



TOWN BOARD REGULAR MEETING

August 13, 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 7:03 p.m.

1. Roll Call

Mayor
Mayor Pro Tem

Kristie Melendez
Ken Bennett
Myles Baker
Barry Wilson
Paul Rennemeyer
Thomas Jones
David Sislowski

Also Present: Town Manager
Town Attorney
Communications/Assistant to Town Manager
Director of Parks, Recreation and Culture
Director of Planning
Chief Planner
Senior Planner
Senior Planner
Chief of Police
Economic Development Specialist
Town Clerk

Shane Hale
Ian McCargar
Kelly Houghteling
Eric Lucas
Scott Ballstadt
Carlin Malone
Millissa Berry
Paul Hornbeck
Rick Klimek
Jill Young
Krystal Eucker

2. Pledge of Allegiance

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

4. Lifesaving Awards Presentation

Chief Klimek presented Life Saving Awards to Wayne Plachety, Sadie Plachety and Windsor Police Officer Jared Paul. On December 29, 2017, Windsor Police officers responded to a medical call in which a resident was reported to have lost consciousness and CPR was in progress. With their bravery, quick thinking and team effort they were able to save a life

5. Board Liaison Reports

- Town Board Member Baker – Tree Board, Historic Preservation Commission
Town Board Member Baker had no update for the Tree Board.
Mr. Baker reported he was unable to attend the Historic Preservation Commission meeting but they did a tour of historic buildings.

- Town Board Member Wilson – Parks, Recreation & Culture Advisory Board; Poudre River Trail Corridor Board
Town Board Member Wilson reported PReCAB will move forward with Village East Park and that has gone out to bid. Main Park is on schedule to be ready for the Harvest Festival.
Mr. Wilson reported the Poudre River Trail Corridor Board discussed a section of the Trail that is west of Eastman Park in the Raindance Development which has had a temporary trail going around some oil and gas operations; that section is anticipated to be open on August 17, 2018. A section of the Trail 3 miles east of Highway 257 will be a closed after Labor Day for approximately 53 days. The Party for the Poudre event is scheduled for September 12, 2018.
- Mayor Pro Tem Bennett – Water & Sewer Board
Mayor Pro Tem Bennett reported the Water & Sewer Board provided an update on the north sewer extension project.
Mr. Bennett reported members of the MPO worked with CDOT to get approval for some additional projects such as sections 7 and 8 on I-25. This approval is to prepare the footprints to accommodate a third general purpose lane in each direction. There was also discussion regarding possible tax initiatives on the November ballot; initiative 153. There are a lot of “if’s” surrounding the initiative; if the initiative is placed on the ballot, if it passes and if the recession is not too deep in the future. The local sharing portion of that could be approximately \$23 million over 20 years. Smart Pavement was also discussed at the meeting and that would build sensors into pavement that would know the location of a vehicle and when there is an accident. Smart powered lanes were also discussed which could charge electric cars as they drive down the road.
- Town Board Member Rennemeyer – Chamber of Commerce
Town Board Member Rennemeyer reported the Chamber welcomed Mr. Hale to the community and invited him to attend the regular meetings. The new teachers breakfast is scheduled for August 22, 2018 for all new teachers in Weld RE-4.
- Town Board Member Jones – Windsor Housing Authority; Great Western Trail Authority
Town Board Member Jones reported the Windsor Housing Authority will meet August 21, 2018.
- Town Board Member Sislowski –Clearview Library Board; Planning Commission
Town Board Member Sislowski reported the Library Board discussed the audit from 2017. The auditor issued an opinion that the financials are in good standing. A Special Meeting was held and the Board voted to move forward with placing a mill levy initiative on the ballot in November.
- Mayor Melendez – Downtown Development Authority; North Front Range/MPO
Mayor Melendez had no report.

6. 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 July 23, 2018 Regular Meeting – Krystal Eucker
2. Resolution No. 2018-77, A Resolution Approving an Intergovernmental Agreement Between the Town of Windsor and the Highlands Metropolitan Districts No.'s 5 and 7-10 Regarding the Completion of Public Improvements – Ian McCargar
3. Resolution No. 2018-78, A Resolution Approving the Dedication of Trail Easement, Highlands Industrial Park 2nd Lot 5 – K. Emil
4. Resolution No. 2018-74, A Resolution Approving One No-Surface-Occupancy Oil and Gas Lease, and Related Terms, between the Town of Windsor, Colorado, and Grizzly Petroleum Company, LLC, and Authorizing the Mayor to Execute the Same – Ian McCargar
5. Report of Bills July 2018 – D.Moyer
6. Advisory Board Appointment – K. Eucker

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

C. BOARD ACTION

1. Site Plan Presentation – Eagle Crossing Subdivision, 4th Filing, Lot 2 – Eagle Crossing (Fossil Ridge) Storage – Eagle Crossing Development Inc., owner; Brian Williamson, TST Consulting Engineers, Inc., applicant; Morgan Kidder, Journey Homes, authorized representative
 - Staff presentation: Millissa Berry, Senior Planner

Per Ms. Berry, the property owner is proposing a new site development in the Eagle Crossing Subdivision, 4th Filing. The site is zoned limited-industrial (I-L) and is located adjacent to other I-L zoned properties to the south, north and east and multifamily 2 (MF-2) to the north and west.

The project is an enclosed storage facility. Overall development characteristics include:

- total lot area of approximately 5.8 acres
- approximately 23% landscaped area
 - additional buffer landscaping where property meets MF-2 district
- a 96,400 square foot facility
 - 95,500 square feet of storage
 - 900 square foot office
- office is approximately 15 feet in height and storage units are approximately 11 feet in height
- storage units designed around the perimeter of the site
- access from Steeplechase Drive
- 7 parking spaces
- Colors and materials will reflect those used in the Fossil Ridge Apartment project in the immediate vicinity of the storage facility site.

The current presentation is intended for the Town Board's information. Should the Town Board have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff's review of the project. The site plan will be reviewed and approved administratively by

staff; however, if the project review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Planning Commission for review.

The application is consistent with various goals of the 2016 Comprehensive Plan.

Mr. Baker confirmed that there is no fencing on the exterior as the buildings will be the exterior.

Ms. Berry stated that is correct. There are some gaps in some areas in the corners that will have fencing.

2. Site Plan Presentation – Windsor Commons Subdivision First Filing, Lot 4 – Joel Walters, Budget Blinds, applicant/ David Stranathan, Freeman Architects, applicant's representative

- Staff presentation: Paul Hornbeck, Senior Planner

Per Mr. Hornbeck, the applicant is proposing a new site development in the Windsor Commons Subdivision at 1224 Automation Drive. The site is zoned general commercial (GC) and is located adjacent to properties with GC and limited industrial (IL) zoning. The subject property is partially built out with a parking lot but no buildings have been constructed.

Overall development characteristics include:

- total lot area of 0.90 acres
- 13,811 square foot building
- approximately 11% landscaped area (additional landscaping to be provided with future adjacent property development)
- 53 parking stalls

Building characteristics include:

- Multi-tenant building
- Stucco and stone building façade on three sides with predominately metal finish on the rear (north) side
- Maximum building height of approximately 22'

The current presentation is intended for the Town Board's information. Should the Town Board have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff's review of the project.

Dr. Jones inquired if the landscape plan meets the minimum landscape requirements.

Mr. Hornbeck stated if this was a new site the minimum requirement would apply although since this was a previously platted lot, the applicant is working in the existing footprint and staff is inclined to approve what is proposed.

Ms. Melendez inquired as to the percentage of the building the applicant will occupy.

Mr. Joel Walters, the applicant stated they are planning to occupy approximately 3,000 square feet and lease out the rest.

3. Ordinance No. 2018-1565 – An Ordinance Amending Sections 17-8-30 and 17-8-20 of the Windsor Municipal Code regarding proposed Administrative Site Plan Review and Procedure

Super majority vote required on second reading

- Second Reading
- Legislative
- Staff presentation: Millissa Berry, Senior Planner

Per Ms. Berry, before the Board is Ordinance 2018-1565 on second reading regarding proposed administrative site plan review and procedure which effects the qualified commercial and industrial site plans and also the administrative site plans which meet certain criteria. The current process is to take the site plans and present them to the Planning Commission and Town Board. Since these site plans are uses by right and no actions is taken on the site plans unless there are issues that need to be resolved with the site plan, the proposal is to replace that formal presentation with information being provided in the communication portion of the packet material. The information would include the general review of the project, drawings, landscape plan, elevations and site plans.

The intentions of the proposed is to:

- Save applicants time and money, eliminating the need for the applicant and/or their consultants from having to attend Planning Commission and Town Board meetings
- Free up Planning Commission and Town Board agendas to allow for more discussion on topics which require formal board action
- Allow the site plan information to be provided to Planning Commission and Town Board earlier in the process, as opposed to waiting until the administrative review has been partially completed
- Save staff time with regard to preparation of memos, presentation slides and meeting attendance
- Streamline review process

The Planning Department developed a policy paper that was included in the packet and that policy gives more detail on what the Board can expect in packet material and what the procedures will be.

At their July 18, 2018 regular meeting, the Planning Commission recommended approval of Ordinance 2018-1565.

Town Board Member Rennemeyer moved approve Ordinance No. 2018-1565 - Amending Sections 17-8-30 and 17-8-20 of the Windsor Municipal Code regarding proposed Administrative Site Plan Review and Procedure. Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

4. Ordinance No. 2018-1566 – An Ordinance Rezoning Ptarmigan Business Park PUD 2nd Filing Tract A – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant's representative

Super majority vote required on second reading

- Second Reading
- Quasi-judicial
- Staff presentation: Paul Hornbeck, Senior Planner

Per Mr. Hornbeck, before the Board is Ordinance 2018-1566 on second reading regarding a rezoning. The site is less than 1/3 of an acre; essentially a remnant parcel of a previous rezoning approved by the Town Board. The rezoning has come about due to the proposed realignment of Westgate Drive.

The application is in conformance with the Comprehensive Plan and notification was completed according to the Municipal Code.

At their July 18, 2018 meeting, the Planning Commission forwarded to the Town Board a recommendation of approval.

Staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony received
- Recommendation

Town Board Member Rennemeyer moved approve Ordinance No. 2018-1566 - Rezoning Ptarmigan Business Park PUD 2nd Filing Tract A. Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

5. Ordinance No. 2018-1567 – An Ordinance Rezoning Valley Center Subdivision Lots A & B– Alan Highstreet, Agrifab Colorado, LLC, applicant / Mike Maurer Olsson Associates, applicant’s representative

Super majority vote required on second reading

- Second Reading
- Quasi-judicial
- Staff presentation: Paul Hornbeck, Senior Planner

Per Mr. Hornbeck, before the Board is Ordinance 2018-1567 on second reading. The site is located north of Eastman Park Drive and east of State Highway 257. The site is currently zoned general commercial.

The conceptual site plan, which realigns the garage doors for the proposed development site has been submitted and the neighboring business owners have expressed support for this rezoning.

The proposal is in conformance with the Comprehensive Plan and notifications were completed in accordance with the Municipal Code.

At their July 18, 2018 regular meeting, the Planning Commission recommend approval of Ordinance 2018-1567.

Staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony received
- Recommendation

Town Board Member Wilson moved approve Ordinance No. 2018-1567 - Rezoning Valley Center Subdivision Lots A & B. Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

6. Ordinance No. 2018-1569 – An Ordinance Amending Section 16-6-90 of the Windsor Municipal Code regarding proposed Minor Variance Process
Super majority vote required on second reading
- Second Reading
 - Legislative
 - Staff presentation: Carlin Malone, Chief Planner

Per Ms. Malone, before the Board is Ordinance 2018-1569 on second reading; there have been no changes since first reading. The proposal would allow the Planning Director to make administrative modifications for certain variance requests like errors in the field or minor deviations that need to occur.

Town Board Member Jones moved approve Ordinance No. 2018-1569 - Amending Section 16-6-90 of the Windsor Municipal Code regarding proposed Minor Variance Process. Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

7. Resolution No. 2018-76 – A Resolution Approving and Adopting an Intergovernmental Agreement between and among the Town of Windsor, The City of Loveland and the County of Larimer with Respect to the Fairgrounds Avenue Corridor
- Legislative action
 - Staff presentation: Millissa Berry, Senior Planner

Per Ms. Berry, before the Board is Resolution 2018-76 which would approve and adopt an intergovernmental agreement (IGA) with the City of Loveland and Larimer County regarding the Fairgrounds Avenue corridor. The purpose is to coordinate the planning of Fairgrounds Avenue with all parties so that as it develops it looks like a cohesive master planned area.

The IGA will help promote public health, safety and welfare by addressing various aspects within the corridor which would include access points, pedestrian crossings, street standards and aesthetics. The master plan will be between County Road 30 on the north and to Crossroads Boulevard to the south.

Land use proposals and projects within the corridor such as The Brands, the update of the master plan for The Ranch, the Poudre School District elementary school site and related expansion of the Windsor Highlands Metropolitan Districts all demonstrated a need for Loveland and Windsor to coordinate planning efforts to ensure a cohesive aesthetic and functional roadway.

Loveland and Windsor staff met to discuss how this area could turn into a more cohesive design. It was then decided to expand the access plan for the corridor into a formal agreement and right-of-way master plan. Staff then proceeded to meet individually with all of property owner stakeholders within the corridor to gather their input and gauge their support of such an effort. It was agreed that staff would coordinate a joint meeting of all the stakeholders when the draft was ready for presentation.

A joint meeting with the Town of Windsor Town Board and the City of Loveland City Council was held in January of 2018 to present the progress in the joint planning effort. Based on direction received from City Council and Town Board at this joint meeting, staff proceeded to work with respective legal staff to prepare the draft intergovernmental agreement (IGA) for consideration by both boards.

The elements of the draft IGA include:

- Location description
- Right-of-way Plan
 - Access - intersection locations and function
 - Cross sections
 - Median design
 - Sidewalk / trail locations and standards
 - Streetscape landscaping and maintenance
 - Pedestrian crossing
 - Street furniture
 - Speed limits / posting
 - Street illumination
 - Other maintenance
- Road-naming system
- Referral system
- Term

Staff recommends approval of Resolution 2018-76.

Mr. Baker inquired as to what kind of signal will be at County Road 30.

Ms. Berry stated the last review is that it would be a signalized intersection in the future but there is also an allowance for a pedestrian signal if that was needed before the signal light was installed.

Mr. Baker inquired if the realignment at Arena Circle could potentially push traffic into the residential neighborhoods.

Ms. Berry stated she didn't believe there are concerns regarding that issue and signage will help with that.

Dr. Jones inquired if the jurisdictions are front ending the development of the master plan and then collect impact fees as development occurs in the area.

Ms. Berry stated it would happen as development occurs. It will be part of the development to put in the infrastructure as shown and the elements. There are a few areas that will have to be retrofitted.

Mr. McCargar informed the Board that this agreement has been through a lot of revisions and Ms. Berry has stayed on this agreement for months.

Ms. Melendez inquired if the other parties are in agreement.
Per Mr. McCargar; that is right.

Town Board Member Sislowski moved approve Resolution No. 2017-76. Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

8. Resolution No. 2018-79 – A Resolution Authorizing the Town's Private Activity Bond Allocation to the Housing Authority of the Town of Windsor

- Legislative
- Staff presentation: Carlin Malone, Chief Planner

Per Ms. Malone, the Town became an entitlement community in 2015 under the State of Colorado's Private Activity Bond program, administered by the Department of Local Affairs (DOLA). This program is available to communities with a minimum population of 20,000. The program enables the Town to allocate state bonds, the amount based annually on the Town's population, to another entity, local government or housing authority's qualified project. If any portion of the Town's allocation is not used, carried forward, or transferred to another entity by September 15, 2018, the allocation is relinquished to the statewide balance, available for award to other qualified projects in Colorado.

In 2015 and in 2016, the Town allocated its PAB allocations to the Loveland Housing Authority, which then transferred the funds to the WHA for the financing of the second phase of the Windsor Meadows Apartments, a workforce housing development owned and operated by WHA. In 2017, there were no eligible projects for the Town's allocation of PABs and, therefore, the PABs were relinquished to the statewide balance.

This year the amount allocated to the Town is \$1.29 million. The assigned allocation to the Windsor Housing Authority for their next project which will be multi-unit senior housing.

Mr. Jones inquired if the Town will be affected if the Windsor Housing Authority defaults on the bonds.

Per Ms. Malone, not to her knowledge as these funds are based solely on the population of the Town.

Mr. Hale informed the Board that this is a state allocation of tax exempt bonds that are assigned to the Town so it is not really a bond but more of a tax exempt status that the Town is signing over. Windsor will not have a financial liability. Jeff Feneis from the Loveland Housing Authority informed the Board that when the bonds are issued they are used to fund the 4% tax credits.

Town Board Member Rennemeyer moved approve Resolution No. 2017-79. Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

D. COMMUNICATIONS

1. Communications from the Town Attorney
Mr. McCargar reminded the Board of the executive session this evening.
2. Communications from Town Staff
Chief Klimek thanked the Board for their participation in National Night Out. There were many positive comments regarding National Night Out.
3. Communications from the Town Manager
None
4. Communications from Town Board Members
None.

E. EXECUTIVE SESSION

1. An executive session pursuant to Colorado Revised Statutes § 24-6-402 (4)(e) (I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect for certain Economic Development Incentives (Jill Young, Economic Development Specialist)
2. 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 Miller, Director of Economic Development)

Town Board Member Rennemeyer moved to go into executive session pursuant to Colorado Revised Statutes § 24-6-402 (4)(e) (I) for the combined 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. Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

Upon a motion duly made, the Town Board returned to the regular meeting at 10:30 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 10:30 p.m.

F. ADJOURN

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

The meeting was adjourned at 10:30 p.m.



Krystal Eucker, Town Clerk