



TOWN BOARD REGULAR MEETING
January 13, 2020 - 7:00 PM
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:03 p.m.

1. Roll call

Mayor Kristie Melendez
Mayor Pro Tem Ken Bennett
Myles Baker
Barry Wilson - ABSENT
Paul Rennemeyer
Tom Jones
David Sislowski - ABSENT

Also Present:

Shane Hale, Town Manager
Ian McCargar, Town Attorney
Rick Klimek, Chief of Police
Aaron Lopez, Commander
Kim Emil, Town Prosecutor/Assistant Town Attorney
Dean Moyer, Director of Finance
Jess Humphries, Administrative Services Director
John Thornhill, Community Development Director
Krystal Eucker, Town Clerk

2. Pledge of Allegiance

Town Board Member Baker led 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 Rennemeyer moved to approve the agenda as presented, Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer; Motion Passed.

4. Proclamation

- School Choice Week

Mayor Melendez read the School Choice Week Proclamation.

5. Board Liaison Reports

- Town Board Member Baker - Tree Board, Historic Preservation Commission
Town Board Member Baker had no update.
- Town Board Member Wilson - Parks, Recreation and Culture Advisory Board; Poudre River Trail Corridor

Town Board Member Wilson; no report, absent.

- Mayor Pro Tem Bennett - Water and Sewer Board

Mayor Pro Tem Bennett reported the Water and Sewer Board reviewed the wastewater utility plan. There was also an update on the MS4 permit process. There will be a seminar hosted by the Water and Sewer Board along with the CSU Extension Office April 4, 11 and 18th at the CRC that will assist new homeowners on lawns, trees and water wise landscaping.

- Town Board Member Rennemeyer - Chamber of Commerce

Town Board Member Rennemeyer reported the Chamber heard from Mr. Seegmiller, the superintendent of the school district and reviewed the expansion needs of the district. The school district is adding the equivalent of a new elementary school every school year.

The Chamber also has five new Board Members that are serving three year terms; David Thompson of UC Health, Jamie Chavez of Toast Coffee and Wine Bar, Michael Short with Short and Associates, Cyn French with Windsor Charter Academy and Cameron Banninga with Wick and Trautwein.

The Chamber will be partnering with the Women League of Voter and the Clearview Library District to hold a joint candidate forum on March 17th from 5:30 - 7:00.

- Town Board Member Jones - Windsor Housing Authority; Great Western Trail Authority

Town Board Member Jones reported the Windsor Housing Authority had discussion in December regarding the tax credit financing application.

Dr. Jones reported the Great Western Trail Authority entered into negotiations with a property owner regarding the property line dispute.

- Town Board Member Sislowski - Clearview Library Board; Planning Commission

Town Board Member Sislowski; no report, absent.

- Mayor Melendez - Downtown Development Authority; North Front Range/MPO

Mayor Melendez reported she attended a meeting in Washington D.C and she was able to speak with many departments there. The VanGo Program had the same number of vans and the same number of riders at the beginning of the year as they did at the end of the year; the program has saved approximate 4 million extra miles on the roadways in terms of individual lane traffic miles. The MPO approved \$250,000 to a rail/commuter study. A \$600,000 expenditure was passed for the One Call-One Click program.

An MPO Special Meeting is scheduled for January 16, 2020 at the CRC; 57 projects around the region will be prioritized.

6. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the November 25, 2019 Regular Town Board Meeting - K. Eucker

2. Youth Advisory Board Appointments - K. Eucker

3. Resolution No. 2020-02 - A Resolution Accepting a Permanent Public Utility Easement for Harmony Gardens Annexation - D. Blair

Town Board Member Rennemeyer moved to approve the consent calendar as presented, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer; Motion Passed.

C. BOARD ACTION

1. Ordinance No. 2019-1599 - An Ordinance Fixing the Compensation of the Municipal Court Judge and Municipal Court Clerk for the Town of Windsor in Compliance with Sections 13-10-107 and 13-10-108, C.R.S., and Section 2-4-90 of the Windsor Municipal Code

Per Ms. Emil, Ordinance 2019-1599 is set for second reading this evening. There have been no changes since the first reading.

The statutes governing qualified municipal courts of record require that the compensation of the Municipal Judge and Office of the Municipal Court Clerk be set by ordinance. This requirement has also been incorporated into the Town's Municipal Code. The Town Board has previously approved the 2020 Annual Budget, within which compensation for the Municipal Judge and Municipal Court Clerk's Office has been fixed. However, in order to comply with the requirements of state law and the Code, an Ordinance approving those appropriations is required.

The attached Ordinance Fixing the Compensation of the Municipal Court Judge and Municipal Court Clerk incorporates the appropriations for these offices from the 2020 Annual Budget, thus satisfying the requirements of law.

Ms. Melendez opened the meeting up for public comment to which there was none.

Mayor Pro Tem Bennett moved to approve Ordinance 2019-1599, Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer; Motion Passed.

2. Ordinance No. 2019-1600 - An Ordinance Repealing, Amending and Readopting Portions of Article III of Chapter 13 of the Windsor Municipal Code With Respect to Stormwater Basin Fees Imposed by the Town's Stormwater Drainage Utility Enterprise

Per Ms. Humphries, Ordinance 2019-1600 is set for second reading this evening. There have been no changes since the first reading.

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.

Ms. Melendez opened the meeting for public comment to which there was none.

Town Board Member Rennemeyer moved to approve Ordinance 2019-1600, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer; Motion Passed.

3. Resolution No. 2020-01 - A Resolution Approving a Purchase Agreement by, Between and Among the Town of Windsor, Town of Severance, Town of Eaton, Fort Collins-Loveland Water District and SPABS, LLC, for the Sale and Acquisition of Real Property

Per. Mr. McCargar, the Town of Windsor has partnered with the Town of Severance, Town of

Eaton and Fort Collins-Loveland Water District to acquire land for a future water treatment plant.

The property is part of a larger parcel owned by SPABS, LLC, and is located generally at the southeast corner of Colorado Boulevard (County Line Road) and Weld County Road 90 in unincorporated Weld County.

The attached Purchase Agreement contains a series of steps before closing to assure two primary purposes are met:

1. Identification of a specific surveyed parcel of no more than 150 acres, acceptable to both the Seller and Anheuser Busch (holder of a farm lease on the property); and
2. Site testing to be sure the selected parcel is geologically and environmentally suitable for the anticipated 10 mgd treatment facility.

The first step will be approval of the Agreement by all four purchasing entities, followed by execution and delivery of the agreed \$40,000 earnest money deposit. From there, the terms of the Agreement drive the remaining steps to closing.

The Agreement leaves the purchasing entities an exit if the identified parcel is rejected by the seller or Anheuser Busch, or if we are unable to resolve concerns with the condition of the property (including geotechnical matters).

The funds for the Town's one-quarter share of this acquisition were approved through a separate IGA with the other purchasing entities a year ago.

Ms. Melendez inquired as to how soon the other parties in the agreement will be approving their portions and how soon after that will the closing take place.

Mr. McCargar stated he believed within two weeks all the signatures should be completed and then the earnest money of \$40,000 will be deposited. Once the earnest money is deposited, the surveyors will go out and then the geotechnical assessment. It is estimated that closing will take place before June.

Ms. Melendez inquired if the property is closed on but no treatment plant is constructed, what would happen.

Mr. McCargar stated if the parties do not build, the property will be placed back on the market and sold.

Ms. Melendez inquired if any party at any time can pull out of the agreement.

Per Mr. McCargar; yes.

Dr. Jones inquired that once the property is closed on, there is no control of the property by anyone else.

Per Mr. McCargar; that is correct.

Town Board Member Rennemeyer moved to approve Resolution 2020-01, Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer; Motion Passed.

4. Finance Report November 2019

Mr. Moyer gave a brief overview of the November 2019 financial report that was included in packet material.

D. COMMUNICATIONS

1. Communications from Town Attorney

Mr. McCargar informed the Board of that Ms. Rachel Landsgaard is an intern with the Town Attorney's Office from Colorado State University and she will be with Windsor

through the spring semester.

Mr. McCargar gave a reminder of the executive session this evening.

2. Communications from Town Staff

Chief Klimek informed the Board of the promotional ceremony at the National Guard Rediness Center on January 15th.

3. Communications from Town Manager

Mr. Hale stated public works will have their kick off meeting tomorrow for their strategic plan.

4. Communications from Town Board

Ms. Melendez gave a reminder of Coffee with the Mayor on January 18, 2020 at Coffee House 29; 7:

E. EXECUTIVE SESSION

1. An executive session pursuant to C.R.S. § 24-6-402 (4) (b) to confer with the Town Attorney for the purpose of receiving legal advice on specific legal questions concerning NISP Phase 1 Asset Acquisition Agreement (Ian D. McCargar)
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 NISP Phase 1 Asset Acquisition Agreement (Ian D. McCargar)

Town Board Member Rennemeyer moved to go into executive session pursuant to C.R.S. § 24-6-402 (4) (b) to confer with the Town Attorney for the purpose of receiving legal advice on specific legal questions concerning NISP Phase 1 Asset Acquisition Agreement and 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 NISP Phase 1 Asset Acquisition Agreement., Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer; Motion Passed.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 8:09 p.m.

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

Upon returning to the Regular Meeting, Mayor Melendez 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 8:09 p.m.

F. ADJOURN

Town Board Member Rennemeyer moved to adjourn, Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer; Motion Passed.

The meeting was adjourned at 8:09 p.m.

A handwritten signature in black ink, appearing to read 'Krystal Eucker', written in a cursive style.

Krystal Eucker, Town Clerk