



TOWN BOARD REGULAR MEETING

January 11, 2021 - 7:00 PM

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

Please click this URL to join. <https://windsorgov.zoom.us/j/93020379537>

OR join by telephone at (888) 788-0099 or (877) 853-5247

Webinar ID:930 2037 9537

MINUTES

A. CALL TO ORDER

Mayor Rennemeyer called the meeting to order at 7:20 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
Jessica Humphries, Admin Services Director
Kim Emil, Assistant Town Attorney
Dean Moyer, Finance Director
Eric Lucas, Public Services Director
Rick Klimek, Police Chief
Scott Ballstadt, Director of Planning
Paul Hornbeck, Senior Planner
John Thornhill, Community Development Director
Stacy Miller, Economic Development Director
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 Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

4. Outside Agency Report

- Larimer County Property Tax Collection and Distribution - Irene Josey, Larimer County Treasurer & Public Trustee

Larimer County Treasurer and Public Trustee Irene Josey presented on Larimer County property tax collection and distribution.

5. Board Liaison Reports

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

Town Board Member Charpentier reported that there are no updates since the last Board meeting.

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

Town Board Member Wilson reported that there are no updates since the last Board meeting for the Planning Commission.

Town Board Member Wilson reported that Larimer County Behavioral Health Services facility had a small and intimate groundbreaking ceremony on 12/16/20. FCTV was there to record the ceremony and the video can be found via this link: <https://youtu.be/lsuha5VrA6Q>. Earth moving at the site of the new facility could start as early as the first quarter of 2021.

This is the first iteration of the Larimer County Behavioral Health Services Dashboard: <https://www.larimer.org/behavioralhealth/data>. This is a sample of the data collected so far and the dashboard is evolving. The data reviewed was a set of indicators of community mental health impacts from COVID-19 collected via a new survey from a Facebook collaboration with a consortium of universities, public health officials, and the Delphi group at Carnegie Mellon University. Based on feedback received pertaining to our proposed dashboard, council members are interested to see data split out by demographic groups, being able to see data trends year over year, and using the data as a quick way to gauge the state of behavioral health of the community.

Steve Johnson's term ended as Larimer County Commissioner. A new Commissioner will be named to the Behavioral Health Policy Committee in January.

- Mayor Pro Tem Bennett – Water and Sewer Board, 34, and I-25 Coalition's
Mayor Pro Tem Bennett reported that the 34 and I-25 Coalition's will meet the first week of February and there are no updates since the last Board meeting.

Mayor Pro Tem Bennett reported that the Water and Sewer Board meets Wednesday morning.

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

Town Board Member Cline reported that there have been no updates for any of the boards since the last Board Meeting.

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

Town Board Member Tallon reported that there are no updates for the Parks, Rec, and Culture Advisory Board since the last Board meeting.

Town Board Member Tallon reported that the Great Western Trail Authority received a CGW grant to complete the trail. The Authority is looking at ways to educate the public about not riding horses on the trail. There is a section of the trail that is under repair to fix damage. The Authority received a CDPHE grant for fencing at each intersection.

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

Town Board Member Sislowski reported that there are no updates for either board since the last Board meeting.

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

Mayor Rennemeyer reported that the North Front Range MPO Board approved a resolution continuing to have planning council's support for the North I-25 extension.

Mayor Rennemeyer reported that the Downtown Development Authority the backlots development project has had multiple presentations that have been submitted to the Authority which the Authority will have an upcoming executive session to go over the presentations.

6. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Boards and Commissions Appointment - K. Frawley, Town Clerk

On December 17th Mayor Rennemeyer and Mayor Pro Tem Bennett conducted an interview for a Tree Board vacant seat. Donna Pierce is being recommended for appointment to fill the vacancy with a term expiring September 2024.

2. Resolution No. 2021-01 A Resolution Designating a Public Place for the Posting of Notices Concerning Public Meetings - K. Frawley, Town Clerk

The Colorado Open Meetings Act requires Town Board to annually designate a specific place for the posting of public meeting notices. Although the Act allows online meeting postings, Windsor has traditionally identified the bulletin board on the main level of Town Hall for this purpose.

Town Board Member Tallon 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. Ordinance No. 2020-1619 An Ordinance Authorizing The Renewal Of The Existing Cable Franchise Agreement Held By Comcast Cable Communications, LLC, Locally Known As Comcast; And Authorizing The Mayor And Town Clerk To Execute The Cable Franchise Agreement On Behalf Of The Town

This Ordinance is identical to the form approved on first reading, and adopts the 2020 renewal of the Town's Cable Television Franchise Agreement with Comcast Cable Communications, LLC ("Comcast"). The renewal captures a number of Town priorities, including high-definition governmental broadcast channel capability, improved service commitments for new development and compliance with federal regulatory changes that occurred in 2020.

Town Board appointed Kissinger & Fellman, the leading utilities law firm in Colorado, to represent the Town in these negotiations. Brandon Dittman has been the primary negotiator for the Town, and will be present to review the agreement with you, and to answer any questions you may have.

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

Town Board Member Sislowski moved to approve Ordinance No. 2020-1619, 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. Ordinance No. 2020-1620 Creating the Windsor Land Use Code, By Repealing, Amending, Creating, Adopting And Re-Adopting Chapters 14, 15, 16 And 17 Of The Windsor Municipal Code

The enclosed ordinance updates Chapters 14-17 of the Windsor Municipal Code. There are no changes from first reading. As previously discussed, the intent of these updates is to:

- better implement the goals of the Comprehensive Plan;
- better reflect contemporary development trends;
- add flexibility, clarity, and ease of use; and
- streamline reviews where feasible.

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

Mayor Pro Tem Bennett moved to approve Ordinance No. 2020-1620, 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. Ordinance No. 2021-1621 An Ordinance Fixing the Compensation of the Municipal Court Judge and Municipal Court Clerk for the Town of Windsor in Compliance with Sections 13-10- 107 and 13-10-108, C.R.S., and Section 2-4-90 of the Windsor Municipal Code

The statutes governing qualified municipal courts of record require that the compensation of the Municipal Judge and Office of the Municipal Court Clerk be set by ordinance. This requirement has also been incorporated into the Town's Municipal Code. The Town Board previously approved the 2021 Annual Budget,

where the compensation for the Municipal Judge and Municipal Court Clerk's Office was fixed. Provisions also were made to provide for compensation for the Deputy Municipal Judge. An Ordinance approving those appropriations is required in order to comply with the requirements of state law and the Municipal Code.

The attached Ordinance Fixing the Compensation of the Municipal Court Judge, Deputy Municipal Judge and Municipal Court Clerk, incorporates the appropriations for these offices from the 2021 Annual Budget, thus satisfying the requirements of law.

Per Ms. Emil, this is an annual presentation that staff makes each year as the state statute requires the Board to fix the Municipal Judge and Court Clerk's salary by ordinance.

Town Board Member Tallon moved to approve Ordinance No. 2021-1621, 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.

4. Resolution No. 2021-02 A Resolution Authorizing The Mayor To Execute A Waiver And Release Agreement Affecting The Town's Participation In The Northern Colorado Regional Tourism Act Initiative

This Resolution effectively withdraws Windsor from active participation in the Northern Colorado Regional Tourism Act ("RTA") project known as "GoNoCo". The RTA is intended to promote tourism-related projects through the dedication of State sales tax increment dollars over an extended period of time.

The RTA requires regional collaboration through a combination of local tourism elements. Beginning in 2014, the Town joined with Larimer County, Loveland and Estes Park, each of which brought individual tourism elements to the project. This group became known as "GoNoCo", later evolving to the Northern Colorado Regional Tourism Act Authority. The Town's GoNoCo element was promoted by Martin Lind, and was known as "PeliGrande Resort & Windsor Conference Center".

The Colorado Office of Economic Development and International Tourism ("OEDIT") handles State-level review of applications, governance and compliance with the requirements of RTA. OEDIT approved the GoNoCo application with conditions in 2015. Since that time, the GoNoCo participants have attempted to satisfy OEDIT's conditions with some success. However, Mr. Lind notified OEDIT in August, 2020 that PeliGrande would no longer participate in the project.

Larimer County, Loveland and Estes Park wish to continue their participation, but require an extension of time to meet certain statutory OEDIT deadlines. OEDIT has indicated it will consider the extension request, but only if the entire GoNoCo group executes the attached Waiver and Release Agreement ("Waiver/Release").

The Waiver/Release is very broad, and essentially absolves OEDIT from any exposure for its handling of the GoNoCo/Northern Colorado RTA project. I am not entirely sure what underlies this requirement, except that OEDIT feels it must take this step as consideration for extending an otherwise-firm statutory deadline.

OEDIT will consider the request for extension of the RTA deadlines at its next meeting. The procedural model for OEDIT's consideration is laid out in the Exhibits

to the Waiver/Release. All of these documents have been approved by counsel for the various parties.

Windsor Economic Development Director Stacy Miller has been fully-engaged in this project since its inception. Ms. Miller supports withdrawal from GoNoCo, as the PeliGrande project is no longer in play.

Please note that the withdrawal of the Town's project element does not withdraw the Town from governance of the Northern Colorado Regional Tourism Act Authority. The structure of governance under the RTA is very strict in terms of governance, even if Windsor does not have a project element in play. OEDIT will expect Windsor to continue its presence on the NCRTA Authority Board of Directors, CRS Section § 24-46-306 (b) requires that one elected official and a representative of the community at large must be appointed by the Town to serve on this Board. This is true regardless of whether Windsor has a project element in play. I have specifically asked that OEDIT reconsider this requirement, and have been informed that it is not statutorily allowed.

Town Board Member Tallon moved to approve Resolution No. 2021-02, 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. Resolution No. 2021-03 A Resolution Expressing Support for Windsor's Participation in the Greeley-Evans Safe Place to be 5-Star Certification Program, and Authorizing the Mayor to Execute a Letter Seeking Participation in the Program Upon Approval of the Colorado Department of Public Health and Environment

When the state recently moved all Larimer and Weld Counties back into Red on the dial and closed the restaurants, the Governor was pressed by the Larimer County BOCC among others to allow counties to offer an opportunity just like they were allowed to do in Mesa County, where earlier this year they offered the 5-star program, where restaurants, gyms, etc., could operate at a level below the county (less restrictive), if they were pre-certified by the county because they met higher standards of safety.

The Board will recall that Staff outlined three different possible courses that we were exploring for the Town to become a 5-star eligible community, that included partnering with Larimer County, partnering with the Greeley-Evans effort, or going it alone.

Staff met with a representative from CDPHE on January 5th, and after exploring the options, came to the agreement that amending the Greeley-Evans was our best option. As I reported last week, the leadership at Greeley has been very open to including the Town, and I appreciate their neighborly and gracious inclusion.

There aren't many steps that we'll need to take to join this application, but one of steps is that the Board will need to formally enter into this program by adopting the attached Resolution.

Town Board Member Charpentier moved to approve Resolution No. 2021-03, 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 No. 2021-04 A Resolution Authorizing the Town Manager to Waive Local Liquor License Fees

In an effort to provide some financial relief to struggling businesses, Senate Bill 20B-001 was signed into law on December 7th. A portion of this bill allows for the State to waive specific state liquor license fees for a period of one year. These fees include all new applications, renewals for on-premises consumption, and COVID-19 temporary modification of premises.

The classes of licenses for which a fee waiver is authorized does not include retail liquor stores, grocery stores, or convenience stores as those license holders have presumably not been negatively affected by the COVID-19 pandemic.

In an effort to assist with one of the Town's goals of assisting struggling businesses during the pandemic due to restricted capacity, staff is recommending following the guidelines outlined in SB 20B-001 and waiving the same local fees for the year 2021. The resolution and attached highlighted fee schedule before the board tonight reflects the recommended waived fees.

Town Board Member Sislowski moved to approve Resolution No. 2021-04, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney

2. Communications from Town Staff

Mr. Lucas stated that staff did an excellent job on snow plowing over the weekend and invited the Board on a tour of the Riverwalk.

Ms. Miller stated provided an update on the status of NoCo Nosh and stated that the launch of the program is set for February 1st. The latest application for the third round of funding for the PPP has opened up.

Mr. Moyer stated that the retail sales tax for this year was higher than it was last year drive through restaurants as well as online sales tax collections have helped to fill in the gaps.

a. Finance Report November 2020

3. Communications from Town Manager

Mr. Hale stated that the Town launched the senate bill 1 program last week.

a. Monthly Board Report

4. Communications from Town Board

Town Board Member Charpentier stated that tomorrow night the Chamber is holding an event at Coffee House 29.

Mayor Rennemeyer expressed his appreciation to the staff involved with the Christmas tree recycling program as well as for the streets department for taking care of snow plowing and taking care of the roads.

E. ADJOURN

Mayor Pro Tem Bennett moved to adjourn, 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.

Upon a motion duly made, the meeting was adjourned at 8:21 p.m.

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

Karen Frawley, Town Clerk