



## TOWN BOARD REGULAR MEETING

December 13, 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 7:13 p.m.

##### 1. Roll call

Mayor Paul Rennemeyer  
Mayor Pro Tem Bennett  
Scott Charpentier  
Barry Wilson - Absent  
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  
Stacy Miller, Economic Development Director  
Scott Ballstadt, Planning Director  
John Thornhill, Community Development Director  
Aaron Lopez, Police Commander  
Omar Herrera, Deputy Director of Engineering  
Paul Schwindler, Deputy Director of Public Works  
David Eisenbraun, Senior Planner  
Tara Fotsch, Deputy Director of PRC  
Brian Rowe, Public Works Superintendent  
Ken Breneman, Stormwater and Projects Supervisor  
Ben Bodiker, Communications Intern  
Karen Frawley, Town Clerk

##### 2. Pledge of Allegiance

Mayor Rennemeyer asked Mayor Pro Tem Bennett 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, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon;**

##### 4. Board Liaison Reports

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

Town Board Member Charpentier reported that there are no updates to provide at this time.
- Town Board Member Wilson - Planning Commission, Larimer County Behavioral Health Policy Council
- Mayor Pro Tem Bennett – Water and Sewer Board, 34, and I-25 Coalition’s, Windsor Arts Commission

Mayor Pro Tem Bennett reported that he missed the 34 Coalition meeting so no update to provide at this time.

Mayor Pro Tem Bennett reported that the I-25 Coalition provided an update on projects and due to weather has made significant progress on many projects.

Mayor Pro Tem Bennett reported that the Water and Sewer Board canceled the December meeting. The Water and Sewer board reviewed the drought management plan and will see it again at their meeting in January.

Mayor Pro Tem Bennett reported that the Windsor Arts Commission will have their next meeting on December 21st and their bylaws will be on the agenda.
- Town Board Member Cline – Tree Board, Poudre River Trail Corridor Authority, Historic Preservation Commission

Town Board Member Cline reported that the Historic Preservation Commission met in a work session last week and is working on designing their plaque.

Town Board Member Cline reported that the Tree Board did not have a quorum so they did not meet in November. They are trying to decide if they will be able to meet in December since they usually meet the week of Christmas.

Town Board Member Cline reported that the Poudre River Trail Corridor Authority met on December 2nd. They reported that their year-to-date fundraising has raised over \$101,000 for the trail. The Authority is currently searching for a new executive director. The subcommittee met last Friday and is working on developing the marketing plan for next year. The Authority is also working on creating an endowment fund via a grant to help fund the endowment.
- Town Board Member Tallon - Parks, Recreation and Culture Advisory Board, Great Western Trail Authority

Town Board Member Tallon reported that he was unable to attend either board meeting, so there is no update to provide at this time.
- Town Board Member Sislowski - Windsor Housing Authority, Windsor Severance Fire District

Town Board Member Sislowski reported that the Housing Authority will meet next week and there is no update to provide at this time.

Town Board Member Sislowski reported that he missed the Fire District meeting so there are no updates to provide at this time.

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

Mayor Rennemeyer reported that there are no updates to provide for either board.

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 November 22, 2021 Town Board Regular Meeting - K. Frawley, Town Clerk
2. Minutes of the December 6, 2021 Town Board Special Meeting - K. Frawley, Town Clerk
3. Resolution No. 2021-94 A Resolution Designating a Public Place for the Posting of Notices Concerning Public Meetings - K. Frawley, Town Clerk
4. Resolution No. 2021-95 - A Resolution Reappointing Kimberly A. Emil as Windsor Town Prosecutor Pursuant to the Town of Windsor Home Rule Charter - Ian D. McCargar, Town Attorney
5. Resolution No. 2021-96 - A Resolution Approving the Vacation of Town-Owned Easement Rights in the Great Western Industrial Park Subdivision 12th Filing, and Authorizing the Town Manager to Execute a Quitclaim Deed Evidencing Same - Ian D. McCargar, Town Attorney
6. Resolution No. 2021-98 - A Resolution Approving and Adopting the December 13, 2021 Intergovernmental Agreement Between the Town of Windsor and the Town of Severance with Respect to Recreational Programming and Facility Use - T. Fotsch, Deputy Director of Parks, Recreation and Culture
7. Report of Bills for November 2021 - D. Moyer, Director of Finance
8. Resolution No. 2021-99 - A Resolution of the Windsor Town Board Approving the Accessioning of Items to the Town of Windsor Museum Collection - T. Fotsch, Deputy Director of Parks, Recreation and Culture

**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; Motion Passed.**

## C. BOARD ACTION

1. Resolution 2021-100 Recommendation of Approval - Eastman Park Corridor Plan  
Building on the recently completed Windsor Transportation Master Plan, Future Legends Sports Park Master Plan, and the growing Great Western Industrial Park (GWIP), the Town of Windsor realized the need for a comprehensive vision for the Eastman Park Drive corridor (corridor). With the introduction of the Future Legends Sports Park to this previously industrial-focused area, the corridor's character is and will continue to change over the coming years. To prepare for the coming changes, the Town of Windsor created a plan to guide the corridor's future.

Discussion ensued between Town Board, staff, and the consultant.

**Town Board Member Sislowski moved to approve Resolution No. 2021-100, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon; Motion Passed.**

2. Resolution No. 2021-101 - A Resolution Approving the Second Amended and Restated Intergovernmental Agreement Between the Town of Windsor and the Windsor Downtown Development Authority Regarding Continued Town Support of the Windsor Downtown Development Authority

Starting in 2011, the Town and the Windsor Downtown Development Authority have operated under an intergovernmental agreement that includes terms relating to the Town's financial support for the Authority's efforts at downtown revitalization. The IGA before you this evening is the second extension of this intergovernmental relationship.

Discussion ensued between Town Board and staff.

**Mayor Pro Tem Bennett moved to approve Resolution No. 2021-101, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon; Motion Passed.**

3. Ordinance No. 2021-1635 - An Ordinance Granting a Franchise by the Town of Windsor to Public Service Company of Colorado for the Non-Exclusive Right to Provide, Sell, and Deliver Gas and Electricity to the Town and its Residents Through the Non-Exclusive Reasonable use of Town Streets, Public Utility Easements, and Other Town Property

This Ordinance gives effect to an updated renewal of the Town's electricity and natural gas franchise to Public Service Company of Colorado/Xcel Energy. The current franchise expired on October 26, 2021, and the attached Franchise Agreement will take effect seamlessly on October 27 upon final adoption. The Agreement is for a 20-year term.

Discussion ensued between Town Board and special counsel.

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

**Town Board Member Sislowski moved to approve Ordinance No. 2021-1635, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon; Motion Passed.**

4. Resolution No. 2021-102 - A Resolution Approving and Adopting a Memorandum of Understanding Dated October 25, 2021, Between the Town of Windsor and Public Service Company of Colorado with Respect to Certain Matters Affecting Use of Utility Underground Funds

This Resolution approves a stand-alone agreement with Xcel Energy that assures alleyway utility undergrounding will be eligible for the use of Undergrounding Funds under the Franchise Agreement. The funding will apply to the underground of utility facilities throughout the current boundaries of the DDA, and will extend into any territory added to the DDA boundaries in the future.

**Town Board Member Sislowski moved to approve Resolution No. 2021-102, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon; Motion Passed.**

5. Resolution No. 2021-103 - A Resolution Approving the Incentive Agreement for Gotham Greens

Economic Development staff began meeting with representatives from Gotham Greens in October of 2020. Gotham Greens is a fresh food company farming with the future in mind. They build and operate sustainable greenhouses in cities across America. They grow a year-round supply of local produce to ensure fresh-tasting, nutritionally dense and long-lasting food. Gotham Greens farms are unconventional, but they place a high value on commitment to taste, quality, community and sustainability.

Discussion ensued between Town Board and staff.

**Town Board Member Tallon moved to approve Resolution No. 2021-103, Town Board Member Sislowski seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon; Motion Passed.**

6. Resolution 2021-104 - Initiating Annexation Proceedings for the Trevenna Annexation

The applicant Mr. John Donaldson, represented by Ms. Kristin Turner, has submitted a petition to annex approximately 78 acres to the Town of Windsor as Single Family Attached Residential (SF-2) zoned property. The property is located northeast of the intersection of 15th Street and Jacoby Road and is identified on the Comprehensive Plan Land Use map as Single-Family residential.

Discussion ensued between Town Board and staff.

**Town Board Member Tallon moved to approve Resolution No. 2021-104, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon;**

7. Resolution No. 2021-97 A Resolution Approving a Mosquito Management Services Agreement Between the Town of Windsor and Vector Disease Control  
The town has been working with Vector Disease Control who is the largest regional mosquito control company in Northern Colorado for the last 19 years. Vector Disease Control serves multiple organizations in the region, including municipalities, metropolitan districts, and homeowners associations. This regionally-integrated system of Mosquito Control assures a uniform approach to the protection of public health. Windsor's contract with Vector Disease Control assures compatibility within this existing integrated system. Our previous 3 year contract expires Dec 31, 2021 and staff is requesting to renew this contract.

Discussion ensued between Town Board and staff.

**Mayor Pro Tem Bennett moved to approve Resolution No. 2021-97, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon; Motion Passed.**

8. Resolution No. 2021-105 Authorizing a Modification to the Downtown Corridor Plan with respect to Building Height in a Special Height Exception Area  
As was discussed with Planning Commission at the November 8, 2021 work session, the Downtown Corridor Plan was adopted in 1999 at a time when potential for vertical mixed-use projects was not anticipated. Since that time such vertical mixed-use projects with retail and commercial uses on the lower floors and residential uses on the upper levels have become a reality in neighboring communities. This mix of residential uses creates a residential population necessary to support businesses outside of typical daytime hours.

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

9. Ordinance No. 2021-1641 - 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

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 2022 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.

**Board Member Cline moved to approve Ordinance No. 2021-1641, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon; Motion Passed.**

10. Ordinance 2021-1637 - An Ordinance Vacating Portions of Town-Owned Right-Of-Way Within Lot 5 and Lot 6 of the Eagle Crossing Subdivision, Fourth Filing in the Town of Windsor, Colorado

Eagle Crossing Windsor LLC, owner of Lots 5 and 6 of Eagle Crossing Subdivision 4<sup>th</sup> Filing has requested the Town vacate portions of Grandstand Drive right-of-way which abuts these properties. The width of the requested vacation varies but is generally 6' to 8' in width. The right-of-way for Grandstand Drive was originally dedicated with a width of 80', but the approved street design does not require the full 80' width. Therefore, the applicant has requested this extra width be vacated to help facilitate development of the properties.

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

**Town Board Member Sislowski moved to approve Ordinance No. 2021-1637, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon; Motion Passed.**

11. Ordinance No. 2021-1638 - An Ordinance Requiring the Filing of an Affidavit of Intent by Write-In Candidates in Accordance with Section 31-10-306, C.R.S., and, in Conjunction Therewith, Providing for the Cancellation of Municipal Elections Under Certain Circumstances in Accordance with Section 31-10-507, C.R.S.

In preparation for the upcoming Municipal election, Colorado Revised Statutes §31-10-306 and 507 grants the Town Board to adopt an ordinance requiring an affidavit of intent for write-in candidates, as well as the ability to cancel the election if candidate races are unopposed and there are no ballot issues on the ballot.

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

**Mayor Pro Tem Bennett moved to approve Ordinance No. 2021-1638, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon; Motion Passed.**

12. Ordinance 2021-1639 An Ordinance Revising the Daily Use and Volume Rates Imposed Upon Persons and Entities Leasing Hydrant Meters From the Town of Windsor

The Town has in place a system for regulating the bulk sale of treated water through the leasing of water hydrant meters, which system is administered through the Town's Public Services Department. Ordinance No. 2012-1432 adopted on June 11, 2012, the Town revised its former volume rate for all treated water drawn from water hydrants owned by the Town's Water to be set at \$7.40 per thousand gallons of water, as measured by the Town-issued water hydrant meter.

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

**Town Board Member Tallon moved to approve Ordinance No. 2021-1639, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Tallon; Nays - Sislowski; Motion Passed.**

13. Ordinance 2021-1640 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

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.

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

**Mayor Pro Tem Bennett moved to approve Ordinance No. 2021-1640, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Rennemeyer, Tallon; Nays - Cline, Sislowski; Motion Failed.**

D. COMMUNICATIONS

1. Communications from Town Attorney

2. Communications from Town Staff

Per Mr. Lucas, a reminder about the Windsor Village playground ribbon-cutting ceremony at 11:00 tomorrow.

Per Chief Klimek, the Windsor PD is actively engaged with Weld Elves delivering gifts to families in need.

- a. Financial Report October 2021

3. Communications from Town Manager

Per Mr. Hale, staff met with representatives from North Weld Water as well as some of the surrounding cities on Friday and right now there is a moratorium with North Weld Water and right now there is no guarantee that it will be lifted next year. North Weld Water does believe that until they get their pipeline extended, that they are going to be really limited on the amount of water they can deliver. The next steps are to gather the demand needed for 2022 and deliver it to North Weld Water.

- a. Monthly Board Report

4. Communications from Town Board

Town Board Member Cline reported that the City of Greeley received the GoCo grant for the Shurview property development.

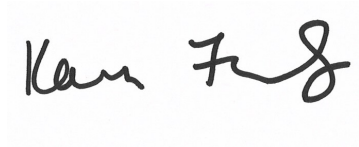
Mayor Rennemeyer invited fellow Board Members and the public to attend the final Coffee with the Mayor on Friday from 10:00 to 11:00 at the Community Recreation Center.



E. 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; Motion Passed.**

Upon a motion duly made, the meeting was adjourned at 9:06 p.m.

A handwritten signature in black ink, appearing to read "Karen Frawley". The signature is written in a cursive style with a large, stylized "F" and "L".

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Karen Frawley, Town Clerk