town Board

E. EXECUTIVE SESSION

1. An Executive Session Pursuant to C.R.S. § 24-6-402 (e)(I) for the Purpose of Determining Positions Relative to Matters that may be Subject to Negotiations with Employees or Employee Organizations; Developing Strategy for and Receiving Reports on the Progress of Such Negotiations; and Instructing Negotiators - Selecting the New Town Attorney

Town Board Member Hallett moved to enter into an executive session pursuant to C.R.S. § 24-6-402 (e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations with employees or employee organizations; developing strategy for and receiving reports on the progress of such negotiations; and instructing negotiators - selecting the new town attorney, 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, Ron Steinbach; Nays - None; Motion Passed.

The Town Board entered into an Executive Session at 8:45 p.m.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 9:24 p.m.

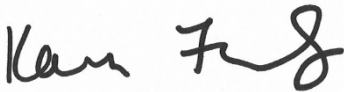
The Executive Session was closed and the Town Board returned to the Regular Meeting.

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 9:24 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, Ken Bennett, Julie Cline, Victor Tallon, Jason Hallett, Ron Steinbach; Nays - None; Motion Passed.

Upon a motion duly made, the meeting was adjourned at 9:25 p.m.



Karen Frawley, Town Clerk