



TOWN BOARD REGULAR MEETING

July 27, 2020 - 5:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550 Zoom Meeting, Click on the link <https://windsorgov.zoom.us/j/95802197602> OR by join by telephone at (888) 788-0099 or (877) 853-5247 - Webinar ID:95802197602

MINUTES

A. CALL TO ORDER

Mayor Rennemeyer called the meeting to order at 5:00 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
John Thornhill, Community Dev Director
Eric Lucas, Director of Public Services
Rick Klimek, Chief of Police
Aaron Lopez, Commander
Scott Ballstadt, Director of Planning
Carlin Malone, Chief Planner
Paul Hornbeck, Senior Planner
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 Cline moved to amend the agenda by adding Resolution No. 2020-57, A Resolution Approving a Multi-Family Site Plan for Raindance Subdivision 11th Filing, Pursuant to Section 17-7-50 of the Windsor Municipal Code as item C.8 and adjusting all other items down, 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 an upcoming board meeting for the Clearview Library Board in a couple of days.

The Chamber of Commerce had a ribbon cutting and grand opening for the Chamber of Commerce. Tuesday, the 28th is the next after-hours event at Ted's Sweetwater Grill.

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

Town Board Member Wilson reported there is no update from the Planning Commission.

The Larimer County Behavioral Health Policy Council's request to move the site is still under review and will probably wrap up within a week or two. There is a Policy Council meeting on Monday morning and will provide an update at the next Town Board Meeting.

- Mayor Pro Tem Bennett - Water and Sewer Board, US Highway 34, WCR 74 and I-25 Coalitions

Mayor Pro Tem Bennett reported the Water and Sewer Board will meet Wednesday, August 12th.

The US Highway 34 Coalition will have a meeting this week, just prior to the North Front Range MPO meeting.

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

Town Board Member Cline reported the Tree Board is scheduled to meet July 28th via Zoom.

Poudre River Trail Corridor Authority is planning on a half-day retreat on August 22nd or the 29th to talk about the future of the authority.

The Historic Preservation Commission is planning on having a meeting during the first week of August.

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

Town Board Member Tallon has no report.

- Town Board Member Sislowski - Windsor Housing Authority, Windsor

Windsor Severance Fire District Town Board Member Sislowski reported there is no report on the WSFD.

The Windsor Housing Authority met on July 21st. COVID is disrupting operations at the Windsor Housing facilities. There was a voiced concern over the lack of smooth transition with Loveland Housing Authority taking over maintenance contracts which should be worked out fairly quickly.

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

Mayor Rennemeyer reported there was no update from the North Front Range MPO as a meeting was not held in July. The Downtown Development Authority had a meeting that covered the Peculiar Ale Brewery opening in August in the Downtown Development jurisdiction. Also covered at the meeting was the 4th Street joint meeting held earlier in the month where official action was taken. The DDA will be applying for a grant with respect to funding of the Downtown Development Corridor.

5. Public Invited to be Heard

Mayor Rennemeyer opened the meeting up for public comment.

Benjamin Seulean, Weld County Area Representative for Congressman Ken Buck addressed the Board to introduce himself.

B. CONSENT CALENDAR

1. Resolution No. 2020-55 - A Resolution Approving and Accepting a Deed of Dedication for ROW on Crossroads Blvd - D. Blair
LaBue Subdivision is east of Raindance Subdivision, west of South Hill 2nd Subdivision and north of Crossroads Blvd. To date, proposed improvements include the Raindance Maintenance Facility. As stated in the annexation agreement, "Annexor understands and agrees that concurrently with any proposal for development of any kind whatsoever of Annexor's portion of the Property [...] the Annexor shall be solely responsible for dedicating to the Town all necessary rights-of-way for the full width of all proposed streets within the Property or on the exterior boundaries of the Property, without cost to the Town." This is the reason for dedication of right-of-way (ROW) along Crossroads Blvd at this time.

Town Board Member Wilson moved to approve the consent calendar 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.

C. BOARD ACTION

1. Public Hearing – Conditional Use Grant – Eastman Park River Walk Gravel Parking – Wade Willis, Open Space and Trails Manager for the Town of Windsor Parks, Recreation, and Culture (PRC), Roger Sherman, BHA Design, applicant's representative

Town Board Member Sislowski moved to open 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.

The applicant, Mr. Wade Willis, Open Space and Trails Manager for the Town of Windsor, requested a Conditional Use Grant (CUG) to allow the use of gravel parking as a part of the Eastman Park Riverwalk. The Riverwalk is a project to expand river access at Eastman Park by adding trails, a riverside plaza, put-in and take-out areas, and other amenities.

Staff is currently reviewing a site plan submitted by the applicant for the parking area and Eastman Park Riverwalk.

The Municipal Code requires all parking areas to be paved and does not specially address gravel parking areas located within or adjacent to parks or natural areas; therefore, the entire parking area would need to be paved unless a CUG for the gravel parking lot is granted. There will be no expiration for the subject CUG.

Section 16-7-50 of the Municipal Code outlines the factors to be evaluated prior to granting of a conditional use.

1. The character and quality of the area in which the use will be located.

The subject property is located adjacent to the Poudre River and is generally surrounded by undeveloped land and open space.

2. The physical appearance of the use, including suitability of architectural and landscaping treatment.

The subject site will be used as a parking area for the Eastman Park. The overall property is a mix of developed parkland and undeveloped natural open space. The gravel parking, as opposed to asphalt paving, preserves the natural aesthetic of the area. Accessible parking spaces, however, must be paved to comply with ADA (Americans with Disabilities Act) requirements. Trees are proposed around the perimeter of the parking area; however, no landscape islands are proposed within the parking area.

3. Appropriate location of the building or buildings on the lot.

No buildings are proposed as part of this CUG application.

4. Adequate provision of parking, loading and circulation facilities.

80 new parking stalls are proposed in addition to the existing parking.

5. Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.

The gravel parking area is mitigated by the paved apron reducing the possibility of gravel being tracked onto paved streets.

6. Potential effect of the use on storm drainage in the area.

With the use of gravel parking, stormwater impacts will be less than an impervious surface such as concrete paving. Stormwater impacts will be fully reviewed with the site plan.

7. Adequacy of planting screens where necessary.

The surrounding area is largely undeveloped natural open space; therefore, new landscaping is minimal, with trees proposed around the perimeter of the parking area.

8. Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.

The proposal does not include use or storage of hazardous or noxious material.

9. The general compatibility of the proposed use with the area in which it is to be located.

Subject property is zoned Recreation and Open Space (O) district. The layout and general compatibility of the proposed use is consistent with the existing zoning and surrounding area uses.

Per Mr. Hornbeck, the property is zoned open space and recreation. The proposal is for a conditional use grant which would allow for gravel parking rather than a paved parking surface for the expansion of Eastman Park to accommodate the Riverwalk project. The Municipal Code does require all areas of parking to be paved; it does not specifically address an unpaved surface within a park or a natural area such as this. At the July 15, 2020 meeting, Planning Commission forwarded to Town Board a recommendation of approval of the Conditional Use Grant application as presented.

Town Board Member Sislowski inquired as to why it was decided to do a gravel lot as opposed to asphalt and whether it was intended to be temporary. Mr. Hornbeck responded that this was intended to be permanent. Eric Lucas responded that cost savings and not having additional storm water work contributed to the decision to use gravel instead of pavement. Town Board Member Sislowski responded that this was a Conditional Use Grant and essentially a variance from the Town Code requiring paved parking and the Town being the applicant. Therefore, how would the Town respond when a non-Town applicant comes forward with the same request for gravel parking citing the same reasons being used by the Town? Mr. Lucas responded that putting gravel parking in a park will look different than having a gravel lot at a commercial site. Town Board Member Sislowski asked for confirmation regarding handicapped parking and any trails being paved. Mr. Lucas confirmed and said the site is surrounded by concrete trails which would keep any gravel from being pushed into the grass area.

Town Board Member Wilson noted for the record that in his capacity as the Town Board Liaison to the Planning Commission, he was present at the Planning Commission meeting during which this matter was previously presented, that his participation in the Planning Commission proceedings have no way influenced him or his capacity as a Town Board Member. He will cast his vote based solely on the evidence presented at this hearing.

Town Board Member Cline stated that she was excited to have parking in the area that was being discussed.

Mayor Rennemeyer asked if this area is located where the soccer goals have been piled up in Eastman Park. Mr. Lucas responded that it was, and said that it would not only clean up that area, but also add around one hundred-seventy parking spaces between the dog park, skate park, and this area being requested.

Scott Ballstadt added that staff recognizes the potential and are considering code language updates to address the difference between the natural area site and a commercial site.

Town Board Member Sislowski stated that he was having second thoughts because it feels as if it is a financial issue due to not only the cost of paving but also the storm water impact. Yet, when he heard Board Member Cline talking about being excited to have that parking, it appears to him that this will be a very heavily used parking area. Board Member Sislowski questioned whether, in the long run, we will have wished that it was paved. He also questioned how the Town would

maintain the layout of the parking spot lines in a gravel lot or it would be free-for-all parking. Board Member Sislowski stated that if this was going to be approved, he would rather see it approved for only a two-year period term.

Mayor Rennemeyer asked if staff ever looked into what it would cost to pave the dog off leash parking area. Eric Lucas replied that staff did not, and in fact, did a field trip down to Lyons at a park along the river that got flooded and decided that given the location and proximity to the river, that the Town would basically try to mirror their parking area describing it as very delineated with boards in the ground to create parking stalls and not just a gravel parking lot.

Ian McCargar stated that the public hearing is an evidentiary hearing and was becoming more deliberative; what the Board needs to focus on is the evidence and questions of the applicant and the staff but as far as portraying how Board feels about the evidence and what the evidence implies, he would ask that it be reserved for the next agenda item and confine the public hearing to a discussion of evidence, not necessarily the impact of the evidence on the board.

Town Board Member Sislowski asked for a ballpark cost difference between the pavement and gravel. Roger Sherman stated that it was looked at two different ways. First, paving just the drive aisle was about \$300,000. Second, paving the entire parking lot was around \$500,000.

Town Board Member Charpentier inquired with so many people coming in and out would there be bathrooms there. Eric Lucas stated that Eastman Park does have bathrooms and stated that if there was ever a large event, staff could bring in portable restrooms.

Roger Sherman showed and described a picture of the parking lot of which this site would be modeled after.

Town Board Cline asked if this improvement would help with drainage or flooding. Roger Sherman stated that the area was within the flood way and the flood plain – the southern part. Asphalt does not particularly perform well in that kind of situation with the potential to become completely saturated. Therefore, if it was paved, that Southern part of the lot would need to be concrete and not asphalt.

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 Grant – Eastman Park River Walk Gravel Parking – Wade Willis, Open Space and Trails Manager for the Town of Windsor Parks, Recreation, and Culture (PRC), Roger Sherman, BHA Design, applicant's representative

Town Board Member Sislowski stated that he is torn and that while a part of him wants make a motion to amend this to have this be for a two-year period and then revisit it at that time, he also believes the cost will be prohibitive even with asphalt, let alone concrete. Town Board Member Sislowski stated that he will be voting in favor of this due to this being a natural area, and not so much a cost factor. The last factor being that it is a non-permeable surface and the fact that the subsurface would be subject to damage in a flooding area. Those

elements fully support granting the conditional use grant.

Mayor Pro Tem Bennett moved to approve the conditional use grant for the Eastman Park River Walk gravel parking, 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.

3. Public Hearing - Conditional Use Grant for Telecommunications Facility - Kyger Reservoir - Wade Willis, Open Space and Trails Manager for the Town of Windsor Parks, Recreation, and Culture (PRC), owner; Pamela Goss, Verizon Wireless, applicant

Board Member Cline 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.

The applicant, Ms. Pam Goss, on behalf of Verizon Wireless, requested a Conditional Use Grant (CUG) to allow a wireless telecommunications tower to be located on Town of Windsor property located west of Colorado Boulevard (County Road 13), south of County Road 68.5 (Jacoby Road) and north of SH 392/Main Street. Town's Municipal Code allows for the establishment of wireless telecommunication towers for the purpose and intent of accommodating the communication needs of the Town's residents and businesses. The proposed location of the new telecommunications tower and equipment facility are currently located within a designated "floodway". Therefore, the project will be built in two phases. Phase one will include the tower, a temporary equipment platform and landscaping on the east side of the site. Phase two includes the equipment garage and landscaping on the north and west sides of the site. Phase two will be delayed until the FEMA flood maps are revised.

Approval of the CUG request, along with an approved site plan, would allow for the construction of a 75' monopole wireless communications tower. Staff is currently reviewing a site plan submitted by the applicant.

Standards and Requirement for Conditional Use Grants

Section 16-7-50 of the Municipal Code outlines the factors to be evaluated prior to granting of a conditional use.

1. **The character and quality of the area in which the use will be located.**

The subject property is located west of Colorado Boulevard (County Road 13) and south of County Road 68.5 (Jacoby Road), and north of SH 392/Main Street. The subject site is generally surrounded by undeveloped land, open space and the Kyger Reservoir to the west. The east side of Colorado Boulevard consists of undeveloped parcels within unincorporated Weld County. Properties to the north and west are undeveloped parcels within unincorporated Larimer County.

2. **The physical appearance of the use, including suitability of architectural and landscaping treatment.**

The overall property is undeveloped natural open space and will remain in an undeveloped state, with the exception of the tower and site improvements, including an equipment garage. The site is adjacent to the Kyger Reservoir trailhead gravel parking area and will share access with the trailhead. The subject site will be used to locate a 75' tall (with additional 5' lightning rod extending beyond the monopole) telecommunications tower. The tower will contain twelve (12) antennas and six (6) radio units with supporting equipment initially located on a raised

platform (phase 1) and then concealed within a new adjacent equipment garage (phase 2). Proposed architectural materials for the equipment garage consist of asphalt shingles, lap siding and an insulated fiberglass garage door. Proposed fencing materials shall consist of vertical Hardie battens and panels attached to wood posts. Landscaping is proposed on the east side of the site (phase 1) as screening from Colorado Boulevard and the entry drive for the Kyger trailhead, and is proposed along the north and west side of the site (phase 2) as screening from the Kyger Trail.

3. Appropriate location of the building or buildings on the lot.

The exact location on the property has been determined by a collaborative effort between Verizon, Wright Water Engineers and the Town of Windsor Engineering, Planning, Parks and Open Space. The proposed tower and supporting equipment garage will be located approximately 56' north of the Kyger trailhead parking area and approximately 228' from the right-of-way of Colorado Boulevard.

4. Adequate provision of parking, loading and circulation facilities.

Access to the facility from Colorado Boulevard will be from the existing Kyger trailhead drive and a new 20' wide and 56' long proposed gravel drive north of the Kyger parking area to the tower site. The project will be fenced around the perimeter of the site with a restrictive access gate installed at the entry of the new proposed gravel drive to prevent any public access. There will be parking on site next to the facility and within the equipment garage for routine maintenance visits. No permanent parking is proposed.

5. Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.

The facility is unmanned and does not permit public access. After construction, the facility will only be accessed for routine maintenance and servicing. The site will not contribute to increased vehicular traffic congestion.

6. Potential effect of the use on storm drainage in the area.

The existing access drive is gravel base. The proposed new drive area will also be a gravel base, for consistency with the existing drive. The gravel base will allow for storm water infiltration; therefore, reducing impacts on area storm drainage. Minimal stormwater impact from the proposed equipment garage is expected.

7. Adequacy of planting screens where necessary.

The subject property is undeveloped natural open space; however, additional landscaping is proposed as part of this CUG application. Additional landscaping is proposed on the east side of the site (phase 1) as screening from Colorado Boulevard and the entry drive for the Kyger trailhead and along the north and west sides of the site (phase 2) as screening from the Kyger Trail. Proposed landscaping includes mature evergreen pine trees which provide year-round screening from Colorado Boulevard and the Kyger Trail.

8. Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.

The facility does not include the use or storage of hazardous or noxious material.

9. The general compatibility of the proposed use with the area in which it is to be located.

Subject property is zoned Recreation and Open Space (O) district. The exact location on the property has been determined by a collaborative effort between Verizon, Wright Water Engineers and the Town of Windsor Engineering, Planning, Parks and Open Space. The site has been designed with ample landscape screening to mitigate views from Colorado Boulevard, the Kyger Trail and entry drive. The proposed site will become a critical component for seamless service, providing LTE/4G/AWS technologies, as well as future 5G technology, for the Town of Windsor and the surrounding community. E911 services, public safety and residents of the area will all benefit from the additional technologies requested for this site by enhancing speed, accuracy in locating mobile 911 callers, increased capacity for current and future users, and off-loading neighboring sites to prevent blocked calls, busy signals or no service at all. During the review of the proposed tower, a Windsor business owner sent an email to the Town asking if Verizon would consider adding a tower in the area to increase the level of service.

Notification

The Municipal Code requires a public hearing notification for a CUG. Notifications were provided as follows:

- June 29, 2020 – Legal notices posted on the Town of Windsor website
- July 1, 2020 -- Affidavit of letters mailed to property owners within 100 feet
- July 2, 2020 – Development review sign posted on the property
- July 3, 2020 – Legal ad published in the paper

Town Board Member Wilson noted for the record that in his capacity as the Town Board Liaison to the Planning Commission, he was present at the Planning Commission meeting during which this matter was previously presented and that his participation in the Planning Commission proceedings have no way influenced him or his capacity as a Town Board Member. He will cast his vote based solely on the evidence presented at this public hearing.

Per Ms. Malone, this item is a request for a conditional use grant for a wireless communications tower. The municipal code requires that any wireless communications tower go through a conditional use grant. At the July 15, 2020 Planning Commission meeting, the Commission approved Town Board recommendation of approval as presented.

Per Ms. Goss, applicant, this location was selected due to network coverage and capacity gap, alternative locations were not feasible, and it provided the least intrusive design option. The search area objectives were to provide enhanced coverage for increased demand due to Windsor's residential and commercial growth, cover as much as possible without interfering with neighboring sites, and the ideal location will cover surrounding neighborhoods.

Town Board Member Wilson asked for clarification from staff whether the Extraction Oil and Gas lease that is adjacent to this site was forfeited. Mr. Hale replied affirmatively. Mayor Rennemeyer stated that in the past, the Board heard another conditional use grant for a Verizon tower in Windsor and it was a green silo at Eastman Park. He asked the applicant why a cell phone tower

like that one was not selected for this project with the site being in one of the parks. Ms. Goss replied that they did evaluate many different types of structures and found that the other types of structures would take up significantly more area and they were trying to find a less intrusive option. Mayor Rennemeyer asked if there was any idea of Verizon's timeline to get this done. Ms. Goss replied that phase one could start after zoning approval was received and all the regulatory and environmental due diligence was completed. The building permit application would go in; once approved, construction could begin for phase one and anticipated that likely happening in 2021.

Town Board Member Charpentier asked if the seventy-five-foot pole is needed because of this site being at a lower elevation and why the tree option could not work. Ms. Goss replied that she could have done a tree; however, takes up more space and the pole would have to be further from the equipment garage to account for the branches at the bottom of the pole. Town Board Member Charpentier asked how much additional space would be needed. Ms. Goss replied that she does not have the number but that it was factored in when deciding the different types of towers.

Per Mr. Lucas, staff did have a lot of discussions around the pole, silo, or tree; ultimately were all in favor of the pole given the location.

Town Board Member Sislowski stated that he heard Mr. Lucas state that staff originally wanted the silo and asked what happened to that option. Mr. Lucas responded that the size of the silo would really stand out and there were concerns about how it would have to be elevated with flooding. Staff didn't feel that it fit the farming theme of Windsor. Ms. Malone stated that for reference, the pole at Eastman Park is fifty-foot tall. Town Board Member Sislowski asked what hesitations were there between some of the other sites considered. Town Board Member Sislowski also asked if this would be for Verizon use only or if it would have the ability to be leased out to other parties and if the Town would have any interest in putting a repeater on the tower. He stated that if you were looking at a silo or something larger than the pole, it would cause you to rent more ground space and was that part of the consideration. Ms. Goss stated that they were working with a property owner of one of the other considered sites and that property owner is considered Weld County and not considered the Town of Windsor. Moving forward with that property, the Town approached them and stated they would prefer not to have a seventy-five-foot tower in the view corridor of Main Street, that is when they moved to the current location. Ms. Goss stated that other carriers would be allowed to lease the tower space. Ms. Goss stated that there is the possibility for the Town to add repeaters onto the tower. Town Board Member Sislowski asked staff if there was a possible future need to use the tower with communications capabilities with the Police Department.

Per Chief Klimek, there is always the possibility for additional communications needs; however, at this time, the PD is set in that regard. Mayor Rennemeyer asked if the agreement would allow the Town to be able to use the tower at some point. Mr. Hale stated that if the Town wanted to use it, it would have to pay for that space just like any other user.

Mr. Ballstadt stated that Verizon's original proposal received by the Town from Weld County was for a tree mono-pole just to the West of the

High Hops property. Staff has been working on this referral for two to three years since the first referral was received. Verizon has been gracious enough to work with the Town and relocate it to a little bit less conspicuous site and further away from residential neighborhoods.

Mayor Pro Tem Bennett asked for confirmation on whether site eight is zoned industrial. Ms. Goss stated that her understanding was that the area is showing on the Windsor map as being zoned industrial, but when looking at the assessor records, it shows that it is part of a residential property. Mayor Pro Tem Bennett asked how much additional space would be needed to do something more aesthetic than just the pole. Ms. Goss stated that she doesn't have a specific quantitative answer, Verizon just knew that significantly more space would be needed than what was being proposed. Ms. Goss also stated that Verizon was looking at the least intrusive option for that property. Mayor Pro Tem Bennett asked if there was consideration given about making the cultural theme around the tower or any consideration given to addressing the aesthetics to the equipment garage other than the screen. Ms. Goss stated that the design includes putting a fence around the tower itself and matching colors. The property is undeveloped so some of the colors or materials could change. It is intended to blend into any of the structures that the open space is proposing, so it looks to be part of it. Mayor Pro Tem Bennett asked if there was any consideration given to make it look like the Stagecoach stop. Ms. Goss responded that they did not consider a Stagecoach stop. Mayor Pro Tem Bennett asked if other providers lease the tower and whether they would need additional storage space for their equipment. If so, would they purchase that property from the Town for an additional garage? Ms. Goss responded that it could either be an additional garage or could be placed behind the fence but that would be something to be worked out between the carrier and the Town. Mayor Pro Tem Bennett asked if the carrier requested to use this tower, would they would have to make a separate request to the Town for any additional storage space. Ms. Goss responded affirmatively.

Town Board Member Wilson stated he agreed with the aesthetic issue and expressed his concern to do something that looks better, but also agreed with some of the comments on the tree. If using one of the other locations, there would be significant push back from the residents. At the same time, the residents that live in the low-lying area have really poor cell service right now and this will provide a better service. Even though this is in an open space area, there really is not a good place for it to go with its size, and people may be more willing to put up with it to get better coverage. This could also provide the opportunity for some residents to get WiFi service from a provider. Town Board Member Wilson asked if there has been interest from broadband companies to provide WiFi. Ms. Goss replied that she has not had experience working the broadband companies but that it was an option.

Town Board Member Sislowski asked if the technology for this tower was only 4G or if it would help with the 5G network. Ms. Goss stated that all cell towers would help with the 5G network and this was considered a macro-site. Ms. Goss stated that macro-sites are needed to support 5G networks. As far as the equipment involved, it is up to the provider's engineers and what they need to fill the gap in their network.

Town Board Member Cline asked if the Town currently has a lease

agreement with Verizon for the land, or if that was the next step. Mr. Hale stated that nothing has been finalized yet, but staff has been in negotiations with Verizon regarding lease terms. Town Board Member Cline clarified whether that meant this could be a quick process since the ball was already rolling. Mr. Hale responded absolutely.

Town Board Member Tallon 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, Sislowksi, Tallon, Wilson; Motion Passed.

4. Conditional Use Grant for Telecommunications Facility - Kyger Reservoir - Wade Willis, Open Space and Trails Manager for the Town of Windsor Parks, Recreation, and Culture (PRC), owner; Pamela Goss, Verizon Wireless, applicant

Please refer to the public hearing memo for the previous agenda item.

Town Board Member Sislowksi stated that even though he was a little disappointed in this, he believed that this was going to be the least intrusive. There was concern that if the tower had other carriers, the added equipment, might cause the area to look like a sprawling semi-industrial facility. Town Board Member Sislowksi stated that he did think this was fairly critical in terms of our communications networks in town and that the Town needed the towers. Verizon certainly needs the additional coverage and he would urge the Town whether they can access space on that tower to assist communications programs and build that into the negotiations, but was in favor of the project.

Town Board Member Wilson stated that he also planned to vote yes on this and agreed with everything Town Board Member Sislowksi said about this being critical. Town Board Member Wilson asked if approved, what the timeline would be for this to go online. Ms. Goss replied that they are anticipating that construction would begin sometime in 2021 after all approvals have been received. Ms. Goss stated that a facility like this, especially the first phase, should only take a couple of weeks; therefore she guessed that the facility would be online sometime in 2021, although she couldn't dial it down any further because she didn't know Verizon's construction schedule.

Mayor Pro Tem Bennett stated that he really appreciated the ability for any provider to increase cell service, but was disappointed in the aesthetics that will be placed in a natural area or one of the recreation areas. Mayor Pro Tem Bennett stated that he is appreciative of staff for having looked at all of the alternatives and selected the least obtrusive alternative, therefore he would be willing to vote for it.

Town Board Member Charpentier stated that he had been wrestling with this and made some assumptions that the reason why it was a seventy-five-foot pole was because it was in the flood zone. Town Board Member Charpentier asked if the Town had considered the East side of town. He thought it would be a permanent eye sore. He didn't necessarily agree with others because he has a tree monopole on his property and said they look a whole lot better than a seventy-five-foot pole sticking up out of the ground.

Mayor Pro Tem Bennett stated that he didn't hear an answer to Town Board Member Charpentier's question as to whether there were any sites in the East side of town or existing buildings considered. Mr. Hale

stated that looking back at the original heat map showed they had a pretty small area to put this tower in to address the current needs and that he didn't think there were any areas in the East considered because that wouldn't address the area for which they were trying to find coverage.

Town Board Member Tallon stated that members are worried about the aesthetics rather than of the coverage. He stated that that the aesthetics will blend in when that area and crops develop out. Currently, the radio tower downtown is not noticed by many residents. Town Board Member Tallon stated that he believes when development builds out that people will get used to it and he will vote yes for it.

Town Board Member Cline stated that she agrees completely that the vegetation once grown will help hide the tower and that it will create shade since there is not a lot of shade around the path and park. She will vote yes since coverage is needed due a lot of dead zones around Windsor.

Mayor Rennemeyer stated that his only disappointment was its look. He recognizes however that just like when the green silo tower came to Eastman Park, he wasn't excited, but now it blends in. He had his mind changed after hearing that this was going to be seventy-five feet tall to meet their needs and it would be a very interesting green silo to have it be seventy-five feet tall, so with that he will be voting yes as well.

Town Board Member Sislowski moved to approve the conditional use grant for a telecommunications facility at the Kyger Reservoir, 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. Public Hearing - Final Major Subdivision - RainDance Subdivision 11th Filing - David Nelson, RainDance Development, owner; Patrick McMeekin, Hartford Homes, applicant, and Ryan McBreen, Norris Design, authorized representative

Mayor Pro Tem Bennett moved to go into 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.

The applicant, Mr. Patrick McMeekin, has submitted, on behalf of the owner Mr. David Nelson, a final major subdivision plat known as RainDance Subdivision Eleventh Filing. The subdivision encompasses approximately 11.7 acres and is zoned Planned Unit Development (PUD). Tract Z of the PUD designates the land use for this area as residential.

Final Plat characteristics:

- 11.7 total acres
- 20 building envelopes for multi-family residential (160 condominium units)
- Density: 13.4 du/ac
- Total open space including drainage: ~ 4.98 acres (42%)
- Parks: Not applicable due to location proximity of RainDance Subdivision 7th Filing, RainDance Community Park (owned and maintained by metropolitan district).

As required with a preliminary subdivision submittal, the applicant held

a neighborhood meeting on April 2, 2020, in accordance with Chapter 16, Article XXXI, and Chapter 15, Article III, of the Municipal Code. There were no attendees and no public comments were received. Planning staff has received one email from a concerned citizen to date.

Notifications

The Municipal Code requires a public hearing notification for a final major subdivision.

Notifications were provided as follows:

- June 29, 2020 – legal notice posted on the Town of Windsor website
- June 30, 2020 – affidavit of letters mailed to property owners within 300 feet
- July 2, 2020 – development review sign posted on the property
- July 3, 2020 – legal ad published in the paper

Town Board Member Wilson noted for the record that in his capacity as the Town Board Liaison to the Planning Commission, he was present at the Planning Commission meeting during which this matter was previously presented, that his participation in the Planning Commission proceedings have no way influenced him or his capacity as a Town Board Member. He will cast his vote based solely on the evidence presented at this public hearing.

Per Ms. Malone, this project consists of one-hundred and sixty condominium units; this project should not be confused with a separate proposal of Raindance Filing 12 North of New Liberty Road. Filing 12 consists of 525 apartment units not on this agenda. Additionally, the 12th Filing will be scheduled for future meetings; however, there are no further public hearings as those were already held with zoning and PUD processes. Therefore, staff has been receiving a lot of comments for 12th Filing proposal and staff urges anyone wishing to comment on 12th Filing to submit comments to the Planning Department. The Planning Department will include those written public comments in the future packet material for Planning Commission and Town Board consideration and tonight's public hearing is on the 11th Filing only.

Town Board Member Sislowski stated that he had a conversation with one member of the Planning Commission that came as a result of the various comments on Nextdoor and the Commissioner reached out to see what he remembered about this particular issue regarding Filing 12. Town Board Member Sislowski stated that those particular exchanges would not influence him in this hearing and would not have any problem being objective. Mayor Rennemeyer stated that he would defer to the Town Attorney for a professional opinion. Mr. McCargar stated that from his understanding, there were communications with someone outside of this hearing but it didn't have to do with the subject matter of this hearing. Town Board Member Sislowski stated that to the extent that it was about the PUD process and the zoning process, yes there were communications about that, but not specifically about Filing 11. Mr. McCargar stated that his view is that as long as those communications did not focus on Filing 11, that he is free to go forward this evening. However, he does not fully understand the communications that have taken place, Mr. Sislowski can assess that but if the communications did have to do with Filing 11 specifically then he is comfortable with Mr. Sislowski proceeding.

Per Ms. Malone, this site is zoned Planned Unit Development and the underlying zoning is residential mixed use which allows for a variety of uses including a variety of residential uses. The density of this area was originally proposed for thirteen units per acre. The application was reviewed consistent with the Comprehensive Master Plan. Staff has received comments from one neighbor who wishes to speak tonight on the proposal, but other than that, staff has not received any written comments. At their July 15, 2020 Planning Commission meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of the final major subdivision as presented.

Lacy Wells from 1997 Rose Petal Drive in the Raindance community had two primary concerns with the 11th Filing. First was the location of the 11th Filing site and what that would mean as far as safety and traffic. The 11th Filing borders the Raindance Community Park which is a grassy area that allows for growth of vegetation, in addition it is the home of the River Run Resort that has a lazy river, a splash area, and a water slide. This is an area that is going to draw children and families to that park, so there is a lot of pedestrian foot traffic as well as golf carts going to and from that park. Ms. Wells believes that there will be around three-hundred cars throughout the day which brings about the question of community safety. Furthermore, she explained that when she moved into Raindance, the master plan that she was shown actually had the multifamily proposed unit North of Bounty Drive. Ms. Wells stated that her final concern under that umbrella is the parking; there are only sixty-nine non-garage spots within the condo complex and with one-hundred sixty units, she doesn't believe that accounts for adequate parking for guests of those units or vehicles that can't really fit in those garage spots and will cause parking on the streets which will obstruct views of pedestrians. Her final concern was based off the memo that she was sent and that the Town Board received which indicated that there was a neighborhood meeting held on April 2, 2020 and that there were no attendees. She never received notice of the neighborhood meeting and was curious how it took place since the stay at home order was in place then and the HOA meeting that was scheduled for March 31st was cancelled due to COVID-19. She was also curious how the notice went out.

Town Board Member Sislowski stated that the Board should consider this woman's statement that if a person bought a lot across from the open space six months ago and looked at a map to see what was going in the open space, what would they have seen. Sounds like Ms. Wells said that the multi-family housing was going to the North. Town Board Sislowski asked how and why the proposed area changed from six months ago, and what the process was for the change. Ms. Malone stated that about a year ago, there was a proposal for a townhome development North by a different builder and a totally different project. She explained that they were pretty far along in the process when for reasons unknown to staff, they pulled out the project. Those were townhomes before and these are condominiums. As far as the zoning, the residential mixed-use zoning would allow for single- family or multi-family in this area.

Mayor Rennemeyer asked if staff could speak to Ms. Wells concerning how the notice was made back in April with the Governor's orders at the time. By what means the developer communicated to the surrounding residents and was her address included? Ms. Malone stated that the area would include a three-hundred-foot radius and the applicant sent out the notices and provided staff an affidavit that they mailed the

notices out. The meeting was originally planned to be held at the Pelican Lakes restaurant, but because of COVID-19 the meeting was held virtually and another notice was sent out with that link. The notice asked residents if they were interested to register for that meeting and did not have anybody register for that meeting. Ryan McBreen with Norris Design stated that they followed the notice protocol that staff provided to them. They sent the notices out right about the COVID-19 timeframe and no one responded that they wanted to attend. Ms. Malone added that there was an ad in the Greeley Tribune with a link for registering for the meeting.

Town Board Member Wilson stated that Ms. Wells addressed parking as well and asked staff to touch on parking spaces and garages; since there is no variance, this does meet our code requirements. Ms. Malone stated that would be covered in the next item.

Mayor Pro Tem Bennett asked what the anticipated impact of traffic on Colorado Boulevard and/or Crossroads? Ms. Malone stated that there was a traffic study done and that this proposal is consistent with the traffic study. Mr. McMeekin responded that the area was always planned for a higher density area and the traffic count fit within the global master plan threshold. Mayor Pro Tem Bennett asked if there would need to be any improvements like turn lanes coming out of this development onto County Road 13 or Crossroads. Mr. McMeekin responded that there was not with the current plan.

Town Board Member Tallon 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.

6. Resolution 2020-56 - A Resolution Approving the Final Plat for the Raindance Subdivision 11th Filing - David Nelson, RainDance Development, owner; Patrick McMeekin, Hartford Homes, applicant, and Ryan McBreen, Norris Design, authorized representative

Please see attached resolution and the public hearing agenda item.

Town Board Member Sislowski stated that the process seems a little bit backwards with the closing of the public hearing portion prior to addressing the parking and traffic issues that were to be dealt with in the next item; however, it was not a public hearing. He wanted to make that statement before voting on the matter.

Mayor Rennemeyer stated that the Board recognizes where Ms. Wells is coming from and how she feels and by no means should this be considered the Board trying to rush anything through, but rather just trying to go through all the protocols of the meeting.

Town Board Member Tallon moved to approve the final major subdivision for the Raindance Subdivision 11th Filing, 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.

7. Final Site Plan - RainDance Subdivision 11th Filing - David Nelson, RainDance Development, owner; Patrick McMeekin, Hartford Homes, applicant, and Ryan McBreen, Norris Design, authorized representative

The applicant, Mr. Patrick McMeekin, has submitted, on behalf of the owner Mr. David Nelson, a final site plan for a multi-family residential development known as RainDance Subdivision Eleventh Filing. The site plan encompasses approximately 11.7 acres and is zoned Planned Unit Development (PUD). Tract Z of the PUD designates the land use for this area as residential. The final site plan has been reviewed concurrently with the final major subdivision land use application.

Final Site Plan characteristics:

- 11.7 total acres
- 160 condominium units
 - o 20 - two-story buildings (29%)
 - o 8 units per building
- Product Type:
 - o 1-3 bedroom units with attached garages, 1 and 2 parking spaces per unit, 11 spaces per building, 220 total garage spaces
 - o Three building styles
 - o Painted board and batten siding, shingle siding, stucco
 - o Asphalt shingles (primary roof), standing seam metal roof
 - o Covered porches and balconies
 - o Building height – 32'-0"max. (35' max. PUD zone district)
- 69 parking spaces provided (not including garage parking)
- Density: 13.4 du/ac
- Total open space including drainage: ~ 4.98 acres (42%)
- Parks: Not applicable due to location proximity of RainDance Subdivision 7th Filing, RainDance Community Park (Owned and maintained by metropolitan district)

Notifications

A neighborhood meeting is not required with a preliminary site plan. In conjunction with the preliminary subdivision, a neighborhood meeting was held on April 2, 2020. A public hearing is not required with a final site plan; however, notifications were provided with the public hearing for the final major subdivision.

Per Ms. Malone, this project is for one-hundred and sixty condominium units with three building styles. Sixty-nine parking spaces that are not included in the parking garage spaces. At the July 15, 2020 meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of the final site plan as presented, subject to all remaining Town Board and staff comments being addressed.

Mr. McMeekin stated that they are really excited to bring this into Town and are targeting a mid to high \$200K price point.

Town Board Member Sislowski asked on the landscape plan slide what is in the enlarged box. Mr. McBreen stated that they tried to find smaller more intimate spaces, not trying to take away from the community park, but trying to provide some amenities to the condominiums. Town Board Member Sislowski asked if Bounty is the only entry access point. Mr. McMeekin stated that they have five access points. Town Board Member Sislowski asked which streets fall onto Colorado Boulevard, Mr. McMeekin replied that Bounty and Falling Leaf falls onto Colorado Boulevard.

Town Board Member Wilson stated that he had a meeting last week with some of the people from Planning not about this project but about traffic on Colorado Boulevard as a whole and the traffic study that was

used was done in 2017. Town Board Member Wilson stated that he hears about the traffic a lot and how it is increasing especially with the population increase. But from the 2017 study, the data shows that you can have a lot of cars on the road without having an issue so there is a disconnect between the public community and that it is something that may have to be addressed and make sure that Colorado Boulevards is classified correctly.

Mr. Ballstadt stated that the numbers that Town Board Member Wilson was referring to were for Colorado Boulevard with the 2017 Roadway Improvement plan, but the traffic study is actually looking at specifically the development.

Mayor Pro Tem Bennett asked whether the roadway impact fees are sufficient to cover the cost. In addition, he asked whether these site plans and PUDs are in isolation and whether road impact fees could be considered with multiple developments along the same roadway. Mr. Ballstadt responded that staff does look at the road impact fees on an annual basis and they are based off of Colorado construction cost index thus adjusted annually and come before the Board each year. Fees are not assessed on a project by project basis, but rather as a whole for the Town based on the type of use. Mayor Pro Tem Bennett stated that traffic studies are assessed on a project by project basis; however, he questioned how a cumulative project is assessed. Mr. Ballstadt responded that when staff updates the Roadway Improvement Plan, it would capture improvements made since the last update and address what is needed for the next five to six years.

Town Board Member Tallon moved to approve the Final Site Plan for RainDance Subdivision 11th Filing, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowksi, Tallon, Wilson; Motion Passed.

8. Resolution No. 2020-57, A Resolution Approving a Multi-Family Site Plan for Raindance Subdivision 11th Filing, Pursuant to Section 17-7-50 of the Windsor Municipal Code

Town Board Member Tallon moved to approving Resolution No. 2020-57, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowksi, Tallon, Wilson; Motion Passed.

9. Ordinance No. 2020-1610 - An Ordinance Concerning the Regulation Of Door To Door Contacts by the Town of Windsor, Colorado, Repealing Sections 10-4-140 and 10-4-170 and Repealing, Amending and Readopting Sections 10-4-150 and 10-4-160 of the Windsor Municipal Code.

The Town's door-to-door solicitation ordinance contains content-based distinctions that no longer meet the requirements of evolving case law. The Town Board has determined that amendments to the Code are necessary to comply with recent judicial decisions in this area. Recent case law has held that a door to door solicitation code that discriminates based upon content, such as having a commercial/non-commercial distinction, violates the U.S. Constitution, infringing upon First Amendment Rights. Since the Town of Windsor's door to door solicitation ordinance treats commercial and non-commercial solicitations differently, it also would fall into the category of infringing upon First Amendment rights, and would most likely be held unconstitutional if challenged. The Town Board has considered these

impacts, and believes that by removing the content-based solicitation ordinance, leaving intact the ability to post your property and homes with a no solicitation or no trespass sign, still provides an avenue for residents to control whether they have contact with solicitors or not. The police department, then, when responding to calls, do not have to determine the reason people are there, assess the content of the message being delivered, and make an on the spot judgment anymore. When someone knocks on a door with a clearly marked no solicitation/no trespassing sign, unless invited by the resident, it is a clear violation of not only this ordinance, but a trespass as well.

There have been no changes since the first reading.

Per Mr. McCargar, this is second reading on an ordinance that was introduced at the last meeting. This has to do with changes to the Windsor Municipal code when it comes to door-to-door solicitation. We are looking to adopt a policy that basically says that if a residence is posted with a no solicitation sign or similar message, that someone who is otherwise exercising their protected speech either commercially or for non-commercial purposes enters the door or enters the property at the risk of prosecution which is as far as we can go.

Mayor Rennemeyer asked if there was anybody who would like to speak on this ordinance, there was none.

Town Board Member Wilson moved to approve Ordinance No. 2020-1610 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.

10. Ordinance No. 2020 – 1611 An Ordinance Amending Chapter 4, Article III of the Windsor Municipal Code to Extend the Town’s Sales Tax Collection, Remittance And Reporting Requirements to On-Line Transactions and On-Line Vendors

In 2018, the U.S. Supreme Court issued its decision in *South Dakota v. Wayfair, Inc.*, opening the door to state and local sales tax of internet-based transactions. Since that time, the Colorado Municipal League has worked with various stakeholders to arrive at model ordinance language for adoption by municipalities. The model ordinance has been incorporated into the Windsor Municipal Code in the attached draft.

The draft ordinance adds a Wayfair concept to the definition of Vendor, by including vendors who do not have a physical presence in Town, but who make deliveries of a certain character into Town. Section 3 of the draft ordinance then specifies the transactional characteristics that trigger assessment of sales tax under the Code. This section refers to sales in excess of the amount specified in § 39-26-102 (3) (c), C.R.S. as the trigger for local taxation. The statutory sales level is \$100,000 during the previous calendar year. Once that level of sales occurs within the state, internet sales in Windsor are subject to local sales taxation.

Per Mr. McCargar, this ordinance will allow the Town to impose sales tax on an online vendor. The ordinance was changed between the time we talked about it in Work Session and the changes are to the very last section which talks about when the ordinance will take effect.

Town Board Member Sislowski moved to to approve ordinance no. 2020-1611 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.

11. Ordinance No. 2020 – 1612 An Ordinance Amending Chapter 4, Article IV of the Windsor Municipal Code to Increase the Time for Which the Town of Windsor Retains Unclaimed Intangible Property and Other Necessary Amendments Consistent with the Revised Uniform Unclaimed Property Act

During the 2019-2020 legislative session, the General Assembly enacted SB 19-088, which adopted the Revised Uniform Unclaimed Property Act in Colorado. The Act contains detailed requirements for entities who wind up holding abandoned/orphaned financial assets. Examples include deposits, checks that have not cleared the bank, escrows, and similar accounts whose rightful owners have gone silent. The Act exempts municipalities who adopt language as specified, in which case the municipality may observe its own requirements for disposition of these accounts. For Windsor, these types of assets are usually deposits, refunds and payments that have not been claimed or accepted by the rightful owner.

Chapter 4, Article IV, of the Windsor Municipal Code contains Windsor's current rules on unclaimed property. The key change to current Code language is that the Town must hold the abandoned asset for five years following required notice to the presumed owner, which notice must await a one-year period following the owner's underlying right to claim the asset. The current Code sets the "claim window" at sixty days following notice. Under this revision, the Town must wait at least six years before the asset becomes eligible for retention by the Town under the Act.

Per Mr. McCargar, this ordinance will enable the Town to remain exempt from the more burdensome Uniform Unclaimed Property Act. It requires the Town to extend considerably the time we hold unclaimed intangible property before we go through the notification process and ultimately absorb it into our accounts

Town Board Member Tallon moved to approve Ordinance No. 2020-1612, 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 reminded the Board that there is an Executive Session on the agenda.
2. Communications from Town Staff
 - a. Windsor Police Department June 2020 Statistical Report
3. Communications from Town Manager
Nothing to add
4. Communications from Town Board
Town Board Member Sislowski stated that he was looking at the

Police Department report and it appears that burglary is two times higher year over year as well as motor vehicle theft and wanted to know if there was any insight. Chief Klimek responded that he believes that it is due to COVID-19 and economic situations.

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 oil and gas mineral rights. (Ken Lind, Oil & Gas Special Counsel)
2. An executive session pursuant to C.R.S. § 24-6-402 (4) (b) to confer with the Town Attorney and Special Counsel for the purposes of receiving legal advice on specific legal questions concerning oil and gas mineral rights (Ian D. McCargar, Town Attorney; Ken Lind, Oil & Gas Special Counsel)

Board Member Cline moved to have 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 negotiators with respect to oil and gas mineral rights and an executive session pursuant to C.R.S. 24-6-402(4)(b) to confer with the Town Attorney and Special Counsel for the purposes of receiving legal advice on specific legal questions concerning oil and gas mineral rights, 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.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 8:24 p.m.

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

F. ADJOURN

Board Member Cline moved to adjourn, 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.

The meeting was adjourned at 8:24 p.m.



Karen Frawley, Town Clerk