



TOWN BOARD REGULAR MEETING

September 27, 2021 - 7:00 PM

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

MINUTES

A. CALL TO ORDER

Mayor Pro Tem Bennett called the meeting to order at 7:02 p.m.

1. Roll call

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

Also Present:

Eric Lucas, Public Services Director
Jess Humphries, Administrative Services Director
Ian McCargar, Town Attorney
Rick Klimek, Police Chief
John Thornhill, Community Development Director
Scott Ballstadt, Planning Director
David Eisenbraun, Senior Planner
Carlin Malone, Chief Planner
Paul Schwindler, Deputy Director of Public Services
Kim Emil, Assistant Town Attorney
Dean Moyer, Finance Director
Joe Gaona, Information Technology Manager
McKenzie Payne, Visual Media Coordinator
Karen Frawley, Town Clerk

2. Pledge of Allegiance

Mayor Pro Tem Bennett asked Town Board Member Charpentier 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

Per Mr. McCargar, there are corrections to the agenda to be made. Item C2, C3, C4, C5, and C6 are legislative matters not quasi-judicial and requests an amendment to the agenda with those corrections.

Town Board Member Wilson moved to approve the agenda as amended, Town Board Member Sislowski seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, 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 the Clearview Library Board has not met since last provided update.

Town Board Member Charpentier reported that the Chamber of Commerce is still rocking and is averaging four events a week. The Chamber hosted over thirty teams at its golf tournament fundraiser. The Mayor was on a team that took first place in the tournament.

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

Town Board Member Wilson reported that there are no updates to provide at this time.

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

Mayor Pro Tem Bennett reported that the 34 and I-25 Coalitions have not met and has no update to provide at this time.

Mayor Pro Tem Bennett reported that the Water and Sewer Board had a presentation from members of Greeley about Greeley's water story as well as the Terry Bison Project.

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

Town Board Member Cline reported that the Tree Board will be meeting tomorrow and will provide an update at the next Board Meeting.

Town Board Member Cline reported that the Historic Preservation Commission has not met since the last meeting so there is not update to provide at this time.

Town Board Member Cline reported that the Poudre River Trail Corridor Authority subcommittee has been meeting and putting together items for the Party on the Poudre which will take place on October 20th.

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

Town Board Member Tallon reported that neither board will be meeting until next week so there is not update to provide.

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

Town Board Member Sislowski reported that there is no update for the Fire District.

Town Board Member Sislowski reported that the Windsor Housing Authority held its meeting and the primary topic of discussion was regarding the Golden Meadows development. The development was not approved for the tax incentive financing and the project was put on hold until it was decided how to reapply the next year. In the meantime, the Loveland Housing Authority looked at the financing package with the construction costs going up and the nature of the tax incentive financing believe that in order to be competitive may require a significant redesign. With that, they have decided not to apply for incentive financing this year.

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

Mayor Rennemeyer was absent and did not have an update to provide.

5. Public Invited to be Heard

Mayor Pro Tem Bennett opened the meeting up for public comment. Jay Mendoza with Poudre Valley REA addressed the Board and presented the Town with a capital credit check in the amount of \$11,943.35.

B. CONSENT CALENDAR

1. Minutes of the September 13, 2021 Town Board Regular Meeting - K. Frawley, Town Clerk

Board Member Cline moved to approve the consent calendar with the amendment on page four of the packet, second paragraph, changing the date from October 6th to October 20th., Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Sislowski, Tallon, Wilson; Motion Passed.

C. BOARD ACTION

1. Community Grant Request

Scott Romme, Executive Director of Trident Adaptive Programs Inc., has submitted an application requesting funding under the Community Grant Program for an event they are hosting in Windsor Colorado.

- Precision Sky Dive Team pregame event at the Windsor High School homecoming football game, September 24, 2021.

Board Member Cline moved to approve the community request grant in the amount of \$1,000.00 for Trident Veteran Adaptive Programs, Inc. after a precision jump has been completed, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Sislowski, Tallon, Wilson; Motion Passed.

2. Public Hearing - An Ordinance Approving the Larimer County Road 1-Kyger Annexation to the Town of Windsor - Town of Windsor, Applicant

The applicant, the Town of Windsor, has submitted a petition to annex approximately 3.479 acres to the Town of Windsor and establishing the zoning

district designation of Recreation and Open Lands (ROL). The subject property is located between State Highway (SH) 392 and Jacoby Road, east of Kyger Reservoir.

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

Town Board Member Wilson stated the following, "Mayor Pro Tem Bennett, for the record I would like to point out that in my capacity as a Town Board liaison to the Planning Commission. I was present at the Planning Commission meeting during which this matter and other matters this evening were previously presented. I wish to state that my participation in the Planning Commission proceedings has in no way influenced me in my capacity as a Town Board member this evening. I will make my decision and cast my vote this evening based solely on the evidence presented during this public hearing."

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

3. Ordinance 2021-1632 - An Ordinance Approving the Larimer County Road 1-Kyger Annexation to the Town of Windsor - Town of Windsor, Applicant

Please refer to public hearing item materials.

Town Board Member Wilson moved to approve Ordinance 2021-1632 as presented, Town Board Member Sislowski seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Sislowski, Tallon, Wilson; Motion Passed.

4. Public Hearing - An Ordinance Approving the Weld County Road 13-Kyger Annexation to the Town of Windsor - Weld County, Applicant

The applicant, Weld County, has submitted a petition to annex approximately 1.71 acres to the Town of Windsor and establishing the zoning district designation of Recreation and Open Lands (ROL). The subject property is located between State Highway (SH) 392 and Jacoby Road, east of Kyger Reservoir.

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

Ms. Malone presented on the annexation application.

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

5. Ordinance No. 2021-1633 - An Ordinance Approving the Weld County Road 13-Kyger Annexation to the Town of Windsor - Weld County, Applicant

Please refer to public hearing item materials.

Town Board Member Wilson moved to approve Ordinance No. 2021-1633 as presented, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Sislowski, Tallon, Wilson; Motion Passed.

6. Resolution No. 2021-60 - A Resolution Approving the Weld County Road 13-Kyger Annexation Agreement - K. Emil, Assistant Town Attorney

Town Board Member Sislowski moved to approve Resolution No. 2021-60, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Sislowski, Tallon, Wilson; Motion Passed.

7. Resolution No. 2021-61 – A Resolution Approving a Memorandum of Understanding (“MOU”) for a Proposed Design and Cooperation Concern the Provision of High Speed Fiber Based Communications and Broadband Services

After the last conversation with the Board regarding broadband and exploration of a relationship with ITC Broadband Holdings, LLC dba Highline Internet, staff has worked with Highline Internet to bring forth a memorandum of understanding (“MOU”) between the two parties. The resolution and MOU before the Board tonight are the first steps into formalizing an agreement between the Town of Windsor and Highline Internet for high speed fiber-based communications and broadband services. The MOU affirms each parties interest and intent to develop a FTTP Network within the Town of Windsor. Additionally, it acknowledges that the Town’s level of involvement is dependent upon the outcome of the November coordinated election where the Town has placed ballot issues on both the Larimer and Weld Counties ballots asking citizens if they wish to opt out of the provisions of Senate Bill 152.

Discussion ensued between Town Board Members and staff.

Town Board Member Tallon moved to approve Resolution No. 2021-61 as presented, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Sislowski, Tallon, Wilson; Motion Passed.

8. Ordinance No. 2021-1629 - An Ordinance Providing for Authorization and Administration of Infrastructure Cost Reimbursements, and Making Certain Amendments to the Windsor Municipal Code Regarding Reimbursements to Developers for Infrastructure Costs

Over the last year we have been discussing updates to the Code to address inconsistencies and inefficiencies in our various provisions for reimbursements to developers for infrastructure costs that should be borne by the Town. During two separate work sessions I described how amendments to the Code will bring greater certainty, efficiency and predictability to the Town's role in reimbursing developers

for road, water, sanitary sewer and stormwater drainage over- sizing. The attached Ordinance assures that infrastructure is eligible for reimbursement, authorized for reimbursement in advance by the Town, and is supported by cost analysis in advance.

This Ordinance is unchanged from first reading on September 13.

Mayor Pro Tem Bennett opened the meeting for public comment, to which there was none.

Town Board Member Wilson moved to approve Ordinance No. 2021-1629 as presented, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Sislowski, Tallon, Wilson; Motion Passed.

9. Ordinance No. 2021-1630 - An Ordinance Approving The Amended And Restated Consolidated Service Plan For Greenwald Farms Metropolitan District Nos. 1 & 2, Amended And Restated Service Plan For Tacincala Metropolitan District Nos. 1-5, And Service Plan For Prairie Song Metropolitan District Nos. 8 & 9, Unified Into The Consolidated Service Plan For Prairie Song Metropolitan District Nos. 1-9, And Authorizing The Execution Of An Intergovernmental Agreement Between The Town And The Districts

The Prairie Song Metropolitan Districts No.'s 1-9 are proposed as a consolidation of existing metropolitan districts and creation of new districts to serve development in the portion of the Tacincala Annexation lying west of State Highway 257 and east of Weld County Road 15. Given the size of the land area and plans for its development, the Districts are proposing to finance significant improvements over an extended build-out.

NOTE: the Service Plan has been modified in two key places to address concerns raised at first reading:

Section 20, Meetings, has been revised to require District Board meetings to occur after 5:00 p.m. once any parcel within the District is owned by an end user. This section has also been modified to assure remote meeting options if available.

Section VI.C, second full paragraph, has been modified in two ways: (1) a general requirement that the O&M Mill Levy not exceed what is reasonably necessary for O&M and appropriate reserves, and (2) a 20-mill cap on the O&M Mill Levy, subject to the Maximum Aggregate when added to any Debt Mill Levy.

Mayor Pro Tem Bennett opened the meeting for public comment, to which there was none.

Town Board Member Sislowski moved to approve Ordinance No. 2021-1630, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Sislowski, Tallon, Wilson; Motion Passed.

10. Ordinance No. 2021-1631 Amending Certain Portions of Article II, Chapter 18 of the Windsor Municipal Code Concerning Amendments to the International Residential Code

Windsor has adopted the 2018 International Building Codes with several amendments. The enclosed presentation outlines a few additional amendments that Town Board discussed at the August 9th work session to address additional building safety and quality concerns.

No changes have been made since First Reading.

Mayor Pro Tem Bennett opened the meeting for public comment, to which there was none.

Board Member Cline moved to approve Ordinance No. 2021-1631 as presented, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Sislowski, Tallon, Wilson; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney

Per Mr. McCargar, staff attended the Colorado Municipal League annual conference which was really good and very informative.

2. Communications from Town Staff

a. Windsor Police Department August 2021 Statistical Report

b. Roadway Maintenance Project - Overrun

This summer's roadway improvement project had two roads that required additional work that was not anticipated with the initial design and cost; these roads were Longs Peak Circle & Palomino Way. Both roads were initially constructed as private roads with little to no construction oversight, and recently the Town took over the maintenance and added them to the pavement management data base. Based on what engineering staff saw after milling, these roads were initially constructed on untreated subgrade with no aggregate course base between the asphalt and subgrade. A few weeks before work began this spring, we were experiencing above average rainfall; Staff believes this moisture saturated the subgrade through the cracks in the roadway, which would have been fine with residential traffic, but once the contractor began to mill the roadway, the subgrade failed under the weight of the milling machine and the semi-trucks. The contractor was directed to pulverize the remaining pavement and cement treat the subgrade; this was the quickest, most cost effective option presented to the Town.

c. Town Hall Glycol System Replacement

The HVAC system in Town Hall uses a glycol-based fluid for heat transfer that was installed in 2009 using Schedule 40 PVC pipe. Unfortunately, the pipe used was not the proper type and has become brittle and over the past few years we began to see the system failing

with leaks and significant breaks, especially at the brass fittings and in the basement where large pipe breaks have led to significant repair costs. To mitigate the damage that can be caused by these leaks, the facilities team completes daily detailed inspections of the entire building. These inspections are a substantial time investment of human resources.

d. Urban3 Presentation - Economic MRI of Windsor Follow-up Background Context

Following the Urban3 presentation to Town Board on October 19th 2020 and follow-up discussion January 11, 2021, Town Board budgeted \$38,000 for the analysis as discussed at that work session.

This final presentation from Urban3 will provide some next steps and direction for the Town and recommendations to include in future planning documents such as how to construct the Comprehensive Plan Update in 2022.

3. Communications from Town Manager

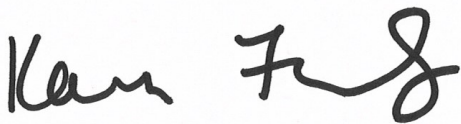
Per Mr. Lucas, acting Town Manager, reminder there is a Capital Improvement Work Session next week as well as the budget retreat the following Saturday from 8:00 a.m. until approximately 2:00 p.m.

4. Communications from Town Board

E. 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, Sislowski, Tallon, Wilson; Motion Passed.

Upon a motion duly made, the meeting was adjourned at 9:00 p.m.



Karen Frawley, Town Clerk