



TOWN BOARD REGULAR MEETING

April 9, 2018 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:00 p.m.

1. Roll Call

Mayor
Mayor Pro Tem

Kristie Melendez
Myles Baker
Cindy Scheuerman
Ken Bennett
Paul Rennemeyer
Ivan Adams

Also Present:

Acting Town Manager/Town Clerk
Town Attorney
Communications/Assistant to Town Manager
Director of Parks, Recreation and Culture
Finance Director
Planning Director
Senior Planner
Assistant Town Attorney/Town Prosecutor
Deputy Town Clerk

Patti Garcia
Ian McCargar
Kelly Houghteling
Eric Lucas
Dean Moyer
Scott Ballstadt
Paul Hornbeck
Kim Emil
Amanda Mehlenbacher

3. Pledge of Allegiance

Town Board Member Adams led the pledge of allegiance

4. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board

Town Board Member Rennemeyer moved to strike item A.5 from the agenda and replace it with an Arbor Day Proclamation, move item C.11 to C.12 and replace it with Resolution 2018-39, A Resolution Approving an Agreement of Purchase and Sale Between the Town of Windsor and Vima Partners, LLC, for the Acquisition of Real Property Located in the Labue Farm Annexation to the Town of Windsor.; Town Board Member Scheuerman seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays-None; Motion passed.

5. Proclamation – Arbor Day

Mayor Melendez read the Proclamation for Arbor Day.

Town of Windsor Tree Board Member Wendy Ball approached the Board and thanked the Mayor for the Proclamation. Ms. Ball further informed the Board of the upcoming Arbor Day celebration taking place on April 20th at the Grand View Elementary School starting at 8:20 a.m. and Windsor Charter School at 9:45 a.m.

The Annual Arbor Day Tree Sale will be held on April 21st and the Arbor Day poster exhibit will be held at the Art and Heritage Center with an open house from 4:00-6:00 p.m. on April 12th.

6. Proclamation – National Service Recognition Day

Mayor Melendez read the Proclamation for National Service Day.

Kayla Evans and Hannah Hostak with the United Way of Weld County approached the Board and thanked the Mayor for the Proclamation. Ms. Hostak informed the Board of the 150 members that currently serve in Weld County working with non-profits to help end poverty.

7. Board Liaison Reports

- Mayor Pro Tem Baker – Parks, Recreation & Culture Advisory Board; North Front Range/MPO alternate
Mayor Pro Tem Baker stated that he was unable to attend the April Parks, Recreation & Culture meeting, however, on the agenda was an update on capital improvement projects for the first quarter and discussion of the 2019 budget and 2018-2020 goals.
- Town Board Member Scheuerman – Water & Sewer Board; Clearview Library Board
Town Board Member Scheuerman reported that the Water & Sewer Board hasn't met since her last report and the next meeting will be held the morning of April 11th.
Ms. Scheuerman further reported that the Clearview Library Board met and presented their Social Media Contract Services and that they are working on combining the Friends of the Library and the Library Foundation. The Library Foundation is currently seeking Board members for those that may be interested as well as hosting a chili cook-off that will take place May 5th. The Friends of the Library will be hosting a Summer House Party in order to spread the word about the Library.
- Town Board Member Bennett – Planning Commission; Windsor Housing Authority
Town Board Member Bennett reported that the Planning Commission met and conducted a public hearing for the Weld County Road 76 Annexation which is on tonight's agenda. The Planning Commission also reviewed site plans for the Associates in Family Medicine as well as the final site plan for the apartments at Eagle Crossing.
- Town Board Member Rennemeyer – Historic Preservation Commission; Great Western Trail Authority; Chamber of Commerce
Town Board Member Rennemeyer had no update on the Historic Preservation Commission or the Chamber of Commerce as neither have met since the last meeting. Mr. Rennemeyer reported that the Great Western Trail Authority met and discussed the encroachments along the future stretch of the trail extending from Severance to Eaton. Discussion revolved around the maintenance of the trail as well as financing and grants that have been obtained.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
Town Board Member Adams reported that the Tree Board will have an Open House at the Windsor Art and Heritage Museum showcasing the

Arbor Day Poster and Poetry entries. The winners of the poster and poetry contest will be announced during the April 23rd Town Board meeting. Grand View Elementary School and Windsor Charter Academy will each host an Arbor Day program on April 20th. Tree Board members will work with the Rotary Club to plant trees in Windsor's Main Park that have been donated. April 21st will mark the Annual Arbor Day Public Tree Sale for Windsor Residents. Trees can be purchased and picked up at the Forestry Office located at 190 North 8th Street.

Town Board Member Adams reported that the Poudre River Trail Board met and discussed maintenance reports and updating their bylaws. The 2018 Poudre Trail-athlon will be held at The Poudre Learning Center Trailhead, June 2, 2018 from 9am to Noon.

- Mayor Melendez – Downtown Development Authority; North Front Range/MPO

Mayor Melendez reported that at the North Front Range/MPO meeting the Colorado Department of Transportation is urging schools and communities to participate in bike to school day on Wednesday, May 9th. CDOT is also looking to develop a long range 2045 Regional Transit Element. A US 34 PEI Study is currently being conducted for improvements along Hwy 34. Questions concerning the study and the opportunity to review the concept plans will be held at the Riverside Library in Evans, CO on May 23rd or The Embassy Suites in Loveland, CO on May 30th. Both events start at 5:00pm. CDOT also reported the Big Thompson Canyon Flood Repair and US Hwy 34 will be open by Memorial Day Weekend. In conjunction, an update was given on the North I-25 expansion project and, whereas, Windsor will be a part of the initial first phase of construction.

8. Public Invited to be Heard

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

B. **CONSENT CALENDAR**

1. Minutes of the March 20, 2018 Special Meeting Minutes and March 26, 2018 Regular Meeting – Amanda Mehlenbacher
2. Report of Bills for March 2018 – D. Moyer
3. Cancellation of May 28, 2018 Town Board Meeting

Town Board Member Rennemeyer moved to approve the consent calendar as presented; Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

C. **BOARD ACTION**

1. Site Plan Presentation – River Valley Crossing Subdivision 2nd Filing, Lot 1 – Gavin Kaszynski, Associates in Family Medicine, applicant / Katy Thompson, Ripely Design, Inc., applicant's representative
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck introduced the application and presented the PowerPoint presentation included in the packet materials, with the following information: Mr. Gavin Kaszynski, represented by Ms. Katy Thompson, is proposing a new site development in the River Valley Crossing Subdivision 2nd Filing. The site is zoned General Commercial (GC) and is located adjacent to other GC zoned properties.

Overall development characteristics include:

- total lot area of 1.137 acres
- a two story building with 7,678 s.f. of lot coverage
- approximately 28% landscaped area
- 72 parking stalls and 10 bicycle parking spaces

Building characteristics include:

- primary building materials of brick and stucco with accent metal panels
- predominant roof height of 31' with a roof feature up to 37' in height

There was no recommendation, as this item is for presentation purposes.

Town Board Member Bennett highlighted that the Planning Commission inquired about the height of the building and if a waiver was requested due to hardship. Mr. Bennett wished to point out that due to the type of medical equipment it necessitates a higher elevation. This was not just an architectural design but rather a need for the medical equipment which justifies the waiver of height.

Mayor Melendez inquired what the facility will consist of.

Katy Thompson of Ripley Design, Inc., responded that the first floor will consist of an Urgent Care and the second floor will be made up of medical offices. This was an expansion and relocation of an existing business with an addition of the Urgent Care.

Mayor Melendez inquired as to the hours of operation.

Gavin Kaszynski of Associates in Family Medicine, responded that although the hours have not been defined, they are envisioning hours of operation being 8:00am-8:00pm, 7 days per week.

Town Board Member Bennett inquired as to when the business will be open.

Mr. Kaszynski responded April or May of 2019.

2. Site Plan Presentation – Falcon Point Subdivision, Lot 4 – Craig Kraft, applicant/ Patricia Kroetch, North Star Design, Inc., applicant's representative

- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck introduced the application and presented the PowerPoint presentation included in the packet materials, with the following information: The applicant Mr. Craig Kraft, represented by Ms. Patricia Kroetch, is proposing a new site development in the Falcon Point Subdivision at 611 Gyrfalcon Court, south of SH 392/ Main Street. The site is zoned Limited Industrial (IL) and is located adjacent to other properties with IL zoning.

Overall development characteristics include:

- total lot area of 4.17 acres
- four office/ warehouse buildings of 10,240 square feet each
- approximately 6.2% landscaped area (additional common landscaping is provided with the subdivision)
- building coverage of 41,860 sf (23%)
- 68 parking stalls

Building characteristics include:

- Three to four tenant spaces per building
- metal buildings with brick wainscot
- peak roof height of approximately 31'

There was no recommendation, as this item is for presentation purposes.

Mayor Melendez inquired if the building was for any particular businesses.

Mr. Hornbeck stated that the applicant has indicated the building has been mostly filled with tenants with only a few spaces still available.

Town Board Member Adams inquired if any considerations have been made to enhance the appearance to the building(s) and surrounding areas.

Mr. Hornbeck responded that each property owner has to some extent the flexibility to design the building, however, code requires that metal buildings contain either a brick or stone wainscot be added to the public view.

3. Public Hearing – An Ordinance Annexing and Zoning Certain Territory known as the WCR 76 Annexation to the Town of Windsor – Jon Turner, Hillside Development Group, applicant / Kristin Turner, TB Group, applicant's representative

- Legislative Action
- Staff presentation: Paul Hornbeck, Senior Planner

Town Board Member Adams moved to open the public hearing; Town Board Member Scheuerman seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Melendez; Nays- Adams; Motion passed.

Mr. Hornbeck introduced the application and presented the PowerPoint presentation included in the packet materials, with the following information: The applicant Mr. Jon Turner, represented by Ms. Kristin Turner, has submitted a petition to annex approximately 6.47 acres to the Town of Windsor as General Commercial (GC) and Residential Mixed Use (RMU) zoned property. The proposed zoning is consistent with the zoning of adjacent property to the south. The purpose of this annexation is to annex Weld County Road 76 right-of-way in anticipation of potential roadway improvements associated with the proposed Rocky Mountain Sports Park. Development of the Rocky Mountain Sports Park itself will require various additional approvals by Town Board.

The applicant held a neighborhood meeting on February 5, 2018.

On February 26, 2018 Town Board adopted Resolution No. 2018-022 that declared certain findings of fact concerning the Weld County Road 76 Annexation, determined substantial compliance with Colorado Municipal Annexation Act (1965), and established public hearing dates before the Planning Commission and the Town Board. The established hearing dates were April 4, 2018 for the Planning Commission and April 9, 2018 for the Town Board.

No Annexation Report is required with this annexation because the total area is less than 10 acres. Additionally, since the annexation consists only of right-of-way and no developable property, no impact is anticipated to utilities or services to the property or to the school district.

At their April 4, 2018 meeting the Planning Commission forwarded a recommendation of approval of the WCR 76 Annexation to the Town Board, as presented.

Staff requested the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony presented during the public hearing
- Recommendation

Mayor Melendez asked if there were any questions or comments from Town Board members.

There was none.

Mayor Melendez asked if anyone from the audience wished to speak on this matter.

There were four individuals who commented during the public hearing. All were opposed to the WCR 76 Annexation voicing concerns that it facilitates the development of the Rocky Mountain Sports Park. The public voiced strong concerns regarding the increased traffic within their neighborhoods, speed limits, school bus stops as well as the thought of an alternate route that commuters will use to seek an escape from Harmony Road and use County Road 76.

Marcia Maeda, 6711 Steven Street, Windsor, CO 80550 – Opposed
Roselyn Leautaud, 36933 WCR 15, Windsor, CO 80550 – Opposed
Vicki Lake, 37044 Northwest Drive, Weld - Opposed
Douglas Born, 7377 CR 76, Windsor, CO 80550- Opposed

Ms. Maeda inquired if the Town of Windsor will be conducting any additional traffic studies to take into consideration the impending events.

Ms. Garcia responded that she would circulate Ms. Meada's written statement to the appropriate staff and have them respond to her questions.

Mayor Melendez inquired if the applicant could speak to the improvements suggested and the need for the annexation.

Jon Turner, 6379 Crooked Stick Dr., Windsor, CO., responded that the annexation was requested by staff. The ground being annexed would consist of the existing right-of-way which includes 30 feet on each side of the section line. The intent of the annexation is that Windsor would take over WCR 76 since future development will take access from the road and the Town will need to address transportation and safety issues. The road will stay in its current condition until adjacent development requires improvements at the direction of the town.

Discussion between the Town Board Members and staff revolved around whether or not Ms. Lake's property is currently or will be affected by the annexation.

Town Board Member Bennett moved to close the public hearing; Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

4. Resolution No. 2018-34 – A Resolution Making Certain Findings and Conclusions of Law Pursuant to Section 31-12-110 C.R.S., Concerning the WCR 76 Annexation to the Town of Windsor – Jon Turner, Hillside Development Group, applicant / Kristin Turner, TB Group, applicant's representative
 - Legislative Action
 - Staff presentation: Paul Hornbeck, Senior Planner

Mayor Melendez asked if Mr. Hornbeck had anything further he wished to add.
Per Mr. Hornbeck; nothing further.

Mayor Melendez asked if there were any questions or comments from Town Board members.
There were none.

Town Board Member Rennemeyer moved to approve Resolution No. 2018-34- A Resolution Making Certain Findings and Conclusions of Law Pursuant to Section 31-12-110 C.R.S.. Concerning the WCR 76 Annexation to the Town of Windsor; Town Board Member Scheuerman seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

5. Ordinance No. 2018-1558 - An Ordinance Annexing and Zoning Certain Territory known as the WCR 76 Annexation to the Town of Windsor – Jon Turner, Hillside Development Group, applicant / Kristin Turner, TB Group, applicant's representative
 - First reading
 - Legislative action
 - Staff presentation: Paul Hornbeck, Senior Planner

Mayor Melendez asked if Mr. Hornbeck has anything further he wished to add.
Per Mr. Hornbeck; nothing further.

Town Board Member Scheuerman moved to approve Ordinance No. 2018-1558 as presented; Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

6. Public Hearing – A Resolution Approving the First Amendment to an Intergovernmental Agreement Between the Town of Windsor and Town of Severance Regarding Development Within the State Highway 257 and Harmony Road Corridor

- Legislative action
- Staff presentation: Paul Hornbeck, Senior Planner; Ian D. McCargar, Town Attorney

Town Board Member Rennemeyer moved to open the public hearing; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

In order to accommodate anticipated development in and surrounding the Rocky Mountain Sports Park (“RMSP”) property, the development standards approved in the attached March 25, 2013, IGA with Severance (“Original IGA”) must be amended. Severance representatives have indicated their willingness to allow this modification of the development standards, and staff has prepared the attached First Amendment to Intergovernmental Agreement Between the Town of Windsor and Town of Severance (“Amended IGA”).

The Amended IGA would defer to the standards in a Planned Unit Development (PUD) overlay district proposed for the property. The PUD application is pending, and has yet to be presented for Town Board approval.

In accordance with Article XXIII of Chapter 16 of the Municipal Code, the intent of PUD regulations is, among other things, intended to “provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.” Should Town Board approve a PUD for the RMSP property, development requirements will be included in the PUD. Under the proposed Amended IGA, those requirements would supersede the development standards in the Original IGA for those portions of the RMSP that lie in the Corridor.

Once the PUD application is ready to be scheduled, public hearings before both Planning Commission and Town Board will be required. Approval of the PUD will require Town Board adoption of a rezoning ordinance.

Staff recommended that the Town Board adopt Resolution No. 2018-35, A Resolution Approving the First Amendment to Intergovernmental Agreement Between the Town of Windsor and Town of Severance Regarding Development Within the State Highway 257 and Harmony Road Corridor.

Mr. McCargar stated that the draft IGA Amendment has been submitted to the Town of Severance. The Board of Trustees requested that Mr. McCargar add the

reciprocity language that appears toward the end of the document to make certain if the Town of Severance needed the Town of Windsor to review a (PUD) planned unit development model for their side of the corridor, that the town would be willing to do so

Town Board Member Scheuerman requested clarification as to whether the IGA was sent to the Town of Severance for review and comment, would it require them to take any formal action in order to approve it.

Per Mr. McCargar; No.

Town Board Member Scheuerman inquired as to the reciprocity that is stated in the IGA and if there was any concern that they may vary from the standards put into the IGA via the PUD process.

Mr. McCargar responded that the land use decision is left to each jurisdiction. The referral and comment portion of the agreement allows the towns to take into account each other's perspective on what is being proposed.

Mayor Melendez asked if there were any further questions or comments from Town Board members.

There were none.

Mayor Melendez asked if anyone from the audience wished to speak on this matter.

There was none.

Mayor Melendez asked if Mr. McCargar had anything further he wished to add.

Per Mr. McCargar; nothing further Madam Mayor.

Town Board Member Adams moved to close the public hearing; Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

7. Resolution No. 2018-35 – A Resolution Approving the First Amendment to an Intergovernmental Agreement Between the Town of Windsor and Town of Severance Regarding Development Within the State Highway 257 and Harmony Road Corridor

- Legislative action
- Staff presentation: Paul Hornbeck, Senior Planner; Ian D. McCargar, Town Attorney

Mayor Melendez asked if Mr. Hornbeck has anything further he wished to add.

Per Mr. Hornbeck; nothing further

Mayor Melendez asked if there were any further questions or comments from Town Board members.

There were none.

Town Board Member Adams moved to approve Resolution No. 2018-35 as presented; Town Board Member Bennett seconded the motion. Roll call on

the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

8. Resolution No. 2018-36 – A Resolution Approving a Non-Binding Term Sheet Between the Town of Windsor and Broe Infrastructure Development, LLC, Regarding a Project Delivery Agreement for Provision of Treated Water to the Town of Windsor

- Legislative action
- Staff presentation: Ian D. McCargar, Town Attorney

Broe Infrastructure Development, LLC (“Broe”), has proposed initial terms for further exploration of a water treatment agreement, as set forth in the attached *Term Sheet Regarding a Project Delivery Agreement for Provision of Treated Water to Windsor* (“Term Sheet”). With the exception of Section 5 (Exclusivity), the Term Sheet is a non-binding statement of intent to continue discussions. It does, however, lay out certain basic expectations for future negotiations:

- The Treatment Plant (“Plant”) will use reverse osmosis (“RO”) technology to treat and deliver water pumped to the surface in the Great Western Industrial Park; and
- Broe will perform all development activity, and will finance the project through arrangements with third-party investors, including the establishment of a “Project Company”; and
- The Town will create a statutory water authority (“Authority”) to eventually acquire the Plant, after payments made pursuant to a long-term financing arrangement set up through the Town’s Water Utility Enterprise; and
- A Letter of Intent (“LOI”) will be negotiated by July 2, 2018, containing more-specific terms; and
- All costs of development, water rights, financing and capital construction will be allocated through the terms of a final agreement (“Project Delivery Agreement”) to be finalized by the end of September, 2018.

Assuming this project meets the foregoing expectations, the Plant would be under construction in 2019, and completed in 2021.

Staff recommended the Town Board adopt Resolution No. 2018-36.

Town Board Member Baker inquired if the mention of brine management assets including deep injection disposal wells also included frack wastewater.

Mr. McCargar stated that the disposal injection well is an entirely different permitting process under the EPA’s rules than it would be for hydraulic fracturing fluids.

Mr. Baker expressed his concerns with allowing wastewater disposal near the Great Western property.

Mr. McCargar responded that discussion has taken place with the engineering firm that’s working on this component and that it’s not intended to take just any disposable waste. The intention is to take the brine generated by the plant.

Discussion continued to revolve around the opportunities of partnering with other municipalities to help reduce cost, the lifespan of the technology as well as the necessity of this plant for the Town of Windsor.

Town Board Member Rennemeyer moved to approve Resolution No. 2018-36 as presented; Town Board Member Scheuerman seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

9. Resolution No. 2018-37 – A Resolution Approving the Final Site Plan for Eagle Crossing Subdivision 4th Filing, Lots 1 & 3 – Morgan Kidder, Fossil Ridge Holdings, LLC, applicant/ Brian Williamson, TST Consulting Engineers Inc., applicant's representative
- Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck introduced the application and presented the PowerPoint presentation included in the packet materials, with the following information: The applicant, Mr. Morgan Kidder of Fossil Ridge Holdings, LLC, represented by Mr. Brian Williamson of TST Consulting Engineers, has submitted a final site plan, known as Eagle Crossing Subdivision 4th Filing, Lots 1 & 3. The site plan encompasses approximately 21.6 acres. Town Board approved a rezoning of the subject property from Limited Industrial (IL) to High Density Multifamily (MF-2) on January 8, 2018 and Planning Commission approved the preliminary site plan on October 18, 2017.

Site plan characteristics include:

- a total of 407 dwelling units;
- four two-story multi-family residential buildings on the east side of the project with 14 to 16 units each;
- fifteen three-story multi-family residential buildings with 21 to 24 units each;
- 620 parking spaces, including 120 detached garage spaces, and 500 open-air parking spaces;
- 21% building coverage of the site;
- 46% of the site to be landscaped area; and
- playground, clubhouse and pool for residents.

Building characteristics include:

- horizontal fiber cement lap siding as the predominant façade material;
- stone treatment around the base of buildings and around external stairways;
- covered decks and porches; and
- 5:12 roof pitch with varying rooflines.

Off-site improvements being completed with the Eagle Crossing Subdivision 4th Filing will include:

- construction of Steeplechase Drive from Highland Meadows Parkway to Fairgrounds Avenue, including an adjacent 10' wide public trail
- extension of Ward Drive north to connect with Steeplechase Drive

- regional detention facility with soft surface trail amenity

At their April 4, 2018 meeting Planning Commission forwarded to the Town Board a recommendation of approval, subject to the following conditions:

1. All outstanding staff comments on the site plan drawings shall be addressed.
2. Prior building permits being accepted for review the applicant shall:
 - a) Enter into a development agreement with the Town, which shall not be recorded until after the Eagle Crossing Subdivision 4th Filing plat has been recorded.
 - b) Submit a minor subdivision application to place the portion of the regional detention facility depicted on Lot 1 in the Eagle Crossing Subdivision 4th Filing in a separate tract.
 - c) Present evidence to the Town that an easement granting temporary rights to the Developer to construct the off-site improvements depicted on the improvement drawings and permanent exclusive rights to the Town for the storm drainage facility.
 - d) Present a written undertaking, under which the Brands East Metropolitan District will permanently assure the ongoing maintenance of the drainage facilities, adjacent recreational trail, and surrounding landscaping on Tract A of Fossil Ridge Subdivision 2nd Filing and the yet-to-be created tract required in condition 2.b above.
3. In the event that issues arise due to lack of sufficient parking stalls provided on site, the property owner shall take appropriate measures to address such issues.

Mr. Hornbeck stated that item 2.(b) listed has subsequently been addressed through other means; therefore, staff recommends that the item be removed from the conditions of approval.

Staff recommended that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Recommendation

Town Board Member Rennemeyer questioned as to why staff is researching other locations if the applicant has met the current standard of 1.5 spaces per unit.

Mr. Hornbeck responded that that parking does meet the minimum requirement, however, staff has identified this as a potential threat of health, safety and welfare.

Town Board Member Baker inquired if parking was allowed on Steeplechase Drive or Ward Avenue.

Mr. Hornbeck responded that those streets are designed with no parking.

Mr. Brian Williamson of TST Consulting Engineers, addressed the board stating that the parking reduction from the preliminary plan was driven mainly by the building spacing. In the preliminary site plan, 20 feet separated all the buildings which met building code. After an in depth analysis, the penetrations along the sides of the buildings, the number of windows and patios required 30 feet of spacing between the buildings which caused the buildings to disperse resulting in the removal of several parking spaces from the project. Mr. Williamson stated that it was not their intention to under park this project, instead they are trying to fit as many parking spaces as possible while continuing to meet the standard set forth in the land use code. Mr. Williamson further touched on the amenities that will be included with this project. These include; community club house, playground structures and regional trail connection.

Town Board Member Bennett inquired as to how pedestrians would cross from one side of Steeplechase Drive to the other.

Mr. Williamson responded that there will be a pedestrian refuge island located in Steeplechase Drive that would allow pedestrians to cross one lane of traffic and stop before crossing the other.

Mr. Bennett further inquired if the similar project that was mentioned by the applicant as having no parking issues was 100% occupied and built out.

Mr. Morgan Kidder of Fossil Ridge Holdings, LLC., stated that he had miss-spoken and the location is not 100% built out at this time; however, they do not predict any parking issues even while meeting the current standard of 1.5 spaces per unit.

Mr. Bennett wished to acknowledge the applicant, developer and staff that have spent time on this project. Mr. Bennett stated that in situations such as this where there are no options for off-street parking, the current code appears to be inadequate. It has been requested that the applicant attempt to find additional ways to add parking in order to avoid hindrances in the future.

Town Board Member Adams moved to approve Resolution No. 2018-37. Town Board Member Scheuerman seconded the motion. Mr. McCargar sought clarification for the record that the remaining conditions recommended by the Planning Commission were included in the Motion. Both Town Board Member Adams and Scheuerman agreed that it was their intention to make the approval subject to Conditions 1, 2 (a), (c) and (d) and 3 as they appear in the staff memo on this item. With the clarification, roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays – None; Motion passed.

10. Resolution No. 2018-38 – A Resolution Accepting the Resignation of Acting Town Manager Patti Garcia, Declaring a Vacancy, and Appointing Dean Moyer to Serve as Successor Acting Town Manager for the Town of Windsor

- Legislative action
- Staff presentation: Ian D. McCargar, Town Attorney

The resignation of Patti Garcia will create a vacancy in the office of Acting Town Manager, effective April 14, 2018. The Charter requires that an Acting Town Manager be appointed whenever a vacancy occurs in the office of Town Manager. In order to assure continuity of executive leadership pending the arrival

of Mr. Hale, I have been instructed to present the attached *Resolution Accepting the Resignation of Acting Town Manager Patti Garcia, Declaring a Vacancy, and Appointing Dean Moyer as Acting Town Manager for the Town of Windsor*. If adopted, the attached Resolution will have Mr. Moyer take office following the effective date of Ms. Garcia's resignation as Town Clerk. Mr. Moyer will serve as Acting Town Manager until Mr. Hale takes office in June.

The attached Resolution is authorized under Charter Section 8.2, and does not in any way affect the Town Board's authority with respect to appointments as reserved under the Charter.

Staff recommended the Town Board adopt Resolution No. 2018-38. Simple majority of those participating required.

Town Board Member Rennemeyer moved to approve Resolution No. 2018-38 as presented; Town Board Member Scheuerman seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

11. Resolution No. 2018-39 - A Resolution Approving an Agreement of Purchase and Sale Between the Town of Windsor and Vima Partners, LLC, for the Acquisition of Real Property located in the Labue Farm Annexation to the Town of Windsor.
 - Legislative action
 - Staff presentation: Eric Lucas; Director of Parks, Recreation and Culture

Mr. Lucas stated that the Town's acquisition of land in the Labue Farm Annexation has been under discussion since October, 2017. More recently, the Weld RE-4 School District asked the Town to consider a joint acquisition of the property, as it is adjacent to land the School District owns for a future middle and high school. Following a discussion with the Town Board, staff was authorized to have further discussions with the property owner and school district.

The school district has determined that it needs only 19 acres of land, and the Town has determined that it can utilize 27 acres. After some discussion, the Town and the District determined that they would separately purchase their acreage in April of 2017. The School District closed on their 19 acres on April 2, 2017 at a price of \$1.10 per square ft. The School District now owns approximately 96 acres. Under the proposed contract, the Town will own 27.149 acres if purchase is approved. The identification of this parcel aligns with the Parks, Recreation and Culture Department Master Plan adopted in April, 2017, and subsequent discussions with PRECAB.

The contract calls for a purchase price of \$1,300,906.00 for the 27.149 acres of land, calculated at the same per-square-foot rate as the District's parcel, as no appraisal of the property had been prepared. The purchase price will reduce the Community Park Fund accordingly. Finance Director Moyer is aware and has approved the funding.

Mr. Lucas noted that when park development occurs, the Town will be required to build a quarter-mile of road (Iron Wheel Drive) that will ultimately connect the Raindance subdivision with the future park and school site to the Pelican Farms subdivision. The estimated cost to build the Town's portion of the road is \$900,000.

Mr. McCargar offered to review the contract terms in further detail. The Mayor indicated that the Board was sufficiently familiar with the intention, based on Mr. Lucas's presentation.

Discussion revolved around the exact location of the park, the surrounding properties as well as the associated fees and financial impact of this purchase.

Town Board Member Scheuerman moved to approve Resolution No. 2018-39 as presented; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

12. February Financial Report

- Staff presentation: Dean Moyer

Mr. Moyer gave an overview of the February Financial Report that was included in packet material.

D. COMMUNICATIONS

1. Communications from the Town Attorney

None

2. Communications from Town Staff

Mr. Lucas shared with Town Board the playground options for Main Park that were voted upon by children within the community.

3. Communications from the Town Manager

Ms. Garcia approached the Town Board and thanked them for the many opportunities that were given to her during her years of service with the Town of Windsor.

4. Communications from Town Board Members

Mr. Baker gave an update on the Larimer County Transportation Infrastructure Strategies Meeting which he attended.

Town Board members thanked Ms. Garcia for her time of service and dedication to the Town of Windsor.

E. EXECUTIVE SESSION

Town Board Member Rennemeyer moved to go into an executive session pursuant to Colorado Revised Statutes § 24-6-402 (4)(e) (I) for the purpose of determining positions relative to matters that may be subject to

negotiations; developing strategy for negotiations; and instructing negotiators with respect for certain Economic Development Incentives (Stacy Johnson, Director of Economic Development); Town Board Member Scheuerman seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays-None; Motion passed.

The executive session commenced at 9:40 p.m.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 10:04 p.m.

The executive session was closed and the Town Board returned to the Regular Meeting.

Upon returning to the regular meeting, Mayor Melendez advised that if any participants in the Executive Session believed the session contained any substantial discussion of any matters not included in the motion to convene the Executive Session, or believed any improper action occurred during the Session in violation of the Open Meetings Law; such concerns should now be stated. Hearing none, the Regular Meeting resumed at 10:04 p.m.

F. ADJOURN

Town Board Member Rennemeyer moved to adjourn; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays-None; Motion passed.

The meeting was adjourned at 10:04 p.m.



Amanda Mehlenbacher, Deputy Town Clerk