



TOWN BOARD REGULAR MEETING

October 25, 2021 - 7:00 PM
Town Board Chambers,
301 Walnut Street, Windsor, CO 80550

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
Eric Lucas, Public Services Director
Rick Klimek, Police Chief
John Thornhill, Community Development Director
Scott Ballstadt, Planning Director
Kim Emil, Assistant Town Attorney
Dean Moyer, Finance Director
Stacy Miller, Economic Development Director
Tara Fotsch, Deputy Director of PRC
Paul Schwindler, Deputy Director of Public Works
Aaron Lopez, Police Commander
Paul Hornbeck, Senior Planner
Doug Roth, Civil Engineer
McKenzie Paine, Visual Media Coordinator
Karen Frawley, Town Clerk

2. Pledge of Allegiance

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

4. Presentation

- Future Legends Update

Mr. Katofsky provided an update on the Future Legends project to the Board.

5. Board Liaison Reports

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

Town Board Member Charpentier reported that Chamber of Commerce continues to have many open houses as well as hosted its annual Gala over the weekend. The Chamber will hold the Ugly Sweater Wine Walk on November 20th.

Town Board Member Charpentier reported that Clearview Library Board spent the last few weeks interviewing candidates to fill vacancies on the Board.

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

Town Board Member Wilson reported that there are no updates to provide for either board at this meeting.

- 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 Coalition's will meet next week.

Mayor Pro Tem Bennett reported that at the last meeting, the Water and Sewer Board reviewed the data for water and sewer rates as well as the operating budget.

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

Town Board Member Cline reported that there is no update for the Tree Board as they will meet tomorrow.

Town Board Member Cline reported that the Historic Preservation Commission discussed how to get things into the budget and the projects they want to take on. The Commission also discussed plaques and the pricing of the plaques.

Town Board Member Cline reported that Poudre River Trail Corridor Authority held the Party for the Poudre last Wednesday night. There were over one-hundred people in attendance at the event and was a good fundraising event.

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

Town Board Member Tallon reported that there is no update to provide as both boards will meet after the first of the month.

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

Town Board Member Sislowski reported that there is no update to provide from the Windsor Severance Fire District as they have not met since the last provided update.

Town Board Member Sislowski reported that the Windsor Housing Authority has three properties they manage and all are at full capacity without any vacancies. Century III has had some concern with the budget over the year

due to solar panels not producing like normal and not receiving the revenue they typically would. Maintenance is going well, however there is a large tree that will require some extensive work to remove.

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

Mayor Rennemeyer reported that there is no update to provide from the MPO as there has not been a meeting.

Mayor Rennemeyer reported that the Downtown Development Authority reviewed its 2022 work plan and recapped the 2022 budget. There was also an executive session held regarding the 4th Street property.

6. 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 11, 2021 Regular Town Board Meeting - K. Frawley, Town Clerk

2. Resolution # 2021- 64 - A Resolution Approving and Ratifying The Clearview Library District's Interview Committee Selections Filling Library Board Vacancies Pursuant to Section 4 of the District's Bylaws - Ian D. McCargar

In accordance with Clearview Library District's ("Library District") Bylaws, §4.4.2, the protocols for filling District Board vacancies require that the Town Board shall ratify the Interview Committee's selections at their next regularly scheduled meeting.

Town Board Member Sislowski 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. Public Hearing - Conditional Use Permit (CUP) - Central Oceans - CUP to allow a temporary use not specifically included as a use by right in any zone district – Great Western Industrial Park 7th Filing, Lot 5 – Ben Goldwasser, Central Oceans, Applicant

The applicant Mr. Ben Goldwasser of Central Oceans, is requesting an amendment and extension of previously approved Conditional Use Permit (CUP). The previous CUP was approved by Town Board on December 9, 2019 to allow a temporary use not specifically included as a use by right in any zone district, in this case a temporary shipping container storage yard. The property is zoned Heavy Industrial (HI) and is generally surrounded by undeveloped or farm land, with an existing industrial business to the west. There are two farm houses located adjacent to the property, one of which is under the same ownership as the subject property.

The CUP approved in 2019 specified that it was valid for a period of two years and that prior to the end of the two-year term, the applicant could request two separate one-year extensions to be reviewed by the Planning Director. If the Director determined the use to be in conformance with all CUP conditions and other

applicable code requirements, the one-year extensions could be granted administratively by staff.

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

Town Board Member Wilson stated the following, "Mayor Rennemeyer, 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 was 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. This stands for both this and the other public hearing tonight."

Discussion ensued between Town Board and staff.

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

Town Board Member Sislowski moved to close the public hearing, 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.

2. Conditional Use Permit (CUP) - Central Oceans - CUP to allow a temporary use not specifically included as a use by right in any zone district – Great Western Industrial Park 7th Filing, Lot 5 – Ben Goldwasser, Central Oceans, Applicant
Please refer to previous agenda item for discussion and recommendation.

Town Board Member Sislowski moved to approve the Conditional Use Permit as amended and extended, 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.

3. Public Hearing - Final Major Subdivision - Tacincala Subdivision - Pat McMeekin, Hartford Homes, Applicant; Ryan McBreen, Norris Design, applicant's representative

The applicant Mr. Pat McMeekin of Hartford Homes, represented by Mr. Ryan McBreen of Norris Design, has submitted an application for a final major subdivision plat for the Tacincala Subdivision (also known as Prairie Song). A Master Plan for the subject property and larger surrounding area was originally approved in 2006, with a subsequent amendment to a portion of the master plan area in 2011.

Town Board Member Tallon moved to open the public hearing, 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.

Discussion ensued between Town Board and staff.

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

Mayor Pro Tem Bennett 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, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

4. Resolution No. 2021-65 Approving A Final Major Subdivision - Tacincala Subdivision – Pat McMeekin, Hartford Homes, Applicant; Ryan McBreen, Norris Design, applicant's representative

Please refer to previous agenda item for discussion and recommendation.

Mayor Pro Tem Bennett moved to approve Resolution No. 2021-65, 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. Ordinance 2021-1634 - An Ordinance Approving the Ascent Charter School Annexation to the Town of Windsor - GRHH Performance Fort Collins, LLC, and Performance Charter School Fort Collins, LLC, Applicant

The applicant, GRHH Performance Fort Collins, LLC, and Performance Charter School Fort Collins, LLC, Applicant; represented by Mr. Ethan Mansfield, has submitted a petition to annex approximately 16.36 acres to the Town of Windsor and establishing the zoning district designation of Estate Residential (ER). The subject property is located east of LCR 5, one- fourth mile north of LCR 32E.

Mayor Rennemeyer opened the meeting for public comment.

Ryan McBreen from Fort Collins addressed the board regarding his support for the approval of this annexation.

Town Board Member Tallon moved to approve Ordinance No. 2021-1634, 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. 2021-66 --A Resolution Approving the Memorandum of Understanding (“MOU”) for Participation in the State of Colorado Opioids Settlement

The State of Colorado participated in the key litigation against the pharmaceutical companies sued for distributing opioids and leading to the opioid epidemic. The pharmaceutical Big 3 plus Johnson & Johnson have reached a settlement totaling approximately \$26 billion dollars that will be distributed over an 18 year period. In order for the State to receive the maximum share, it will need all of the local governments to participate. The State prepared a Memorandum of Understanding, (“Colorado MOU”), attached hereto, which defines the breakdown of the State’s allocation, and we are required to sign on if we wish to receive any money from these settlements.

Discussion ensued between Town Board and staff.

Town Board Member Wilson moved to approve Resolution No. 2021-66, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

7. Resolution No. 2021-67 -Declaring the Intent of the Town of Windsor, Colorado, to Use Proceeds of Tax-Exempt Enterprise Revenue Bonds to Reimburse Itself for

Certain Capital Expenditures Made to Finance Improvements to the Town's Wastewater System

At the Town Board Work Session on October 18 the Town Board discussed financing options for the expansion of the Waste Water Treatment Plant (WWTP). Finance has worked with representatives of Stifel Public Finance and bond attorneys at Butler Snow to facilitate the financing process. One of the recommendations involved the Town Board adopting a "Reimbursement Resolution" prior to the construction of the project. By adopting such a Resolution, qualifying costs related to the construction of the project which were expended prior to the actual financing being in place are allowed to be "reimbursed" to the Town from the financing proceeds.

Discussion ensued between Town Board and staff.

Town Board Member Sislowski moved to approve Resolution No. 2021-67 as amended by changing the not to exceed reimbursement amount to \$25 million, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

8. Resolution No. 2021-68 In Support of Town of Windsor Referred Ballot Measures 3A Appearing on the November 2, 2021 Coordinated Election Ballot in Larimer and Weld Counties

On August 23, 2021 Town Board adopted a resolution referring to the registered electors of the Town of Windsor asking the voters to opt out of Colorado Senate Bill 05-152.

The Colorado Senate Bill 05-152 (SB 152) is a measure passed by the Colorado Legislature in 2005. SB 152 prohibits the use of municipal or county money for infrastructure to improve broadband service. Local governments are required to secure voter approval before entering into broadband partnerships or business. Without approval, the law limits the ability of Colorado local governments to provide a broad spectrum of services, including:

- free Internet service in community parks and centers;
- direct provision of broadband services by municipal governments where needed.

Discussion ensued between Town Board and staff

Mayor Pro Tem Bennett moved to approve Resolution No. 2021-68, 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.

D. COMMUNICATIONS

1. Communications from Town Attorney

Per Mr. McCargar, he will be out of the office beginning tomorrow and returning on Tuesday, November 2nd. During my absence, Ms. Emil will be holding things down.

2. Communications from Town Staff

Per Mr. Ballstadt, there are two communications in the packet and please direct any questions or comments to staff.

Per Mr. Moyer, long time staff member Debbie Dressel will be retiring on November 5th and there will be an open house from 2-4 on Friday, November 5th at the Community Recreation Center.

Per Commander Lopez, the Police Department will hold a safe Halloween event at the Community Recreation Center on Halloween night. The drug take back event was successful with the Police Department collecting two-hundred sixty-two pounds of drugs.

Per Ms. Miller, spoke about the award that was presented to the Town on Saturday at the Chamber. The award was for the Town Hero Award due to efforts to support the Chamber and Business during the pandemic.

- a. Site Plan Review - Windsor Commons Subdivision 6th (1243 Automation Drive) - Restaurant - P. Hornbeck, Senior Planner

This property was previously site planned as a multitenant retail space and the adjacent units were recently constructed. The subject site plan is generally consistent with the approved site plan but is an updated building design.

Please provide comments no later than Monday, October 25th, 2021.

- b. Site Plan Review - Eagle Crossing Subdivision 11th Filing (4850 Fairgrounds Ave) - Buckingham Multifamily - P. Hornbeck, Senior Planner

Comment Period

The site plan has been reviewed administratively by staff.

Please provide comments no later than October 27, 2021.

- c. Windsor Police Department September 2021 Statistical Report

3. Communications from Town Manager

Per Mr. Hale, last Friday was the service for long time employee Ty Powell and appreciate all of the work and support that went into that event. There was the ribbon cutting for the pedestrian bridge over the Poudre. Tomorrow there will be a meeting with other municipalities to discuss ARPA money. Final reminder that Thursday will be the Weld County Town and County dinner.

4. Communications from Town Board

Town Board Member Cline reported that the Windsor High School wrestling team is having a casino night on November 13th and if anyone is interested in attending, let her know.

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 Certain Economic Development Incentives - Stacy Miller, Director of Economic Development

Town Board Member Sislowski moved to enter into 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 certain economic development incentives, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

Upon a motion duly made, the Town Board entered into an Executive Session at 9:16 p.m.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 9:34 p.m.

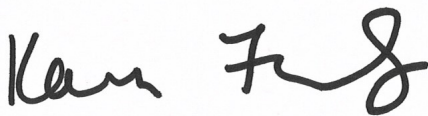
The Executive Session was closed and the Town Board returned to the Regular Meeting.

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 9:34 p.m.

F. ADJOURN

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

Upon a motion duly made, the meeting was adjourned at 9:34 p.m.



Karen Frawley, Town Clerk