



## TOWN BOARD REGULAR MEETING

November 23, 2020 - 7:00 PM

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

ZOOM: <https://windsorgov.zoom.us/j/99283056766>

OR join by telephone at (888) 788-0099 or (877) 853-5247

Webinar ID: 992 8305 6766

## MINUTES

### A. CALL TO ORDER

Mayor Rennemeyer called the meeting to order at 7:02 p.m.

#### 1. Roll call

Mayor Paul Rennemeyer  
Mayor Pro Tem Ken Bennett  
Scott Charpentier  
Barry Wilson  
Julie Cline  
Victor Tallon  
David Sislowski

Also Present:

Shane Hale, Town Manager  
Ian McCargar, Town Attorney  
Jessica Humphries, Admin Services Director  
Omar Herrera, Engineering Manager  
Kim Emil, Assistant Town Attorney  
Dean Moyer, Finance Director  
Rick Klimek, Police Chief  
Aaron Lopez, Police Commander  
Scott Ballstadt, Director of Planning  
John Thornhill, Community Development Director  
David Eisenbraun, Senior Planner  
Karl Gannon, Budget Analyst  
Stacy Miller, Economic Development Director  
McKenzie Payne, Visual Media Coordinator  
Karen Frawley, Town Clerk

#### 2. Pledge of Allegiance

Mayor Rennemeyer asked that all rise for 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 Sislowski moved to approve the agenda as presented, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.**

#### 4. Board Liaison Reports

- Town Board Member Charpentier - Chamber of Commerce, Clearview Library Board

Town Board Member Charpentier reported that there is currently no update from the Library Board.

Town Board Member Charpentier reported that there are a lot of open houses going on as well as a grand opening, annual business awards will be handed out virtually this year. The Board of Directors will be moving from ten to twelve seats and currently have five

vacancies.

- Town Board Member Wilson - Planning Commission, Larimer County Behavioral Health Policy Council

Town Board Member Wilson reported that the most recent meeting the Planning Commission had was dedicated to the land use code update.

Town Board Member Wilson reported that he will have an update on the Larimer County Behavioral Health Policy Council at the next meeting.

- Mayor Pro Tem Bennett – Water and Sewer Board, 34, and I-25 Coalition's

Mayor Pro Tem Bennett reported that the Water and Sewer Board met last Wednesday morning; they spent a couple of hours going through the sewer study and did recommend approval. Several members of the Water and Sewer Board brought up the need to have a really good explanation of the ratio of what portion of roads are being paid for by new residents and new businesses.

Mayor Pro Tem Bennett reported that the 34 Coalition will meet next Thursday evening before the MPO meeting. On the agenda is updated information from CDOT with accident statistics on the 34 Corridor which is used to prioritize the next improvements. Also, on the agenda, will be updates to the US 34 intersections at both 35th and 47th Avenues in Greeley.

- Town Board Member Cline – Tree Board, Poudre River Trail Corridor Authority, Historic Preservation Commission

Town Board Member Cline reported that the Historic Preservation Commission will not meet until January.

Town Board Member Cline reported that the Tree Board will meet tomorrow for the monthly meeting and will have an update at the next meeting.

Town Board Member Cline reported that the Poudre River Trail Corridor Authority met on November 12<sup>th</sup>. Some topics discussed were the creation of newly created subcommittees mission statements, the Windsor resident board position vacancy, review of the job description of the trail manager position and verifying if the position is actually a trail manager or a trail director position. The Poudre Partnership Experience subcommittee is the marketing arm of the Poudre River Trail Corridor and is working with the Trail Manager for the newsletter as well as enhancing the current quarterly newsletter. However, they may be looking at moving it to monthly publication.

- Town Board Member Tallon - Parks, Recreation and Culture Advisory Board, Great Western Trail Authority

Town Board Member Tallon reported that the Park, Recreation and Culture Advisory Board will not meet until February.

Town Board Member Tallon reported that there is no update from the Great Western Trail Authority since the last meeting.

- Town Board Member Sislowski - Windsor Housing Authority, Windsor Severance Fire District

Town Board Member Sislowski reported that the Fire District met on November 12<sup>th</sup>. The meeting began with a financial report; the main observation is that they are still a little bit lagging for the year on tax collection primarily due to the collection of property taxes from oil and gas operators. There was a presentation on options for funding the new fire station and are still in the early stages of considering various options for financing.

Windsor Housing Authority meeting was held November 17th and discussed the waitlist for the various housing units. There was also a call regarding financing for the new Golden Meadows project. A large part of the financing is based on tax credits that are given through the federal government. Those tax credits are usually sold into the market which generate dollars to assist financing for the project construction. Tax credits pricing currently has gone down with not as many places needing the tax credits but there is a sense that with the election, tax credits will become suddenly in demand again going into next year. There is still a projected shortfall in funding for the entire project. The Housing Authority is drafting a RFP request for a new housing study to be conducted and is asking the Town to participate in the cost of the study. The Housing Authority currently has two open positions on the board.

- Mayor Rennemeyer - Downtown Development Authority, North Front Range MPO

Mayor Rennemeyer reported that there is no update from the Front Range MPO since the last meeting.

Mayor Rennemeyer reported that the Wine and Chocolate Walk being put on by the Chamber of Commerce is being postponed until later in the Spring or early Summer. The Downtown Development Authority had a presentation at the last meeting regarding the ideas for the Back Lots. In addition, the DDA's budget was approved with recommendation that it be approved by the Town Board. In regards to the Downtown holiday shopping challenge, Mayor Rennemeyer put out a social media video challenging everyone to spend at least \$50.00 downtown and it has generated several hits.

5. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the October 5, 2020 Town Board Special Meeting - K. Frawley, Town Clerk
2. Minutes of the October 26, 2020 Town Board Regular Meeting - K. Frawley, Town Clerk
3. Resolution No. 2020-86 - A Resolution Pursuant To Section 8.1 (A) Of The Windsor Home Rule Charter Reaffirming The Appointment Of Shane Hale As Windsor Town Manager and Amending The Terms and Conditions Of His Employment - I. McCargar, Town Attorney  
In accordance with the requirements of the Home Rule Charter, this Resolution presents the reappointment of Shane Hale to serve as Town Manager in 2021. This Resolution follows instructions given during the Town Manager's annual performance review conducted on November 23, 2020.  
  
Mr. Hale's 2018 employment agreement is attached for reference. Amendments have been made and memorialized in official Town Board action.
4. Resolution No. 2020-87 - 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 Amending The Terms Of Representation - I. McCargar, Town Attorney

This Resolution places the re-appointment of Town Attorney Ian D. McCargar before the Town Board.

The Home Rule Charter requires the annual review of the Town Attorney's performance. The performance review took place on November 16, 2020. The attached Resolution follow instructions given during the annual performance review.

Mr. McCargar's terms of representation were approved in December, 2013, and have been amended from time to time since. The approved 2013 engagement letter is attached for

reference.

5. Resolution No. 2020-88 - A Resolution Approving the Second Amendment to the Agreement with SAFEbuilt Colorado, LLC for Building Inspection Services Provided to the Town of Windsor - S. Ballstadt, Planning Director

The Town's agreement with SAFEbuilt provides for plan review and building inspection services and, in years when no changes are proposed, it is administratively renewed. The enclosed agreement is identical to that which was previously approved with the exception of updated language to formally document the additional Permit Technician services that SAFEbuilt recently began providing at no additional cost to the Town.

A Permit Technician from SAFEbuilt previously spent two days per week in Town Hall assisting with intake, processing and issuance of residential building permits. Given the volume of Windsor building activity, SAFEbuilt is now providing a full-time Permit Technician that is a SAFEbuilt employee to assist the Town's in-house Technician five days per week.

Both Technicians are currently working remotely during COVID and the majority of building permits are now submitted online. Temporary Town Hall work stations for both Technicians have been established in the Community Development office of Town Hall, and permanent work stations are being planned in the remodel project

Key among the benefits of SAFEbuilt's service is the fact that, during times of high building activity such as the current level of activity, SAFEbuilt is able to utilize staff and other resources from their offices around the Front Range to ensure that building permit review and inspection timeframes do not suffer.

Staff is working with SAFEbuilt to schedule time with Town Board in early 2021 to present their annual report and results of the audits that they are currently conducting.

6. Resolution No. 2020-89 - A Resolution of the Town Board of the Town of Windsor, Colorado, Approving the 2021 Windsor Downtown Development Authority Budget; Making Annual Appropriations for the Windsor Downtown Development Authority for the Fiscal Year Ending December 31, 2021; and Fixing the Mill Levy for the Windsor Downtown Development Authority District for the Fiscal Year Ending December 31, 2021 - D. Moyer, Finance Director
  7. Resolution No. 2020-90 - A Resolution Approving The 2021 Operating Plan and 2021 Budget For The Future Legends Sports Park Business Improvement District - I. McCargar, Town Attorney
- Representatives of the Future Legends Business Improvement District have requested approval of its 2021 Budget and Operations Plan. The details have been presented at this evening's Work Session.

Colorado law provides that the Town Board shall review and approve business improvement district budgets and operations plans on an annual basis on or before December 5 of each year.

**Town Board Member Tallon moved to approve the consent calendar as presented, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.**

C. BOARD ACTION

1. Ordinance No. 2020-1617 - An Ordinance Approving the First Amendment to the Amended Service Plan for the Great Western Metropolitan District Nos. 1-7

The Great Western Metropolitan District No.'s 1-7 is requesting approval of a service plan

amendment to allow refunding (refinance) of bonds issued in 2009 through 2012. The new bonds would have a maturity date that extends beyond the 30-year limitation set forth in the existing Service Plan. Although it could be argued that the existing Service Plan could be read to allow this refunding without a formal amendment, counsel have determined that this approach will satisfy the requirements of bond counsel.

A legislative public hearing has been conducted as required by statute.

District General Counsel David O'Leary will be on-hand to walk Town Board through the proposed amendment, and Town Special Counsel. The materials previously submitted are attached.

Per Mr. McCargar, there have been no changes since the first reading of this ordinance.

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

**Town Board Member Sislowski moved to approve Ordinance No. 2020-1617, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.**

2. Ordinance No. 2020-2018 - An Ordinance Amending Section 8-2-10 of the Windsor Municipal Code Regarding Parking of Certain Vehicles in Specified Areas (second reading)

Opportunities for improvement to the Town of Windsor Municipal Code Section 8-2-10 have been identified by the Windsor Police Department and Town of Windsor Legal staff, concerning the parking of recreational vehicles and trailers. As currently written, this section of the ordinance is somewhat vague regarding the application of the timeframes. This ordinance expands the timeframes from 24 hours to 48 hours, specifying the period of time separating each 48-hour period.

By more clearly defining the permitted timeframes and including a specified break between the timeframes permitted, the ordinance will better meet its intended purpose and limit the opportunities for abuse.

Per Mr. Lopez, this is the ordinance modification to update the parking timeframe permitted from twenty-four to forty-eight hours and there have been no changes since the first reading of this ordinance

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

**Town Board Member Wilson moved to approve Ordinance No. 2020-2018 as presented, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.**

3. Ordinance No. 2020-1619 - An Ordinance Authorizing The Renewal Of The Existing Cable Franchise Agreement Held By Comcast Cable Communications, LLC, Locally Known As Comcast; And Authorizing The Mayor And Town Clerk To Execute The Cable Franchise Agreement On Behalf Of The Town

This Ordinance approves and adopts the 2020 renewal of the Town's Cable Television Franchise Agreement with Comcast Cable Communications, LLC ("Comcast"). The renewal captures a number of Town priorities, including high-definition governmental broadcast channel capability, improved service commitments for new development and compliance with federal regulatory changes that occurred in 2020.

Town Board appointed Kissinger & Fellman, the leading utilities law firm in Colorado, to represent the Town in these negotiations. Brandon Dittman has been the primary negotiator for the Town, and will be present to review the agreement with you, and to answer any questions you may have.

Per Mr. Dittman, cable franchise renewals are governed by federal law. Under federal law, the cable franchise provider is presumed to have a renewal. There is a period of formal negotiations where there is negotiation for the cable needs of the community. The cable franchise cannot directly deal with internet service and is only for cable television service. The negotiations began almost two years ago, however there was numerous changes in federal law recently that delayed the process. Some of the major changes to the agreement include that this is a ten-year renewal, that it will preserve the maximum permitted revenue to the Town which is five percent of Comcast's gross revenue off cable services, the ability to obtain an HD cable channel for the Town's use, and lowered the density required to connect to Comcast service without charge.

Mayor Rennemeyer asked when the franchise agreement go into effect if approved. Mr. Dittman responded that since it is an ordinance, it would go into effect thirty days after approval and publication of the second reading.

Mayor Pro Tem Bennett asked for more clarification on the lowering of the number of customers required for service from forty to thirty-five. Mr. Dittman responded that it sets a standard by which Comcast will connect to residences when there is a certain density per mile of cable plant. In the Town's original franchise agreement, that number was forty residences per mile of cable plant and through negotiations, it was lowered down to thirty-five, making it to where lower density areas can be connected to the Comcast system without paying any sort of capital costs.

**Mayor Pro Tem Bennett moved to approve Ordinance No. 2020-1619, Town Board Member Sislowski seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.**

4. Public Hearing: 2021 Budget

**Town Board Member Sislowski moved to open the public hearing, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.**

Per Mr. Moyer, tonight is the public hearing on the 2021 budget adoption. Staff planned on starting this year with roughly \$107 million in fund balance, planned to collect \$73 million in revenue, expend roughly \$86 million, leaving us with roughly \$93.7 million as it stands now. Forty-three percent of the 2021 budget is scheduled for capital projects in 2021; there are still quite a few capital projects where the funding is still being worked out.

Town Board Member Cline commented that she wanted to make sure that it was understood that due to no column headers on that page, it looks like the Town is hiring seventeen custodial positions and if someone looked at it, they would think that it was not the classification but that the Town is hiring to fill those positions. Mr. Moyer stated that number is actually the number to the fund that would pay these positions.

Mayor Rennemeyer thanked all staff involved for their work on the budget process.

**Town Board Member Sislowski moved to close the public hearing, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.**

5. Resolution No. 2020-91 - A Resolution Summarizing Expenditures and Revenues for Each Fund, and Adopting a Budget for the Town of Windsor, Colorado, for the Calendar Year Beginning on the First Day of January, 2021 and ending on the last day of December 2021, and Appropriating Sums of Money to the various Funds and Spending Agencies, in the amount and for the purpose as set forth below, for the Town of Windsor, Colorado, for the 2021 Budget Year

**Mayor Pro Tem Bennett moved to approve Resolution No. 2020-91, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.**

6. Resolution No. 2020-92 - A Resolution Levying General Property Taxes for the Taxable Year 2020 to help defray the Costs of Government for the Town of Windsor, Colorado, for the 2021 Budget Year, Weld County

**Town Board Member Wilson moved to approve Resolution No. 2020-92 as presented, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.**

7. Resolution No. 2020-93 - A Resolution Levying General Property Taxes for the Taxable Year 2020 to help defray the Costs of Government for the Town of Windsor, Colorado, for the 2021 Budget Year, Larimer County

**Town Board Member Wilson moved to approve Resolution No. 2020-93, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.**

8. Resolution No. 2020-85 - A Resolution Ratifying 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, and Authorizing Town Manager Shane Hale To Take All Steps Necessary For Closing

This Resolution ratifies the Purchase Agreement for the Regional Water Treatment Plant property which was reviewed and approved on January 13, 2020. Due to a disconnection between this office and the Town Clerk's Office, the Resolution was not executed by the Mayor at that time. To satisfy the Title Company's requirements, we need to retroactively formalize approval.

The Purchase Agreement was executed in January, and has been carried through due diligence to the point where closing is scheduled for December 3. The key purpose behind ratification is to give the Title Company assurance that Shane Hale has full authority to sign, deliver and receive everything at closing.

Per Mr. McCargar, this item was before the board a little less than a year ago in January. After extensive discussion, it was approved. The only problem was the resolution in the current packet somehow didn't make it into the packet back in January so it was never executed by the Mayor. The contract however, was executed based on the approvals that took place on the record and have moved forward with due diligence. The Town Manager has kept the Board up-to-date as the contract due diligence has proceeded. December third is the scheduled closing date and staff has completed the survey, completed extensive geo technological inspection of the property, have worked out other terms related to pipelines and other improvements on the property, and are ready to go. This comes before the Board because the title company has asked to make sure that Mr. Hale has the authority from the Board to finalize the contract and close the transaction. This is for the acquisition of about one hundred forty acres North of town at the Northeast corner of Weld County Road 13 and Weld County Road 88 on a piece of property that was identified by an engineering firm to identify suitable sites for a water treatment plant.

**Town Board Member Sislowski moved to approved Resolution No. 2020-85, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.**

#### D. COMMUNICATIONS

1. Communications from Town Attorney

Mr. McCargar expressed his thanks to the Town Board for reappointing him as the Town Attorney. There are two executive sessions on the agenda and reminded the Board to recite the full text from both items in the motion and stated that the order will be reversed from what is listed on the agenda but the order set forth on the agenda is fine for the

motion.

2. Communications from Town Staff
  - a. Windsor Police Department October 2020 Statistical Report
3. Communications from Town Manager

Mr. Hale expressed his gratitude for the Board reappointing him as Town Manager. Mr. Hale and Ms. Miller provided an update on the CARES Act funds.

  - a. CARES ACT Update
4. Communications from Town Board

E. EXECUTIVE SESSION

1. An Executive Session Pursuant to C.R.S. §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 for Certain Economic Development Incentives (Stacy Miller)
2. An Executive Session Pursuant to C.R.S. §24-6-402 (4)(b) to Confer with Special Council Brandon Dittman for the Purposes of Receiving Legal Advice on Specific Legal Questions Concerning Intervention in PUC Tariff Proceedings (Shane Hale, Brandon Dittman)

**Town Board Member Sislowski moved to enter into an executive session pursuant to C.R.S. §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 for certain economic development incentives, as well as to enter into an executive session pursuant to C.R.S. §24-6-402 (4)(b) to confer with special council Brandon Dittman for the purposes of receiving legal advice on specific legal questions concerning intervention in PUC tariff proceedings, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; 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 9:23 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 9:23 p.m.

F. ADJOURN

**Town Board Member Tallon moved to adjourn, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.**

Upon a motion duly made, the meeting was adjourned at 9:23 p.m.



Karen Frawley, Town Clerk