



TOWN BOARD REGULAR MEETING

August 24, 2020 - 5:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550 ZOOM Meeting, Click on the link <https://windsorgov.zoom.us/j/94826961147> OR by join by telephone at (888) 788-0099 or (877) 853-5247 - Webinar ID:948 2696 1147

MINUTES

A. CALL TO ORDER

Mayor Rennemeyer called the meeting to order at 5:11 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
Kim Emil, Assistant Town Attorney
Jessica Humphries, Admin Services Director
Dean Moyer, Director of Finance
Eric Lucas, Director of Public Services
Tara Fotsch, Deputy Director of PRC
Rick Klimek, Chief of Police
Aaron Lopez, Commander
Stacy Miller, Economic Development Director
Scott Ballstadt, Director of Planning
Carlin Malone, Chief Planner
Paul Hornbeck, Senior Planner
Laura Browarny, Culture Supervisor
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 Sislowski moved to approve the agenda 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.

4. Board Liaison Reports

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

Town Board Member Charpentier reported that there was a work session at the library about the decision to remodel, rebuild, or other options and hopes to have more in the

future.

The Chamber of Commerce completed the lodging tax survey and came out with about fifty-five percent approval.

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

Town Board Member Wilson reported that there is no update on the Planning Commission, but there will be a few items before the Board tonight.

Larimer County Behavioral Health Policy Council will be meeting at the first of next month, so no updates for tonight.

- Mayor Pro Tem Bennett - Water and Sewer Board, 34, 74 and I-25 Coalition's

Mayor Pro Tem Bennett reported that the Water and Sewer Board met on Wednesday, August 12th. They worked on updating their bylaws, discussed water supply, the 1041 hearings being held by the Larimer County Commissioners.

The 34 Coalition received notice from CDOT asking the 34 Coalition to give an opinion on some potential designs for interchanges on US 34 and 35th Avenue and 47th Avenue in Greeley.

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

Town Board Member Cline reported that the Historic Preservation Committee met on August 12th and had a discussion regarding the historical designation.

The Tree Board will meet tomorrow at Chimney Park at 5:00 p.m. to do an audit on the health of the trees throughout the park.

The Poudre River Trail Corridor Authority will have a retreat on August 29th to discuss their future and future plans.

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

Town Board Member Tallon reported that he has no updates from the Parks and Rec board.

The Great Western Trail Authority is looking at hiring a surveyor to look at the 1905 survey layout for the trail where the railroad went through because there is a discrepancy with one of the clients.

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

Town Board Member Sislowski reported that the Housing Authority did have a meeting and the Housing Authority does have three properties under management with no vacancies at any of the sites. The Windsor Housing Authority has had only one eviction and one issue regarding a utility bill. They are working through their budget for the coming year and with respect to that, they are considering the possibility of a rent increase.

The Fire District did hold it's meeting on Thursday, April 13th; unfortunately, he was unable to attend. Since then, there have been postings that the Fire Board has decided to move forward with seeking to de-Gallagherize and plans to place that on the ballot in November.

- Mayor Rennemeyer - Downtown Development Authority, North Front Range MPO
Mayor Rennemeyer reported that there is no update on the North Front Range MPO as there has not been a meeting since the last Town Board meeting.

The Downtown Development Authority will be having a special planning meeting regarding the Back Lots property to determine future direction for the board. There is a meeting scheduled for strategic planning slated for September 22nd to lay out the goals and direction of the whole Downtown Development Authority for 2021; thereafter, the budget will be put together and presented to the Town 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. Planning Commission and Downtown Development Authority Appointments - K. Frawley, Town Clerk
2. Resolution No. 2020-64 - A Resolution Approving Submission of an Application by the Town of Windsor Police Department for a Peace Officer Mental Health Support Grant from the Colorado Department of Local Affairs - R. Klimek, Chief of Police
3. Resolution No. 2020-65 - A Resolution Approving an Amendment to Intergovernmental Agreement for Conduct of Community Development Block Grant Program in Weld County Between the County of Weld and the Town of Windsor, and Authorizing the Town Manager to Execute Same - I. McCargar, Town Attorney
4. Resolution No. 2020-66 - A Resolution Appointing the Law Firm of Kissinger & Fellman as Special Counsel With Respect to Negotiation of a Franchise Agreement Renewal with Public Service Company of Colorado - I. McCargar, Town Attorney

Town Board Member Tallon moved to approve the consent calendar as presented, 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.

C. BOARD ACTION

1. Resolution No. 2020-67 - A Resolution Authorizing Assignment to the Colorado Housing And Finance Authority of a Private Activity Bond Allocation of the Town of Windsor, Colorado, Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

Per Mr. Moyer, the Town of Windsor first became directly involved in this program in 2015. This means that the Town was a large enough municipality to be given an allocation and allowed to choose how to use it by: not doing anything, identifying a project that we would administer on our own, or as historically done, assigning our application to other qualifying jurisdictions. In the past, when there were projects that were identified by our local Housing Authority, we would assign our allotment to that authority. This year, after checking with the Housing Authority to verify that they did not have a project for which to use the funds, Colorado Housing and Finance Authority (CHFA) put in an application requesting the Town's allocation.

Shannon Friel, representative from CHFA presented to the Board a summary of the request and explained their project of financing one or more multi-family rental housing projects for low- and moderate-income persons and families or to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families or for the issuance of mortgage credit certificates.

Mayor Pro Tem Bennett stated that Windsor Housing Authority has used these bonds in the past and are presently in the process of developing a new senior housing complex. He further inquired at what point would they be eligible to use these bonds in the future. Ms. Friel asked if this project was a tax credit award. Frankie Cole with the Windsor Housing Authority responded that we had applied for a tax credit award on this project and were not selected this year, but will reapply next year.

Ms. Friel further explained that since this is a nine percent project, it does not qualify for the FAFP. Ms. Cole stated that she spoke with the Loveland Housing Authority, and both Loveland and Windsor Housing Authorities are supportive of the consideration of this allocation to CHFA.

Town Board Member Sislowski asked for clarification that CHFA would add the PABs to their aggregate pool and issue mortgage certificates and single-family revenue bonds and use to support veterans and others to qualify for first time homebuyers. Ms. Friel stated that this year they will only be doing single-family revenue bonds as they are a much more efficient way to promote home ownership. Town Board Member Sislowski asked if at some point whether CHFA would be able to demonstrate that the transferred funds were used to support Windsor Residents. Ms. Friel stated that they did a look back and in a seven-year period, they supported or invested in sixty-four loans for first time home ownership to Windsor Residents and always do that look back to make sure they are able to demonstrate their investment.

Town Board Member Sislowski moved to approve Resolution no. 2020-67, 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.

2. Public Hearing – Modification of Building Height - Diamond Valley Subdivision, Fifth Filing, Tract A (Future Legends Sports Park) - Modification of Building Height per Sec. 16-10-50 – Jeff Katofsky, Future Legends, LLC, applicant; Larry Thomas, Hensel Phelps, applicant’s representative

Town Board 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 on any topic presented this evening. He will cast his vote based solely on the evidence presented at this hearing.

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

Mr. Larry Thomas of Hensel Phelps, representing Mr. Jeff Katofsky, primary owner of Future Legends LLC, is requesting approval of a height modification in order to exceed the maximum building height allowed in the Limited Industrial (IL) zoning district. The maximum height allowed in the IL zoning district is seventy-five (75) feet, in accordance with Municipal Code Section 16-10-50(b)(3). The proposed facility includes a sports dome with a maximum height of ninety (90) feet, stadium light towers with a maximum height of one hundred (100) feet, and athletic field light towers with a maximum height of ninety (90) feet.

The requested height modifications are part of a sports campus. The surrounding land uses are generally industrial in nature, with the exception of the Windsor Charter Academy to the west and a single residence approximately 1000 feet south of the proposed stadium. The proposed sports dome is located in the north central part of the property, approximately 450'

from the north property line, 950' from the east property line, 1200' from the west property line, and 2000' from the southernmost property line. The proposed lighting for the stadium and athletic fields are being reviewed as a part of the site plan application by the Town's lighting consultant, Clanton & Associates, to ensure best practices are followed to minimize light spill and glare.

Section 16-10-50(c)(2) of the Municipal Code states, in part:

a. Views. A building or structure shall not substantially alter the opportunity for, and quality of, desirable views from public places, streets and parks within the community.

b. Light and shadow. Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be designed so as not to have a substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property

c. Privacy. Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be designed to avoid infringing on the privacy of adjacent public and private property, particularly adjacent residential areas and public parks.

d. Neighborhood scale. Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be compatible with the scale of the neighborhoods in which it is situated in terms of relative height, height to mass, length to mass and building or structure scale to human scale.

The application materials demonstrate the Municipal Code review criteria for height modifications of views, light and shadow, privacy, and neighborhood scale are not negatively impacted.

Notification

The following notifications were completed in accordance with the Municipal Code:

Public Hearing notifications for Planning Commission and Town Board public hearings were as follows:

- August 6, 2020 – affidavit of mailing to surrounding property owners
- August 7, 2020 – development review sign posted on the property
- August 7, 2020 – legal notices posted on the Town of Windsor website
- August 7, 2020 – legal ad published in the paper

Per Mr. Hornbeck, this property is zoned as limited industrial. The proposed dome is approximately nine feet tall, six hundred-seventy feet long, and two hundred-fifty feet wide. The proposal is consistent with the strategic plan, particularly in supporting diverse cultural and recreation opportunities and quality of life. At their August 19, 2020 meeting, Planning Commission forwarded to Town Board a recommendation of approval of the height modification as presented, with an allowance for additional increases in height up to ten-percent due to modifications needed during final design or construction.

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

Town Board Member Sislowski stated that normally in the packet he expects to see the map of where notices were sent regarding this public hearing and if there was a neighborhood meeting to talk about the proposal. He inquired as to whether this particular situation did not require that, or whether it done and no comments received from the community. Mr. Hornbeck stated that a neighborhood meeting was not required; however, there was public notice provided to property owners within three-hundred

feet with no comments being received.

Town Board Member Cline asked how the height of the dome at Highland Meadows compares to this one. Mr. Hornbeck stated that he is not sure the height of the Highland Meadows dome, but believes that this one will be taller. For a point of reference, the existing field lights that are out there for the baseball fields are around seventy-five feet.

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

3. Resolution No. 2020-68 - A Resolution Regarding Diamond Valley Subdivision, Fifth Filing, Tract A (Future Legends Sports Park) - Modification of Building Height per Sec. 16-10-50 – Jeff Katofsky, Future Legends, LLC, applicant; Larry Thomas, Hensel Phelps, applicant's representative

Please refer to agenda item C.2 for discussion and recommendation.

Town Board Member Sislowski asked if staff knew what was going to be in the dome. Mr. Hale responded that it is going to be used for indoor sports purposes and having a year-round facility for youth sports. Mayor Pro Tem Bennett stated that there will be four acres under the dome.

Mayor Pro Tem Bennett moved to approve Resolution no. 2020-68, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

4. Public Hearing Regarding Designation of the "Halfway House" As A Local Historic Landmark- Jacoby Farm Subdivision 2nd Filing Tract G - Laura Browarny, Town of Windsor, Applicant

Ms. Laura Browarny, Culture Supervisor with the Parks, Recreation, and Culture Department, has submitted a nomination on behalf of the Town of Windsor to designate the Halfway House as a historic landmark. Located at 33327 Weld County Road 15 on what is now known as the Jacoby Farm, the Halfway House was originally built in 1873 by Leonard John Hilton. It's believed to be Windsor's oldest building, built nine years before the town was established. Called the Halfway House due to its location approximately halfway between Greeley and Laporte on the Overland Trail, the Halfway House served as an inn, saloon, and post office in its early years.

For additional background information and history please refer to enclosed materials.

Criteria for Designation:

Proposed Landmarks must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, social, or geographical/environmental significance hereinafter described. A landmark could be exempt from the age standard if it is found to be exceptionally important in other significant criteria.

Architectural

- a. Exemplifies specific elements of an architectural style or period.

Staff Comment: N/A

- b. Example of the work of an architect or builder who is recognized for expertise nationally statewide, regionally or locally.

Staff Comment: N/A

- c. Demonstrates superior craftsmanship or high artistic value.

Staff Comment: N/A

- d. Represents an innovation in construction, materials or design.

Staff Comment: N/A

- e. Pattern or grouping of elements representing at least one (1) of the above criteria.

Staff Comment: N/A

- f. Significant historic remodel.

Staff Comment: N/A

Social

- a. Site of historical event that had an effect upon society.

Staff Comment: N/A

- b. Exemplifies cultural, political, economic or social heritage of the community.

Staff Comment:

The Halfway House exemplifies the cultural, economic, and social heritage of the community. As the first permanent structure built in what is now Windsor, the building is significant in demonstrating the history of westward expansion and the founding of Windsor. It survived the advent of agriculture in Windsor and housed farmers and their families for years and now serves as a reminder of Windsor's early days.

- c. An association with a notable person or the work of a notable person.

Staff Comment:

The Halfway House is associated with notable families that were critical to the early development of Windsor as an agricultural community. John Hilton was a Civil War veteran who appears to have first arrived in Colorado in 1869 and raised livestock. He was selected Justice of Peace for Weld County in 1871 and built the Halfway House in 1873, seeing the economic potential of serving travelers between Fort Collins and Greeley. He successfully petitioned to open the first post office in the Windsor area at the Halfway House, serving around 30 families in the surrounding area from 1873-1875. Hilton later sold the Halfway House and became a prominent attorney in Fort Collins.

Julius Weller was the first legal owner of the Halfway House, having been granted homesteading rights to the surrounding 160 acres of farmland in 1875. He continued to operate the Halfway House as an inn. His son, 16-year-old Fred Weller, opened a mercantile business in 1884 that soon merged with a general store. Early customers included key historic figures Edward Hollister and Governor Benjamin Eaton. After Julius Weller's death in 1889, the Halfway House and farm was left to Fred Weller, who soon traded the farm to his business partner Robert S. Dickey. Fred went on to become a prominent businessman in Windsor and Eaton, Colorado. Fred was one of the petitioners in 1890 to incorporate Windsor as a town, served as a trustee on the first Windsor Town Board, and was the Town Clerk from 1890 to May 1896.

Robert S. Dickey, in addition to being partners with Fred Weller in operating one of the early stores in Windsor, the Weller-Cobbs Merchandise Company, was a farmer, one of the first teachers in Windsor and later became the Superintendent of Schools.

Jacob Henry Jacoby, Sr. immigrated to Windsor in 1910 with his family. He worked for a time at the Great Western Sugar Company mill in Windsor, as did many other

Volga Germans, and the Jacoby family was one of the immigrant families that the Dickey family hired to help them farm their land. Germans from Russia, or Volga Germans, originally came from Germany. During the eighteenth century, Catherine the Great and her grandson Alexander I invited Germans to settle rich farmlands along Russia's Volga River. Political turmoil in Russia at the end of the nineteenth century motivated thousands of Volga Germans to immigrate to the United States, where they settled on the plains of Kansas, Colorado, and the Dakotas.

Geographic/Environmental

- a. Enhances sense of identity of the community.

Staff Comment: N/A

- b. An established and familiar natural setting or visual feature of the community.

Staff Comment: N/A

The physical integrity of the proposed landmarks will also be evaluated using the following criteria (a property need not meet all of the following criteria):

- a. Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, State or nation.

Staff Comment:

The Halfway House is directly associated with development and heritage of the Windsor community and northern Colorado as outlined in sections above.

- b. Retains original design features, materials and/or character.

Staff Comment: *The structure has retained many original design features and materials. Some original materials have been covered; however, removal of non-contributing materials will reveal the original character of the building.*

- c. Original location or same historic context after having being moved.

Staff Comment: *The Halfway House may have been moved a few hundred feet at some point in its history but it retains its historic context as halfway between Fort Collins and Greeley along the Overland Trail route.*

- d. Has been accurately reconstructed or restored based on documentation.

Staff Comment: *This section is not applicable at present. Work may be needed to restore the structure and will need to be done following the Secretary of Interiors Standards.*

Notifications

Notifications for this public hearing were as follows:

- July 28, 2020 – public notice published on Town website
- June 30, 2020 – sign posted on site
- July 31, 2020 – display ad published in the newspaper

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 Cline noted for the record that in her capacity as the Town Board Liaison to the Historic Preservation Commission, she was present at the Historic Preservation Commission proceedings involving this matter will in no way influence her or her capacity as a Town Board Member. She will cast her vote based solely on the evidence presented at this hearing.

Per Mr. Hornbeck, the property is zoned residential mixed use. This property is a reminder of the early history in Windsor. At their August 12, 2020 meeting, the Historic Preservation Commission forwarded to Town Board a recommendation of approval of the designation of the Halfway House as a local landmark.

Per Ms. Browarny, staff is also working on designating the other buildings on the site which is a 1907 farmhouse, as well as the entire site itself which already has a Smithsonian number. Staff received a grant to complete an archaeological study to determine if the Halfway House structure has been moved and where it was moved from and to determine if the Overland Trail actually ran through the property. The designation of the Halfway House is the first step in what is going to become a much larger historic preservation project.

Mayor Rennemeyer stated that he is excited that the Historic Preservation Commission is behind this project and going to be undertaken. He further asked the condition of the current building, and whether it needed to be moved from its current location to another location. And if yes, whether it would survive a move. Ms. Browarny responded that they have no plans to move the building. There have been some historic preservation architects look at the building and stated that where it stands, it is in pretty stable condition. It still has the original hardwood floors, some of the original window settings, so it does retain a lot of its original state. There used to be an addition to the building that was the sleeping quarters for the inn that has been lost.

Town Board Member Sislowski asked regarding the addition that was lost, if there was any interest in trying to put it back. Secondly, with respect to the farmhouse, according to the materials, it used to have an open front porch which is now enclosed. He ask whether that will be returned back to having an open front porch. Ms. Browarny responded that regarding the addition that was on the Halfway House, they did find records that it was torn down around 1907 and there are no visual documents only written records; it is not something they are looking at now. Regarding the farmhouse, the plan is to remove all of the modern additions including the side portions, and the front porch restored back to the way it looked in 1907.

Mayor Rennemeyer asked whether a historical landmark designation would open us up for future grant possibilities in order to restore the building, and whether that was the order of operations. Ms. Browarny responded that we can't receive any funds from the State Historical fund without some kind of designation, so it is an important part to start with local and then eventually get on the State register and then ultimately apply for a National Historic site.

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.

5. Ordinance No. 2020-1614 An Ordinance Designating The "Halfway House" As A Local Historic Landmark- Jacoby Farm Subdivision 2nd Filing Tract G - Laura Browarny, Town of Windsor, Applicant

Please refer to agenda item C.4 for discussion and recommendation.

Town Board Member Sislowski stated that in the packet there is an article that outlines the history of this house and the families that lived in it over the years; he further state that is fascinating and urged everyone to read it.

Town Board Member Charpentier moved to approve Ordinance no. 2020-1614, 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.

6. Resolution No. 2020-69 - A Resolution Submitting a Proposed Ordinance for Consideration by the Registered Electors of the Town of Windsor; Directing the Town Clerk to Assure the Inclusion of the Proposed Ordinance, Submission Clause And Ballot Title in the Official Ballot for the November 3, 2020, General Election; Fixing the Ballot Title and Submission Clause with Respect to an Excise Tax of Three (3%) Percent on the Lodging Price Paid for Specified

Lodging Services Provided Within the Town of Windsor; Authorizing the Town to Collect and Spend Such Revenues as a Voter-Approved Revenue Change Notwithstanding any Revenue or Expenditure Limitation Contained in Article X, Section 20 of the Colorado Constitution; and Establishing a Community Marketing Commission for the Purpose of Making Recommendations for the Disposition of Revenue Derived Therefrom

In order to meet the requirements of the Municipal Election Code and TABOR, the attached Resolution is presented for adoption. The Resolution satisfies the requirements of law for referral of the lodging tax question to the voters for consideration on November 3, 2020.

The Resolution accomplishes the following basic functions:

- Requires the Town Clerk to make the full Code language (Ordinance) available to the public in conjunction with the election. The full Code language will not be included in the ballot, but the Resolution requires the Town Clerk to make it available for public review in association with the election. The Ordinance is incorporated by reference into the Resolution.
- Sets the Ballot Submission Clause in accordance with TABOR, including required TABOR submission language as to a new excise tax on the price paid for lodging services.
- Sets the Ballot Title for the referred measure in accordance with the Municipal Election Code.

The adoption of this Resolution does not adopt the new tax. The new tax may only be imposed if the voters approve of it on November 3, 2020. If the voters approve, the Ordinance will be submitted for adoption by later Town Board official action. The result will be a voter-approved new tax codified in Chapter 4 of the Windsor Municipal Code.

The Ordinance is attached for reference. It imposes the new tax, provides for administration and enforcement, and also creates the Marketing Commission that will be responsible for making recommendations to the Town Board for expenditure of the funds generated as specifically permitted under the Ordinance.

Under the Colorado Campaign Practices Act, the Town is prohibited from using taxpayer money for promoting or encouraging adoption of the Ordinance. The Town Board may adopt a Resolution of support within certain limits set forth in the Act. Individual Town Board members may support the measure as private citizens as long as no Town resources are used for this purpose. Town Board Members may respond to questions regarding the measure when asked.

Per Mr. Hale, Michelle Vance the Director of the Chamber has a quick update for the board summarizing the survey results about this tax.

Per Ms. Vance, the Chamber hired Magellan to conduct an eight-question survey to the residents about the lodging tax. The survey was available to residents in each district, surveying around five-hundred and fifty people. The key findings were as follows: the uninformed results found that forty percent of likely voters approved the measure, forty-eight percent opposed the measure, and twelve percent were undecided. After teaching about the ballot measure, the survey found that fifty-five percent of voter would approve the measure, thirty-five percent would oppose, and nine percent were undecided. Ms. Vance stated that with a lot of education and the results of the survey showing that the community would support this effort, now is the time to get this on the ballot.

Mayor Rennemeyer asked if Ms. Vance would be able to send her presentation out to the board. Ms. Vance responded that she would get it to staff to distribute.

Town Board Member Sislowski asked about the use of funds that the lodging tax would provide and how they would be used. Ms. Vance responded that in the ballot language, there will be a commission put together of members of the community, members of the Chamber board,

members of the Downtown Development Authority, and the Town Board, also someone from the marketing industry. The goal for these dollars is to get people come, stay the night and spend money in the community. The Town Board will have the ultimate authority on how the funds will be spent but will have recommendations from experts in the field. Town Board Sislowski asked that no funds will be generated for Town general funds. Mr. Hale stated that the only exception is that we have built in a five percent administrative fee for the Town to cover administrative costs.

Per Mr. Hale, the only thing being done at this meeting is setting the ballot title to place on the ballot. An important item to note, the Colorado Fair Campaign Act states that once this ballot title is set, we can't spend a penny of taxpayer money in advocacy in anyway including making a single copy.

Town Board Member Cline asked how or who is going to help the voters understand that language. Mr. Hale stated that Michelle at the Chamber, the Downtown Development Authority, the Downtown business community will be educating the residents. If the Board or staff are asked to speak about it at a public meeting, they may do so on their own time. If asked informational questions, facts can be given out. Ms. Vance stated that one of the things they are going to be forming is a ballot committee and doing fundraising to get the word out.

Town Board Wilson stated that he agrees that this is an opportunity to invest and market the Town and will help accomplish a lot of goals long term.

Mayor Rennemeyer stated that he is not exactly thrilled with how the language is going to be presented on the ballot, but according to TABOR, it has to start off with "shall the taxes in Windsor be increased". Just seeing that doesn't sound flattering, but you gain the knowledge about the ballot question the more you read.

Town Board Member Tallon moved to to approve resolution no. 2020-69, 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.

7. Ordinance No. 2020-1613 An Ordinance for the Regulation of Traffic by the Town of Windsor, Colorado, Repealing and Readopting Article I of Chapter 8, and Portions of Article II, Chapter 8, of the Windsor Municipal Code and Adopting by Reference the 2020 Edition of the "Model Traffic Code", Repealing All Ordinances In Conflict Therewith, and Providing Penalties for Violation Thereof

This is the second reading of the Ordinance Adopting the 2020 Model Traffic Code following the Public Hearing. There have been no changes since the first reading.

The MTC has been the standard for local law enforcement in traffic matters for many years. At the State level, it is adopted by the Colorado Department of Transportation. Updating the MTC to the 2020 edition assists law enforcement in providing a consistent set of standards and laws, decreasing the potential for conflicting standards between municipal and county courts.

Windsor last adopted the 2010 MTC in January 2014. Since that time, the basics of traffic law has remained largely unchanged, but the Code has been updated with everything from automated driving systems to electrical assisted bicycles to golf cars, in addition to adding parental responsibility if they are in a vehicle with unrestrained children.

References to all penalty provisions in the Model Traffic Code are being deleted, deferring to our Municipal Code general penalty.

New Windsor Municipal Code Sections are being created to address specific parking violations. These sections previously had been added provisions to the Model Traffic Code, which created some confusion, but will now be ordinance violations as opposed to re-writing the Model Traffic Code.

Per Ms. Emil, this is the second reading adopting Ordinance number 2020-1613. There have been no changes since the first reading. Because this is second reading, we do need to take

public comment.

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

Town Board Member Tallon moved to approve Ordinance no. 2020-1613, 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

Per Ms. Emil, she is participating in the Colorado Municipal League virtual conference this week.

2. Communications from Town Staff

Per Ms. Miller, the grand opening for Peculier Ales will be Friday and ribbon cutting will be at 4:00 p.m. sharp.

Per Mr. Lucas, the evening of September 10th will be the dedication of the Public Services facility that has been on hold since COVID hit.

Per Ms. Humphries, staff is continually working on filling all of the advisory board vacancies. The application period will close on the 31st. We are lacking in applications, so if Board Members could get the word out, we would appreciate it. All of the vacancies that we have are listed online.

Per Chief Klimek, for three months, officers were doing very little proactive enforcement so the numbers in some categories may look a little off but they are actually increasing compared to what they should be.

Per Ms. Fotsch, fall sports started today so you will be seeing a lot of kids out at all the parks.

a. Windsor Police Department July 2020 Statistical Report

3. Communications from Town Manager

Per Mr. Hale, we are trying to kick start the Public Works building dedication that has been on hold due to COVID. Staff will be reaching out to look at schedules as we still need to do the Kodak dedication, the dedication for the playground, etc. Mayor Rennemeyer asked if that also included the dedication for past Board Members, Mr. Hale responded it does.

4. Communications from Town Board

Mayor Rennemeyer stated that he participated in person at the 1041 permit hearing in front of the Larimer County Commissioners in Fort Collins. Mayor Rennemeyer spoke about the benefits that the project would mean to the Town of Windsor as well as got questions from every County Commissioner when his statement was completed. Mayor Rennemeyer wished to thank Mr. Thornhill and Mr. Lesoing for their help preparing for the questions as well as the statement. The County Commissioners are taking public comment all throughout the evening and then are having their debate on the NISP project as to Larimer County is going to sign off on that next Monday night. They are going to issue their final ruling on the first week of September. More news to come in the future.

E. ADJOURN

Town Board Member Tallon moved to adjourn, Town Board Member Charpentier 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 6:54 p.m.

A handwritten signature in blue ink, appearing to read "Karen Frawley". The signature is fluid and cursive, with a large initial "K" and "F".

Karen Frawley, Town Clerk