



TOWN BOARD REGULAR MEETING

July 26, 2021 - 7:00 PM

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

Please click this URL to join. <https://windsorgov.zoom.us/j/88611034118>

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Webinar ID:886 1103 4118

MINUTES

A. CALL TO ORDER

Mayor Rennemeyer called the meeting to order at 7:06 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
Jess Humphries, Administrative Services Director
Rick Klimek, Police Chief
Eric Lucas, Public Services Director
John Thornhill, Community Development Director
Kim Emil, Assistant Town Attorney
Stacy Miller, Economic Development Director
Tara Fotsch, Deputy Director of PRC
Aaron Lopez, Police Commander
David Eisenbraun, Senior Planner
Joe Gaona, Information Technology Director
McKenzie Payne, Visual Media Coordinator
Trisha Conway, Deputy Town Clerk

2. Pledge of Allegiance

Mayor Rennemeyer asked Town Board Member Wilson 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 presented, 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.

4. Police Awards

- Presentation of awards for Police - R. Klimek, Police Chief
Present awards to staff for events that have taken place. There are a number of 2020 accomplishments that will be acknowledged. Several interactions that took place in the recent past will also acknowledge the fine work performed by Officers

5. Board Liaison Reports

- Town Board Member Charpentier - Chamber of Commerce, Clearview Library Board
Town Board Member Charpentier reported that the Clearview Library Board has no update to provide as they have not met since the last provided update.
Town Board Member Charpentier reported that the Chamber is averaging three to four events per week right now with new businesses opening up. The Chamber is working on budgeting and events including the Wine Walk.
- Town Board Member Wilson - Planning Commission, Larimer County Behavioral Health Policy Council
Town Board Member Wilson reported that there is no update to provide with the Planning Commission at this time.
Town Board Member Wilson reported that the Larimer County Behavioral Health Policy Council will meet next week and will provide an update at the next meeting.
- Mayor Pro Tem Bennett – Water and Sewer Board, 34, and I-25 Coalition’s
Mayor Pro Tem Bennett reported that there have been no recent meetings so no updates on any boards at this time.
- Town Board Member Cline – Tree Board, Poudre River Trail Corridor Authority, Historic Preservation Commission
Town Board Member Cline reported that the Tree Board's July meeting was cancelled so there is no report.
Town Board Member Cline reported that the Historic Preservation Commission met on July 14th and approved two alteration certificates, one for the Dickey Farmhouse and the other for the Halfway house. They have had someone put together a review on what needed to be updated and ready for those places. They discussed looking into the Poudre Valley Cemetery as a possible historic designation. The cemetery is on private property and partly owned by Martin Lind. There was discussion about revising the Downtown Tour to include a QR code linking historical information on the Poudre River trail.
Town Board Member Cline reported that the Poudre River Trail Corridor Authority has not met but have locked down the date for the Party on the Poudre for September 16th at the Poudre Learning Center from 5:30 to 7:00

p.m. The Poudre Trail placed an ad in the Chambers map that they are having produced which will have a QR code to lead the public to the Poudre Trail.

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

Town Board Member Tallon reported that there are no updates to provide for either board as neither have met since the last update.

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

Town Board Member Sislowski reported that the Fire District has not met since the last meeting so no update at this time.

Town Board Member Sislowski reported that the Housing Authority met on July 20th where there was discussion regarding a resident who had a water leak and caused significant damage in the kitchen area and had to do some repairs that cost around \$11,000.00. While completing repairs, the Authority learned that there was asbestos in the kitchen area. There are seventy-two units in the Century III development and now know they have asbestos which could complicate future remodeling efforts. There are several delinquencies mostly due to COVID and main discussion has been what route to take when the eviction moratorium lifts in August of this year.

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

Mayor Rennemeyer reported that there is not an update from the North Front Range MPO as they have not met since the last provided update.

Mayor Rennemeyer reported that the Downtown Development Authority met and the big news is that the cost of the project for the parking lot at 512 Ash Street has come in higher than expected due to the standards of which the parking lot. It was decided that until there is firm direction from Tribe on the DDA backlots, the Authority made the decision to hold off on the project.

6. Public Invited to be Heard

Mayor Rennemeyer opened the meeting up for public comment.

Joe Plumber of 1105 3rd Street, Windsor, CO 80550 addressed the Board regarding a complaint regarding not receiving a response to an email submitted to Staff regarding a complaint on a damaged sign in the main corridor in Windsor.

B. CONSENT CALENDAR

1. Minutes of the July 12, 2021 Town Board Regular Meeting - K. Frawley, Town Clerk
2. Minutes of the July 15, 2021 Town Board Special Meeting - K. Frawley, Town Clerk

3. Resolution No. 2021-46 - A Resolution Reappointing Carolyn R. Steffl of Dietze & Davis P.C. to Serve as Special District Counsel in Accordance with Section 9.1.G of the Town of Windsor Home Rule Charter - Ian D. McCargar, Town Attorney
Carolyn Steffl, our special district Special Counsel is joining the law firm of Dietze and Davis on August 1, which requires us to enter into new terms of representation with the firm. The formal process is a Town Board Resolution reappointing Ms. Steffl as a member of the new firm, and approving the engagement letter attached.

I have attached some background information for Ms. Steffl and Dietze & Davis for reference. Ms. Steffl will not be attending the meeting, but we expect she will be appearing before Town Board over the coming months on some general matters and a pending service plan amendment.

Town Board Member Charpentier moved to approve the consent calendar 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.

C. BOARD ACTION

1. Resolution 2021-41 - A Resolution Approving the Incentive Agreement for Woodward – Stacy Miller, Director of Economic Development

Economic Development staff began meeting with representatives from Woodard about an expansion at Southgate in Windsor in late 2019. The company is looking to relocate their engineering and product development divisions to the recently acquired 753 Champion Drive. The company already owns the building at 871 Champion Drive located to the west of this building. Their property in Loveland was no longer viable to operate those divisions.

This request is for phase 1 (A&B) of three total phases they have envisioned for their Windsor campus.

Per Ms. Miller, staff is requesting approval of Resolution No. 2021-41 incentive agreement for fee reimbursements of the business expansion at 753 Champion Drive for their engineering and product development divisions.

Discussion ensued between the Board and staff.

Mayor Pro Tem Bennett moved to approve Resolution No. 2021-41, 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.

2. Resolution 2021-42 - A Resolution Initiating Annexation Proceedings for Smith Farm Annexation to the Town of Windsor, Colorado - D. Eisenbraun, Senior Planner; K. Emil, Assistant Town Attorney

The applicant Mr. Martin Lind, represented by Mr. John Meyers, has submitted a petition to annex approximately 114 acres to the Town of Windsor as Residential Mixed Use (RMU) zoned property. The property is located south of the Raindance Subdivision and is identified on the Comprehensive Plan Land Use map as high density estate residential.

In accordance with the Windsor Municipal Code and the Municipal Annexation Act of 1965, this resolution is required in order to initiate annexation proceedings.

Additional Town Board meetings setting public hearing dates and conducting public hearings will be required as a part of the annexation. A neighborhood meeting will also be required, which will include notification to property owners within 500 feet.

Should this resolution to initiate annexation proceedings be approved the applications for a Master Plan and zoning, submitted with the annexation, will be reviewed concurrently with the annexation.

Discussion between the Board and staff ensued.

Town Board Member Tallon moved to approve Resolution No. 2021-42 as presented, 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.

3. Resolution No. 2021-43 - A Resolution Authorizing Changes of Street Names for Four Roads in the Raindance Subdivision, 15th Filing - D. Eisenbraun, Senior Planner

The Raindance Subdivision 15th Filing was approved April 12, 2021. It was subsequently discovered that four of the street names on the approved subdivision plat were not in compliance with the LETA Street Naming agreement or used as a duplicate, resulting in conflict with the street naming protocol adopted under an Intergovernmental Agreement with Larimer County and other municipalities. The street has not yet been constructed so the name change will have limited impact.

Per the attached resolution:

North/ South Winter Glow Drive is changing to: Windfall Drive;

East/ West Winter Glow Drive is changing to: Fire Glow Drive;

Frost Drive is changing to: Crystalline Drive;

Cloud 9 Drive is changing to: Hoedown Drive.

Town Board Member Tallon moved to approve Resolution No. 2021-43 as presented, 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.

4. Resolution No. 2021-44 - A Resolution Setting Hearings for the Weld County Road 13 (WCR 13) Annexation - C. Malone, Chief Planner / K. Emil, Assistant Town Attorney

On May 10, 2021, the Town Board accepted the petition for annexation, initiating annexation proceedings, for a portion of Weld County 13 (WCR 13) bordering the west half of Larimer County Road 1 (LCR 1), adjacent to the Kyger Reservoir property. The purpose of this resolution is to set the annexation hearings, in accordance with the Town's Municipal Code and Colorado Municipal Annexation Act of 1965.

The Town of Windsor annexed the Kyger property that borders State Highway 392 and Colorado Boulevard otherwise known as Larimer County Road 1 ("LCR1")/ Weld County Road 13 ("WCR 13"). The roadway/right-of-way is the subject of this annexation. The Town of Windsor owns the west half of the roadway (LCR 1), which is currently within unincorporated Larimer County. Weld County also has filed a Petition to Annex the east half of the roadway (WCR 13) to the Town.

The subject annexation is Part 2 of a "serial annexation". Part 1 includes the west half of the county line road that borders the Kyger property between Highway 392

and Jacoby Road, which is currently unincorporated Larimer County. Part 2 of the “serial annexation” is the east half of the county line road, situated in unincorporated Weld County. Once both of these annexations occur, the entire county line road from Highway 392 to Jacoby Road, bordering the Kyger property will be in the Town of Windsor Corporate Limits.

CRS 31-12-105(f) states that if a jurisdiction is annexing a portion of a street or alley, the entire width of the roadway must be annexed. Thus, the two annexations must proceed in the order presented, in order to meet the contiguity requirements in CRS 31-12-104 (1)(a), which allows the annexations to be completed simultaneously and considered together for the purposes of the public hearing requirements in sections 31-12-108 and 31-12-109. The following hearing dates are proposed for the annexation:

- September 13, 2021 - Town Board Public Hearing and
- First Reading September 27, 2021 - Town Board Second
- Reading

Town Board Member Wilson moved to approve Resolution No. 2021-44 as presented, 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.

5. Resolution No. 2021-45 - A Resolution Setting Hearings for the Larimer County Road 1 (LCR 1) Annexation - C. Malone, Chief Planner / K. Emil, Assistant Town Attorney

On May 10, 2021, the Town Board accepted the petition for annexation, initiating annexation proceedings, for a portion of Larimer County Road 1 (LCR 1) bordering the Kyger Reservoir property. The purpose of this resolution is to set the annexation hearings, in accordance with the Town’s Municipal Code and Colorado Municipal Annexation Act of 1965.

The Town of Windsor annexed the Kyger property that borders State Highway 392 and Colorado Boulevard otherwise known as Larimer County Road 1 ("LCR1")/ Weld County Road 13 ("WCR13"). The roadway/right-of-way is the subject of this annexation. The Town of Windsor owns the west half of the roadway (LCR 1), which is currently within unincorporated Larimer County. Weld County also has filed a Petition to Annex the east half of the roadway (WCR 13) to the Town and the Town Board also accepted the petition for this annexation on May 10, 2021.

This is Part 1 of a "serial annexation" where the Town is annexing the west half of the county line road that borders the Kyger property between Highway 392 and Jacoby Road, which is currently unincorporated Larimer County. Part 2 of the “serial annexation” is the east half of the county line road, situated in unincorporated Weld County. Once both of these annexations occur, the entire county line road from Highway 392 to Jacoby Road, bordering the Kyger property will be in the Town of Windsor Corporate Limits.

CRS 31-12-105(f) states that if a jurisdiction is annexing a portion of a street or alley, the entire width of the roadway must be annexed. Thus, the two annexations must proceed in the order presented, in order to meet the contiguity requirements in CRS 31-12-104 (1)(a), which allows the annexations to be completed simultaneously and considered together for the purposes of the public hearing requirements in sections 31-12-108 and 31-12-109.

The following hearing dates are proposed for the annexation:

- September 13, 2021 - Town Board Public Hearing and First Reading
- September 27, 2021 - Town Board Second Reading

Town Board Member Wilson moved to approve Resolution No. 2021-45 as presented, 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.

D. COMMUNICATIONS

1. Communications from Town Attorney
Per Mr. McCargar, reminder there will be executive sessions this evening.
2. Communications from Town Staff
 - a. Windsor Police Department June 2021 Statistical Report
3. Communications from Town Manager
Per Mr. Hale, no communications.
4. Communications from Town Board
Mayor Rennemeyer reminded the public about the upcoming Wine Walk hosted by the Chamber on Friday night from 6:00 to 9:00 p.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 municipal broadband.
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 acquisition of real property and water rights.

Town Board Member Sislowski moved to enter into an Executive Session pursuant to Colorado Revised Statutes 24-6-402(4)(b) 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 municipal broadband, and enter into an Executive Session pursuant to Colorado Revised Statutes 24-6-402(4)(e) 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 acquisition of real property and water rights., 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 8:06 p.m.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 10:08 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 10:08 p.m.

F. ADJOURN

Town Board Member Tallon moved to adjourn, Board Member Cline 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 10:08 p.m.

A handwritten signature in blue ink, appearing to read "Karen Frawley". The signature is fluid and cursive, with the first name "Karen" written in a larger, more prominent script than the last name "Frawley".

Karen Frawley, Town Clerk