



TOWN BOARD REGULAR MEETING

February 12, 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 7:04 p.m.

1. Roll Call

Mayor

Kristie Melendez
Cindy Scheuerman
Ken Bennett
Paul Rennemeyer
Ivan Adams

Absent

Mayor Pro Tem

Myles Baker

Town Attorney

Acting Town Manager/Town Clerk

Communications/Assistant to Town Manager

Chief of Police

Director of Finance

Director of Planning

Senior Planner

Customer Service Supervisor

Ian McCargar

Patti Garcia

Kelly Houghteling

Rick Klimek

Dean Moyer

Scott Ballstadt

Paul Hornbeck

Jessica Scheopner

2. Pledge of Allegiance

Board Member Scheuerman led the Pledge of Allegiance.

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

Town Board Member Scheuerman moved to approve the agenda 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.

4. Proclamation—Kindness Week

Mayor Melendez proclaimed February 11th – February 17th as Kindness Week.

5. Board Liaison Reports

- Mayor Pro Tem Baker – Parks, Recreation & Culture Advisory Board; North Front Range/MPO alternate
Mayor Pro Tem Baker was absent; therefore there was no report.

- Town Board Member Scheuerman – Water & Sewer Board; Clearview Library Board
Town Board Member Scheuerman reported that the Water & Sewer Board for February was cancelled.
The Library Board will be putting the library bond on the November 2018 ballot.
- Town Board Member Bennett – Planning Commission; Windsor Housing Authority
Town Board Member Bennett reported the Planning Commission met on February 7, 2018. Commissioners have forwarded a recommendation for items on the agenda tonight.
- Town Board Member Rennemeyer – Historic Preservation Commission; Great Western Trail Authority; Chamber of Commerce
Town Board Member Rennemeyer reported Chamber meets on Wednesday, the 14th.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
Town Board Member Adams reported that the Tree Board met on January 23rd. They had their election for the year. Arbor Day will be celebrated April 20th and 21st. The schools are Grand View Elementary and Windsor Charter Academy. From April 7th to April 29th the posters will be exhibited at Arts and Culture Center. On April 23rd at the regular meeting the poster winners will be recognized.
There is a Poudre River Trail meeting on January 31st.
- Mayor Melendez – Downtown Development Authority; North Front Range/MPO
Mayor Melendez reported there is nothing new to report for the Downtown Development Authority.
She reported that the North Front Range MPO met on February 1st. CDOT has heighten awareness on fatalities, adding additional safety measures and awareness campaigns in hopes to reduce the deaths. CDOT also gave a report on expansion lanes for I-25 including the negotiation with a contractor, a signed contract and will now be moving forward with construction. From Johnstown to Fort Collins they will add two express lanes and widen the shoulders. They will use toll pricing to manage congestion, promote transit and carpooling. CDOT reminded that group that the project only came to fruition because of local dollars. Any more projects will require more money to move forward.

6. Public Invited to be Heard
There were none.

B. CONSENT CALENDAR

1. Minutes of the January 22, 2018 Regular Meeting – J. Scheopner
2. Report of Bills January 2018 – D. Moyer
3. Resolution No. 2018-15 – A Resolution Incorporating and Reaffirming Findings of Fact and Authority Granted to the Town Attorney within Resolution No. 2018-12 with Respect to Eminent Domain Proceedings and Further Specifying the Legal Description of the Real Property in Question –I. McCargar
4. Resolution No. 2018-16 – A Resolution Approving an Agreement for Covered Bridge Right-of-Way Encroachment, and Authorizing the Mayer to Execute Same –I. McCargar

Town Board Member Adams 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. Public Hearing – An Ordinance Annexing and Zoning Certain Territory known as the Swanson 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 Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

Mr. Hornbeck reported the applicant, Mr. Jon Turner, represented by Ms. Kristin Turner, has submitted a petition to annex approximately 28.9 acres to the Town of Windsor as General Commercial (GC) zoned property. The property is located to the northeast of existing town limits just west of the intersection of Harmony Road and SH 257. The purpose of this annexation is to annex Harmony Road right-of-way and assemble adjoining properties as a part of the proposed Rocky Mountain Sports Park. Development of the Rocky Mountain Sports Park itself will require various additional approvals by Town Board.

The Land Use Plan of the 2016 Comprehensive Plan designates this property as General Commercial, consistent with the proposed zoning. Zoning for abutting properties include General Commercial (GC), Limited Industrial (IL) and Weld County Agriculture (A) and Planned Unit Development (PUD).

The Comprehensive Plan Growth Strategy includes the property within in a Developed Area; this area is adjacent to Committed and Secondary Growth Areas. The Harmony Road corridor is one the main growth areas in Town and is foreseen to develop with a mix of residential and commercial uses. The corridor also serves as an important role moving traffic east and west through the region. The applicant held a neighborhood meeting on December 18, 2017.

At its January 8, 2018 regular meeting, the Town Board adopted Resolution No. 2018-004 that declared certain findings of fact concerning the Swanson 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 February 7, 2018 for the Planning Commission and February 12, 2018 by the Town Board. An Annexation Report has been prepared that detail on the adequate provision of utilities and services to the property, maintenance of infrastructure, and a finding of no impact to the school district due to the proposed General Commercial use and zoning.

Section 31-12-110 of the Colorado Revised Statutes requires that upon completion of the Public Hearing and prior to the Town Board making any action

on the Annexation Ordinance for the Swanson Annexation, that the Town Board approves a Resolution Making Certain Findings and Conclusions concerning the Swanson Annexation to the Town of Windsor.

Windsor, Severance and the Northlake Metropolitan District signed an agreement for preliminary design, right-of-way acquisition, and final design of sanitary sewer extension to the property. The three stakeholders have contributed their pro-rata shares of the costs for Phase 1. A subsequent separate agreement is required for construction, but it is expected that the three stakeholders will see this through to completion. Installation and financing of all other infrastructure extensions shall be the sole responsibility of the developer. Harmony Road/CR 74 right-of-way included with the annexation and future infrastructure improvements will be maintained by the Town once final construction acceptance has been granted.

The following goals and objectives of the 2016 Comprehensive Plan are relative to the subject annexation:

- Chapter 5b – Growth Framework
Goal: Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.
Objective: Prioritize new growth in areas currently served by Town infrastructure and services.
- Chapter 5d – Commercial and Industrial Areas Framework Plan
Goal: Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.
Objectives: Prioritize new growth in areas currently served by town infrastructure.
- Chapter 7- Community Facilities and Infrastructure
Goal: Maintain and enhance Windsor as a safe and healthy community that is served by quality facilities and infrastructure that support a high quality of life.
Objective: Coordinate annexation and development with community service and utility providers to ensure adequate levels of service area extended to new growth areas and maintained in existing service areas.

The following goals and objectives of the 2016 Strategic Plan relate to the subject annexation:

- Prosperous Local Economy: Windsor's vibrant local economy provides opportunities for our residents and businesses to prosper. The town collaborates and engages with regional partners to provide opportunities for the community.
- Diverse, Desirable Recreation and Cultural Opportunities: people who live, work, and play in Windsor are able to access a variety of recreation and cultural opportunities that enrich their quality of life.

At their February 7, 2018 meeting the Planning Commission forwarded a recommendation of approval of the Swanson Annexation and zoning designation.

Mayor Melendez asked if there were any questions of staff.
There were none.

Mayor Melendez asked if anyone in the audience wished to speak on this matter.
There was no one.

Mayor Melendez asked for a motion to close the public hearing.

Town Board Member Rennemeyer moved to close the public hearing; 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.

2. Resolution No. 2018-17 – A Resolution Making Certain Findings and Conclusions of Law Pursuant to Section 31-12-110 C.R.S., Concerning the Swanson 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 there was anything more to report.
Mr. Hornbeck stated no.

Mayor Melendez asked if the record is complete.

The record is complete per Mr. McCargar

Town Board Member Rennemeyer moved to adopt Resolution No. 2018-17 – A Resolution Making Certain Findings and Conclusions of Law Pursuant to Section 31-12-110 C.R.S., Concerning the Swanson Annexation to the Town of Windsor; 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.

3. Ordinance No. 2018-1556 - An Ordinance Annexing and Zoning Certain Territory known as the Swanson 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

Town Board Member Adams moved to approve Ordinance No. 2018-1556 - An Ordinance Annexing and Zoning Certain Territory known as the Swanson Annexation to the Town of Windsor; Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Melendez; Nays- Adams; Motion passed.

4. Resolution No. 2018-18 – A Resolution Approving a Permit Pursuant to Chapter 8, Article VI of the Windsor Municipal Code for the Purpose of Allowing the Use of Golf Cars on Public Roadways Within the Neighborhoods Known as “Water Valley (North, South and Pelican Hills) and South Hill (Frye Farm and Pelican Farms)
 - Legislative action
 - Staff presentation: Rick Klimek, Chief of Police

Chief Klimek reported golf cars are allowed on public roadways in certain defined areas by permission of Town Board. The use of golf cars has been authorized in defined areas in Highland Meadows and Water Valley subdivisions. Any additions to these areas due to development are required to obtain a permit for such operations from Town Board. The areas proposed to be added are in the greater Poudre Tech Metropolitan District, Water Valley Master Association, and the Pelican Farms Association, to incorporate newly developed areas.

Windsor Municipal Code ("WMC") §8-6-30 governs the restrictions for operating Golf Cars

(1) No golf car shall be operated by any person under the age of sixteen (16) years.

(2) No golf car shall be operated by any person unless such person holds valid driving privileges pursuant to Title 42, C.R.S., or the equivalent under the law of any other jurisdiction within the United States.

(3) No golf car shall be operated upon any sidewalk, pedestrian trail or recreational facility within the Town, whether or not such trail or recreational facility is operated under authority of the Town, with the exception of golf courses and associated golf facilities.

(4) Golf cars shall not be operated upon or across any portion of Colorado State Highway 392 or Colorado State Highway 257.

(5) The operator of a golf car must obey all traffic and parking regulations otherwise applicable to motor vehicles.

(6) No golf car shall be operated between sunset and sunrise or at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead, unless such golf car is equipped and illuminated with head lamps, tail lamps, stop lamps and turn signals as required under Title 42, Article 4, Part 2, C.R.S.

(7) No golf car shall be operated in violation of any limitation or condition imposed by the Town Board pursuant to the authority provided under Paragraph 8-6-20(b)(5) above.

The attached Resolution also adds additional requirements and restrictions requiring:

- a. The sidewalk, trail or recreational facility must be posted as a designated golf car path. No golf cars are allowed on the Poudre River Trail;
- b. Golf cars can only cross State Highway 392, State Highway 257 or roadways with a speed limit greater than 35 mph at designated and posted golf car crossings.
- c. Posting requirements at the expense of the Metro District/Association per section 4 of the Resolution.

Staff has worked with the requesting parties to receive the necessary documentation for including these new locations. This process was previously

started in 2015, but never completed by the applicant's representative at the time. The items needed for consideration have now been submitted. A Community Golf Cart Map is attached to this memo delineating the golf cart paths, trails and crossings. It also shows in red the places golf carts are not allowed.

Recommends approval of the resolution.

Board Member Scheuerman inquired what the penalty is for crossing 7th street since it is not allowed.

Chief Klimek replied the penalty is a citation with a fine not more than a \$100.

Town Board Member Scheuerman moved to approve Resolution No. 2018-18 – A Resolution Approving a Permit Pursuant to Chapter 8, Article VI of the Windsor Municipal Code for the Purpose of Allowing the Use of Golf Cars on Public Roadways Within the Neighborhoods Known as “Water Valley (North, South and Pelican Hills) and South Hill (Frye Farm and Pelican Farms); 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.

5. December 2017 Financial Report

Mr. Moyer reported the summary of the December Financial report which is posted on the website. The report included updated sales tax, construction use tax, property tax, expenditures in the General Fund, and capital project status. He explained that supplemental budget amendments will be brought to the Town Board on the first meeting of March. He reminded the group that the Audit is scheduled for the last week of March and April.

6. YourGOV Annual Report

Mrs. Houghteling gave a summary of YourGOV implementations from last year. She presented a report with statistics for the 2017 year. She explained the information and the report will be provided quarterly. The report presented is for the entire year of 2017. The report will be given quarterly from now on.

Mayor Melendez inquired about the dollar amounts reported under each voting district.

Mrs. Houghteling explained this is a break down per voting district of the amount of money spent either via labor, materials and/or equipment on items of issue within each district.

Mrs. Garcia explained that staff created this report from what the Board may want to see and views important. She implored them to give feedback if items needed to be added or for other ways to improve the report.

Mayor Melendez stated she really likes the report.

Board Member Adams stated the report is a great overview and start.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Mr. McCargar reported that the Windsor High School fielded a team for Mock Trial competition over the weekend. He expressed how wonderful it was to see a team from Windsor compete.

2. Communications from Town Staff

Mrs. Carlin Barkeen reported on work staff has done with an update to the Housing Authority Policy. She addressed several items of opportunity and is looking for direction from Town Board on how to proceed.

Mayor Melendez stated that the topic is extremely important to the Town and is a hot topic in the region. She thanked Mrs. Barkeen for the good info and items to think about. She asked for this to be added to the strategic planning session to make an action plan for it.

3. Communications from the Acting Town Manager

There was nothing new to report.

4. Communications from Town Board Members

Mayor Melendez reminded everyone that the coming Saturday is Coffee with the Mayor at Coffee House 29 starting at 7:30 am.

E. ADJOURN

Town Board Member Bennett moved to adjourn; 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.

The meeting was adjourned at 8:48 p.m.



Jessica Scheopner, Customer Service Supervisor