



**TOWN BOARD
REGULAR MEETING**

**October 22, 2018 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550**

AGENDA

A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:07 p.m.

1. Roll Call

Mayor
Mayor Pro Tem

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

Also Present: Town Manager
Town Attorney
Communications/Assistant to Town Manager
Assistant Town Attorney
Director of Economic Development
Economic Development Specialist
Director of Engineering
Director of Planning
Chief of Police
Director of Finance
Water Resource Manager
Senior Planner
Town Clerk

Shane Hale
Ian McCargar
Kelly Houghteling
Kim Emil
Stacy Miller
Jill Young
Dennis Wagner
Scott Ballstadt
Rick Klimek
Dean Moyer
John Thornhill
Paul Hornbeck
Krystal Eucker

2. Pledge of Allegiance

Town Board Member Jones 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 amend that agenda by moving item C.10 after A.3 and approve the agenda as amended. Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowksi, Melendez; Nays- None; Motion passed.

C.10. Consideration to Authorize the Mayor to Sign a Letter of Support to Appoint Mick Todd to the Northern Colorado Water Conservancy District Board

The Town of Windsor will make reasonable accommodations for access to town services, programs, and activities, and will make special communication arrangements for persons with disabilities. Please call 970-674-2400 by noon on the prior to the meeting to make arrangements.

- Staff presentation: John Thornhill, Water Resource Manager

Per Mr. Thornhill, this agenda item would authorize the Mayor to sign a letter of support for Mr. John “Mick” Todd to the 12-member Norther Water and Municipal Subdistricts Board. Directors come from the eight counties that are in within the District’s boundaries and are appointed by district court judges to four-year terms.

Ms. Melendez inquired if the applicant is a resident of Windsor.

Mr. Thornhill informed the Board that the applicant is a resident of Greeley.

Town Board Member Sislowksi moved to authorize the Mayor to sign a letter of support for Mick Todd to the Norther Water Conservancy District Board. Town Board Member Rennemeyer. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowksi, Melendez; Nays- None; Motion passed.

4. Board Liaison Reports

- Town Board Member Baker – Tree Board, Historic Preservation Commission
Town Board Member Baker reported the Tree Board will meet on October 23, 2018 at 5:00 p.m. at the Community Recreation Center.
- Town Board Member Wilson – Parks, Recreation & Culture Advisory Board; Poudre River Trail Corridor Board
Town Board Member Wilson reported there has been some improvements to the north shore of Windsor Lake and there have also been some improvements at Boardwalk Park. A section of the Poudre River Trail is still closed east of 257.
- Mayor Pro Tem Bennett – Water & Sewer Board
Mayor Pro Tem Bennett reported the Water and Sewer Board reviewed the Town Board’s resolution in support of NISP Project. There was also discussion regarding an increase in cash in lieu of water and reported that would be updated on a regular basis.
- Town Board Member Rennemeyer – Chamber of Commerce
Town Board Member Rennemeyer reported the Chamber of Commerce held their Annual Dinner last Thursday and recognized the Town of Windsor as being a part of the President’s Circle in 2018.
- Town Board Member Jones – Windsor Housing Authority; Great Western Trail Authority
Town Board Member Jones reported the Windsor Housing Authority closed on property north of Windsor Meadows where the new senior housing is going to be constructed. The Governors Farm offer by the Windsor Housing Authority is still on the table.
Dr. Jones reported the Great Western Trail Authority applied for a Colorado the Beautiful grant through the Parks and Wildlife Department and are currently waiting to hear the outcome.
- Town Board Member Sislowksi –Clearview Library Board; Planning Commission
Town Board Member Sislowksi reported the Library meeting will be on October 25, 2018.

Mr. Sislowski reported the Planning Commission met and there are a number of items that are on the current agenda from that meeting.

- Mayor Melendez – Downtown Development Authority; North Front Range/MPO
Mayor Melendez reported the Downtown Development Authority is hosting an appreciation event on October 23, 2018 from at the Art and Heritage Center.

5. 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 October 8, 2018 Regular Meeting – Amanda Mehlenbacher
2. Advisory Board Appointments – Krystal Eucker
3. Resolution No. 2018-96 – A Resolution Approving an Intergovernmental Agreement for Radio Site and Maintenance of the Timnath Radio Tower Between Weld County and Town of Windsor– Rick Klimek

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

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.

C. BOARD ACTION

1. Resolution No. 2018-94 – Approving an Agreement for Economic Inducements and Development Incentives (EarthX Lithium Batteries)
 - Legislative action
 - Staff presentation: Jill Young, Economic Development Specialist

Per Ms. Young, EarthX Lithium Batters is looking to relocate and expand in Windsor. Currently, EarthX is located in the Diamond Valley Industrial Park in leased space that they have outgrown. The total expansion project costs will be \$525,000 which will include construction of a new 4,200 square foot building with some space available for additional expansion. With the expansion, EatrthX will be able to retain five full time employees and create another full time position within the first year and it will allow EarthX to keep up with current demands and to remain competitive within the industry.

The request that has been received by EarthX is a combination of fee waivers and fee reimbursements. The fee waivers include the administrative fee as well as the Windsor Use Tax which amount to \$5,579.06. The development fee reimbursement which would be reimbursed within 60 days of the certificate of occupancy being issued includes the sewer plant investment fee and the drainage fee for a total of \$8,223.35. The total incentive request amounts to \$13,802.41.

Town Board Member Bennett moved to approve Resolution No. 2018-94. 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.

2. Public Hearing – A Resolution Approving a Final Major Subdivision - Windsor Villages at Ptarmigan – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant’s representative
- Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Town Board Member Rennemeyer moved to open the public hearing. 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

Per Mr. Sislowski, “Madam Mayor, for the record, I would like to point out that in my capacity as Town Board liaison to the Planning Commission, I was present at the Planning Commission meeting during which this matter was previously presented. I wish to state that my participation in the Planning Commission proceedings has in no way influenced me in my capacity as a Town Board Member this evening. I will make my decision and cast my vote this evening based solely on the evidence presented during this public hearing.”

Per Mr. Hornbeck, the applicant has submitted a major subdivision application known as Windsor Villages at Ptarmigan. The subdivision encompasses approximately 103 acres and is zoned Residential Mixed Use (RMU) and Limited Industrial (IL).

Preliminary Plat characteristics:

- 114 single-family residential lots;
- Typical lot size of 7,000 to 8,000 square feet;
- 23 acres of public right-of-way dedication
- 48 acre future development tract master planned for commercial and multifamily uses
- Offsite improvements will include widening of LCR 5 from SH 392 to LCR 32E and roundabouts on LCR 5 at Oakmont Drive and LCR 32E

The applicant held a neighborhood meeting on June 14, 2018, in accordance with Chapter 16, Article XXXI of the Municipal Code. There were approximately seventeen neighbors in attendance. Please see the enclosed neighborhood meeting notes for discussion topics and responses. The applicant subsequently coordinated an additional follow-up neighborhood meeting on September 13, 2018. Approximately 50 neighbors attended this meeting to discuss and address neighbor concerns regarding LCR 5 improvements.

The Planning Commission approved the preliminary major subdivision on July 18, 2018, subject to the following conditions:

1. All outstanding Planning Commission and staff comments shall be addressed on the Final Plat.
2. The Final Plat shall depict the right-of-way for Oakmont Drive shifted north [west] to ensure it is dedicated solely from property controlled by the applicant.

The applicant has continued to address the remaining comments and has since shifted the LCR 5 right-of-way at Oakmont Drive further to the west to reduce impacts to the Ptarmigan Subdivision. Furthermore, the applicant has made an effort to shift the majority of the right-of-way impact to his own property to the west, while also minimizing negative impacts to the adjacent Yeager property to the southwest of the Oakmont Drive intersection.

The application is in conformance with the Comprehensive Plan.

The following notifications were completed in accordance with the Municipal Code:
A neighborhood meeting was held on June 14, 2018 with notifications sent as follows:

- May 30, 2018 – affidavit of mailing to property owners within 300 feet
- June 3, 2018 – display ad published in the newspaper

At their October 17, 2018 regular meeting, the Planning Commissions forwarded to the Town Board a recommendation of approval of the final major subdivision, subject to the following conditions:

1. To the extent the approved plans for improvements to LCR 5 require construction of improvements within right-of-way not yet owned by the Developer or not otherwise acquired by the Town, all such right-of-way shall be acquired and dedicated by the Developer to the Town prior to commencement of any such improvements within said right-of-way.
2. All improvements to the intersection of LCR 5 and Oakmont Drive shall be completed and approved by the Town prior to the issuance of any building permits for single family residential development.
3. Street trees shall be incorporated into the landscape plan on both east and west sides of LCR 5 in order to mitigate the loss of any existing trees.
4. All remaining Planning Commission and staff comments shall be addressed prior to recording the subdivision plat.
5. The subdivision development agreement shall be executed prior to recording the subdivision plat.
6. The applicant shall investigate the option of shifting the roundabouts on LCR 5 an additional 10' west.

Staff requests the following be entered into the record:

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

Brian Williamson with TST Consulting Engineers provided a brief presentation on the Windsor Villages at Ptarmigan project.

Mr. Williamson reported there are 114 single family lots, three commercial lots, 12 tracts of open space and six tracts for future development within the subdivision.

The Planning Commission preliminary approval conditions from the July 18, 2018 meeting include:

1. All outstanding Planning Commission and staff comments be addressed on the final plat.
2. The final plat shall depict the right-of-way for Oakmont Drive shifted north to ensure it is dedicated solely from property controlled by the applicant.

A second neighborhood meeting was held on September 13, 2018 which was not a requirement by the Town. The developer offered to move the roundabout 10 feet to the west.

Mr. Williamson commented that the improvements to Larimer County Road 5 will be coming in the future but the benefit now is that the developer will construct the road with some share back from the Town as opposed to the Town having to build the road.

A concern of the existing neighbors is the location of the existing sound wall. Mr. Williamson provided drawings of various plans showing the distance from the travel lanes to the existing sound wall. After the cross section was moved west 10 feet, that would place 48 feet from the edge of the travel lane to the sound wall.

The distance from the travel lane to the existing sound wall at the cross section south of Oakmont will remain at 27 feet. All improvements at that cross section will be to the west.

The roundabouts at LCR 5 and 32E and LCR 5 and Oakmont have both been shifted to the west 10 feet.

The amount of right-of-way acquisition required from the Ptarmigan HOA prior to the 10 foot shift would have been 2,184 square feet and after the shift, the right-of-way acquisition is now 1,118 square feet; 478 square feet for the roadway and 640 square feet for the sidewalk.

There are regional benefits of the project:

- Increase capacity of LCR 5 to reduce congestion
- Addition of bike lanes on LCR 5
- Access to and from existing Ptarmigan Subdivision and Oakmont improved
- 10 foot regional trail along LCR 5

Mr. Williamson addressed the condition of number six from the conditions of approval from the Planning Commission on October 17, 2018 which requires the applicant to investigate the option of shifting the roundabouts on LCR 5 an additional 10 feet to the west. There was a fair amount of time spent researching that option. Moving the roundabouts an additional 10 feet to the west would increase the impact on the properties on the west of the roundabout and the Yeager property to the south. This option would not eliminate the possibility of acquisition of property and easements from the HOA. Also the shift would require the elimination of the truck apron and put the pedestrian connection closer to

traffic which is something that both the applicant and Town staff agreed was not a viable option.

Mr. Williamson also addressed condition number two from the conditions of approval from the Planning Commission on October 17, 2018 which states all improvements to the intersection of LCR 5 and Oakmont Drive shall be completed and approved by the Town prior to the issuance of any building permits for single family residential development. The developer of the property would like the Town Board to evaluate some alternatives to this condition for the following reasons:

- This is not a normal condition of approval and was not discussed with the application prior to being added to the Planning Commission packet.
- This issue, phasing and issuance of building permits is usually negotiated in the terms of the development agreement and not a condition of approval.
- There are solutions to this issue and the applicant has not been able to address these options with staff.
- This project is currently under contract for sale but this condition jeopardizes that contract and the project in whole.
- The developer is asking to be able to discuss condition number two with staff and find a solution that is acceptable for both the Town and the applicant.

Mr. Baker inquired if there has been traffic studies completed on LCR 5 and if the roundabouts are the best option.

Mr. Williamson stated staff also agrees that the roundabout is the best solution for that area as it does not meet the intersection spacing for a signalized intersection.

Mr. Baker inquires if there would be two lanes in each direction from 32E to Highway 392.

Mr. Williamson stated there will be two north bound lanes and two south bound lanes from 32E to Highway 392.

Mr. Baker inquired if the bike/pedestrian lanes be on both sides.

Mr. Williamson stated the 10 foot trail will be on the west side of the LCR 5.

Dr. Jones inquired if the roundabout is not installed, would there be room for left turn lanes going both ways.

Mr. Jon Sweet with TST Consulting stated he didn't believe that would work unless a traditional 4-way stop intersection was in place.

Dr. Jones inquired if the traffic study was conducted during high traffic times

Mr. Williamson stated the traffic study was completed in accordance with the Town of Windsor's requirements although a.m. and p.m. rush hours are evaluated as well as general operation.

Mr. Sislowksi inquired if the Town could build a road right up to the right-of-way.

Mr. Hornbeck stated there would be a right to build up to the right-of-way although that would typically wouldn't be done.

Mr. Sislowksi inquired if LCR 5 will curve out and back into the existing CR 5.

Mr. Williamson stated the exit out of the 32E roundabout will tie back into the existing LCR 5.

Dr. Jones inquired if Larimer County has commented on the right-of-way.

Mr. Williamson stated Larimer County is a referral agency of the Town of Windsor and they did submit comments. Larimer County did have some concerns about the proximity to the existing residences. Larimer County has not seen the plan since the roundabout has been shifted 10 feet.

Dr. Jones inquired if Larimer County maintains LCR 5

Mr. Williamson stated LCR 5 has been annexed into the Town of Windsor and is a Windsor road. The only Larimer County right-of-way would be at the Oakmont roundabout.

Mr. Baker inquired if the roundabout was shifted farther to the west that there would be even more Yeager property that would be needed.

Mr. Williamson stated that is correct. In order to tie into the Highway 392 intersection, we have absorbed as much as can be done in the roundabout. The redirect taper in this area is 45:1. When the roundabout was shifted the first 10 feet, that had to be blended back into the Yeager property as it ties back into Highway 392. The instructions from the Town is that the road will need to be back on the section line as the road approaches Highway 392 so the intersection doesn't shift. The first 10 foot shift has already taken a portion of the Yeager property, a continued shift continues to take additional pieces of their property. There is someone living in the home on that property so the developer is being extremely cautious of moving that road any closer to the home.

Mr. Baker inquired if the section line could be moved to the west.

Mr. Sweet stated their instructions were that they could not pull any portion of the LCR 5 and 392 intersection to the west so the road would need to be back on the section line.

Ms. Melendez inquired if a north turn lane off of highway 392 is one of the improvements.

Mr. Williamson stated the improvements from the south property line to Highway 392 are not part of this plan but they are being designed and they are running concurrently. They are not part of the approval tonight but the developer is developing those.

Doug Williams, 7208 Tamarisk Drive, Fort Collins, CO addressed the Board and informed them that he is secretary/treasurer of Ptarmigan Villas. Mr. Williams stated he has serious concerns and believes location and design elements for LCR 5 should be addressed prior to approval. The folder that has been presented to the Town Board contains the letter from Larimer County which addressed 11 concerns.

John Truesdell, 7426 Tamarisk Drive, Fort Collins, CO stated he lives approximately 400 feet east of Oakmount and LCR 5. Mr. Truesdell stated the Town Board has the opportunity to

prevent error tonight and the injustice that is about to be done. We understand that professional momentum has gathered around the concept of this roundabout but let's look at what really happens, considering the pictures, the extend of the incursion of the LCR 5 roundabout into Ptarmigan. If you look at that, here is going to be the result if the Board approves what is presented tonight; Muth gets what he wants with more dollars for his ground, Windsor gets what it wants for developer assistance to build LCR 5 but then what happens to Ptarmigan. Ptarmigan's entry is severely compromised.

Mayo Sommermeyer, 7425 Vardon Way, Fort Collins, CO addressed the Board in informed them that he is president of the Master Homeowners Association at Ptarmigan. The Master Board met and are consistent in the position that a fairly simple solution will work. The Board would like the roundabout moved sufficiently to the west to not involve any Ptarmigan HOA property. Mr. Muth's objection of moving this out of our hair is that it will encourage additional design fees and it will also compromise some lots which he planned himself. To move it off of our backyard, it would require that he has to take a little land from the Yeager property. Maybe it is easier to take out ground on the Yeager's property. Moving this to the west is a fairly simple solution.

Lee Sommers, 5101 Nelson Court, Fort Collins, CO stated their lot is at the northeast corner of where the roundabout will be located. They have been members of Ptarmigan since 1994. Another factor that enters into this is that LCR 5 is a very desirable alternative to the interstate so no matter what time of the day it is, if there are problems on the interstate, LCR 5 will back up. Mr. Sommers is supportive of the development that is being proposed and supportive to the roundabout even though it is close to their backyard. It is being requested that it be moved off of Ptarmigan HOA land in order to provide some additional flexibility for overall development.

Gordon Hadlow, 5320 Augusta Trail, Fort Collins, CO addressed the Board and stated the roundabout still encroaches on the common property of the association. It will severely impact Mr. Sommers home as well as the home on the southeast corner. Both of those homes will take the brunt of the roundabout. This entrance at Ptarmigan has been in existence for 25 year and Mr. Hadlow does not understand why that has to be impacted by a new development. The new development should absorb the problems. Mr. Hadlow is requesting that there be no relief on number two of the conditions of approve and that number six be changed to require the roundabout not to encroach on any current Ptarmigan land.

Mr. Williamson with TST consulting addressed some comments from the public. The road is to the west of the existing cottonwoods that are along LCR 5. Also, there have been meetings taken place since the spring of 2018 and some design changes have been made based on feedback; eliminating the walk on the sound side of Oakmont and eliminating the crossing on the south side of the roundabout to minimize the impact there.

Mr. Baker inquired as to the roundabout encroaching 80 feet into the entrance.

Mr. Williamson stated it is not encroaching into the property owned by the HOA as it is encroaching into the existing county right-of-way.

Mr. Baker inquired as to if the roundabout is moved farther west, would the land acquired from the Yeager property be greater than the land acquired from the HOA.

Per Mr. Williamson; by far as it is down to 1,100 square feet from the HOA and the property acquisition from the Yeager property would run the length of their property.

Mr. Baker inquired as to what Lot Q is.

Mr. Williamson stated that is Tract Q which is slated for future development in the master plan as multifamily.

Dr. Jones inquired if it was not moved off of the HOA, there would be issues with the Yeager property.

Mr. Williamson stated there are already issues with the Yeager property with the expansion of LCR 5 and this would exasperate them more. The existing house is a little more than 20 feet from the right-of-way after the roundabout was shifted 10 feet to the west. The minimum setback in Windsor is 20 feet.

Mr. Sislowksi inquired as to any alternative intersection controls.

Mr. Horneck stated the Town's preferred alternative is the roundabout. A signal at that intersection would not meet the Town's criteria. A 4-way stop would function poorly at that intersection as well. The roundabouts being proposed are in conformance with Town standards.

Mr. Sislowksi inquired as to the rational of number two of the conditions of approval which pertains to the intersections being completed prior to permitting.

Mr. Hornbeck stated that is typically a development agreement item for phasing and typically all improvements would be required to be completed prior to building permits being issued. Windsor would not want to have to hold a certificate of occupancy for a home for completion of a roundabout.

Mr. Ballstadt stated this is somewhat of a unique situation. Windsor has been working with Mr. Muth's team pretty regularly to see what can be done to shift the roundabout and to make the least impact on the neighboring properties.

Ms. Melendez inquired as to what is not normal about this project that is requiring item two of the conditions of approval.

Mr. Ballstadt stated the fact that the location of the roundabout is still being worked on. Windsor has been working with the applicant to allow them to be able to begin improvements onsite which includes the internal street network.

Ms. Melendez confirmed if the 10 foot shift did or did not occur.

Mr. Williamson stated it did occur which includes both roundabouts and the section between the roundabouts. That shift was made after the September neighborhood meeting.

Mr. Rennemeyer confirmed that if the roundabout was shifted an additional 10 feet, the ratio of putting the road back to center line at LCR 5 and Highway 392 would encroach into the 20 setback at the home on the Yeager property.

Per Mr. Williamson; that's correct.

Mr. Ballstadt stated they have asked that the applicant locate the roundabouts in a way that minimizes the impact to all parties involved.

Mr. Sweet stated at this point there is not an approved design. Since the neighborhood meeting in September, the roundabout has been moved to the west 10 feet and have blended it back in. Nothing has gone back to the Town for any approvals. As the roundabout continues to move further west, the project will continue to move into the setback of the Yeager property.

Mr. Rennemeyer inquired if Mr. Muth sells the property, will this process begin again.

Mr. Sweet stated the purchaser will be buying the single family lots as currently shown.

Mr. Sislowksi inquired as to what would be the gain for condition of approval number two.

Mr. Ballstadt stated the condition was included based on a staff conversation that would defer to a later administrative negotiation.

Dr. Jones inquired as to a spokesman from Ptarmigan addressing if they would like to see a roundabout there.

The Master Association feels the roundabout is the most acceptable method to handling traffic at that intersection.

Dr. Jones inquired if the HOA ground is in the right-of-way.

Mr. Williamson stated it is not as there are two different property owners. The right-of-way at Oakmont is owned by the county and the right-of-way in LCR 5 is owned by the Town. The HOA owns the open space tracks that are adjacent to those two rights-of-way.

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

3. Resolution No. 2018-95 - A Resolution Approving a Final Major Subdivision - Windsor Villages at Ptarmigan – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant's representative

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

Mr. Hornbeck had nothing further to add.

Mr. Wilson commented that the developers have done as much as they can and it's unclear if there is a solution that will satisfy everyone.

Dr. Jones suggested tabling the item to see if there was other options.

Mr. Sislowski commented that LCR 5 has become a heavily traveled road and it is unclear on what other options there are.

Ms. Melendez commented that if this is approved and moves forward, it may have to come to the conclusion to work itself out anyway since the first requirement is acquiring the right-of-way.

Mr. Bennett commented that he does not see any other options and that he will be voting in favor of the resolution.

Mr. Rennemeyer commented that he is in favor of the resolution.

Town Board Member Jones moved to table Resolution 2018-95 until the November 26, 2018 regular meeting. Town Board Member Sislowski seconded the motion.

Mr. Bennett inquired if there are any consequences if Resolution 2018-95 is moved to the November 26, 2018 regular meeting.

Mr. McCargar stated he did not believe there was any record made regarding any consequences.

Roll call on the vote resulted as follows: Yeas – Baker, Bennett, Rennemeyer, Jones, Melendez; Nays – Wilson, Sislowski; Motion passed.

4. Public Hearing – An Ordinance Approving a PUD (Planned Unit Development) Zoning Overlay – The Brands East Planned Unit Development Overlay District – Martin Lind, Manager, Eagle Crossing Windsor, LLC, owner / Mitch Black, Norris Design, owner’s representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Per Mr. Hornbeck; at the request of the applicant, the Planning Commission continued these agenda items until their November 7, 2018 meeting. Therefore staff recommends the Town Board continue these items to the November 26, 2018 meeting.

Town Board Member Rennemeyer moved to postpone items C.4 and C.5 to November 26, 2018. Town Board Member Sislowski 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. 2018-1573 – An Ordinance Approving a PUD (Planned Unit Development) Zoning Overlay – The Brands East Planned Unit Development Overlay District – Martin Lind, Manager, Eagle Crossing Windsor, LLC, owner / Mitch Black, Norris Design, owner’s representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Agenda Item postponed to November 26, 2018

6. Public Hearing – An Ordinance Amending Section 17 of the Town of Windsor Municipal Code regarding Landscape Requirements
- Legislative
 - Staff presentation: Paul Hornbeck, Senior Planner

Town Board Member Rennemeyer moved to open the public hearing. 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

Per Mr. Hornbeck, the enclosed draft ordinance is a comprehensive update to the Town's landscape standards, which have been in place since 2006. The update is based on the premise that the existing landscape standards have been successful in strengthening the character and quality of development; however, are in need of updates to achieve the following:

- Reorganization to be easier to understand and apply
- Better address water conservation in landscaping
- Expand and refine bufferyard requirements
- Other minor clarifications and modifications

The reorganization is largely moving towards more tables to express the requirements of the code. The current standards are explained in text.

The water wise requirements addresses the growth of the region and high demand for water by looking at water conservation efforts. The current code encourages water conservation but does not have any requirements. There are six primary items that are being proposed:

1. A minimum of 65% of shrubs shall be very low or low water use.
2. A maximum of 15% of shrubs and trees shall be high water use.
3. Medium and high water grass turf areas are limited to high use or high visibility areas with no restriction on irrigated low water grasses.
4. Sites over 3 acres shall use hydrozones (groupings of plants based on water needs to prevent overwatering).
5. Rain shutoff sensors are required.
6. Allowing rock beds for up to 20% of the landscaped area and not to exceed 3000 square feet individually provided visual interest is provided by some combination of boulders, shrubs, western collectibles, etc. (note: this allowance is in response to work session comments).

Bufferyards are currently included in the landscape standards however it is being proposed to expand their use so bufferyards will essentially buffering between two uses that are generally not seen as compatible. Currently the code requires 15-20 feet wide buffers based on building size for commercial or industrial development next to residential. The draft

landscape code refines and expands the bufferyard concept and the major changes are summarized as follows:

Expanded use of bufferyards between incompatible uses, such as multifamily adjacent to single family.

Four standardized bufferyard types specify width and plant density (Table 7-8) which are assigned based degree of incompatible zone districts (Table 7-7)

Alternative standards for constrained sites that cannot accommodate standard bufferyards.

Eliminating the requirement for bufferyards in the Central Business (CB) zone district.

Requires a mix of shade, ornamental, and evergreen trees to ensure year-round buffering and seasonal interest.

A number of minor change have been made in order to try to clarify and simplify standards while creating high quality landscaping similar to the current standards. Further language has been added to clarify maintenance responsibility and responsibility for ongoing compliance.

Another modification proposed is a reduction in the amount of landscaped area required with larger industrial sites. Currently all industrial sites are required to provide 15% landscape area. This standard has been problematic because it places a burden on large sites to provide a tremendous amount of landscaping when much of the site is often unused. An administrative interpretation has been made in the past that such sites are only required to provide 15% landscaped area based on the developed area of the site. Rather than continue to rely on administrative interpretation, the draft landscape code includes tiered standards for industrial sites: 15% landscaping for site under three acres, 8% landscaping for sites between three and ten acres, and 5% for sites over 10 acres. The percentages listed are minimums; however, in order to provide all individual landscape components required, landscaping in excess of the minimums may be required in some cases. However, the intent is large sites would focus landscaping where it's most impactful, such as adjacent to right-of-way.

At their October 17, 2018, meeting Planning Commission forwarded to Town Board a recommendation of approval of the ordinance.

Staff requests the following be entered into the record:

- Staff memorandum
- Packet Materials
- Public Testimony
- Staff Recommendation

Mr. Baker inquired as to the 20% rock in landscaping.

Mr. Hornbeck stated the 20% is the maximum as there is no xeriscape.

Mr. Baker inquired as to what a western collectable is.

Mr. Hornbeck stated the intent of that is to add interests and not just gravel; a western collectable is antiques, farm or wagon wheel type decorations.

Mr. Bennett inquired as to how feedback from stakeholders has been incorporated into the recommendations.

Mr. Hornbeck stated staff had heard feedback that the landscape standards were difficult to work with so the goal was to make the standards easier to apply.

Mr. Sislowksi inquired as to how the landscape requires will work with special districts and HOA's.

Mr. Hornbeck stated these requirements are minimums and an HOA could require more but not less.

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

7. Ordinance No. 2018-1574 – An Ordinance Amending Section 17 of the Town of Windsor Municipal Code regarding Landscape Requirements

- Legislative
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

Town Board Member Rennemeyer moved to approve Ordinance No. 2018-1574 Amending Section 17 of the Town of Windsor Municipal Code regarding Landscape Requirements. Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowksi, Melendez; Nays- None; Motion

8. Ordinance No. 2018 –1575 - An Ordinance Adopting Article XI of Chapter 10 of the Windsor Municipal Code concerning the Public Consumption of Alcohol within the Town of Windsor

- Legislative
- Staff presentation: Rick Klimek, Chief of Police

Chief Klimek informed the Board that recent amendments to the Colorado Revised Statutes eliminated 3.2% alcohol beverages as a licensed classification and the availability of 3.2 beer will be extinguished.

Windsor's code has allowed for 3.2% alcohol in parks, recreational facilities and trails. Knowing this change is coming, several meetings have taken place to discuss recommendations moving forward.

The proposed ordinance before the Board includes:

- Adopt a Town wide-open container ban in public places, with the exceptions of Town Parks where permitted.

- Permit beer and wine in all parks with the exception of Chimney Park unless authorized by a special event license or other local licensing authority.
- Note: We discussed including Diamond Valley Park however, since the Town no longer owns that property, it has been removed from the proposed ordinance.
- No glass containers permitted.

The portion of the Ordinance adding Windsor Municipal Code Sec. 10-11-20, "Consumption and Possession of Alcoholic Beverages in Public Parks" sunsets in one (1) year. This subsequently forces a review of the policy and enables staff and Town Board to make changes if needed based upon any issues that may arise.

Given that the portion of the ordinance addressing alcohol in public parks sunsets in one year this information will aid staff and Town Board in making an informed decision regarding public consumption of alcohol in the Town.

- Recreation staff will add a self-reporting box on all special events, park and pavilion rentals to track usage of alcohol in parks.
- Recreation staff will track and compare beer garden sales from 2018 events against 2019 events for comparison and analysis.
- Police department will track and compare crime statistics for 2019 and compare against previous years.

Mr. Sislowski inquired if it is required that Windsor places a one year sunset on the proposed change.

Mr. McCargar stated it is not, the option was discussed with the Board to see how the proposed change went.

Town Board Member Rennemeyer moved to approve Ordinance No. 2018-1575 – An Ordinance Adopting Article XI of Chapter 10 of the Windsor Municipal Code concerning the Public Consumption of Alcohol within the Town of Windsor. 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

9. Ordinance No. 2018-1576 - An Ordinance Repealing, Amending, Adding and Re-Adopting Portions of Chapter 6, Article I, of the Windsor Municipal Code concerning the Elimination of 3.2 Beer

- Legislative
- Staff presentation: Kim Emil, Asst. Town Attorney

Ms. Emil informed the Town Board that Ordinance No 2018-1576 is a housekeeping ordinance that will clean up the code by removing all references to 3.2% beer. References numbers were also updated as the legislature has moved the Colorado Liquor Code from Title 12 to Title 44.

Town Board Member Wilson moved to approve Ordinance No. 2018-1576 - An Ordinance Repealing, Amending, Adding and Re-Adopting Portions of Chapter 6, Article I, of the Windsor Municipal Code concerning the Elimination of 3.2 Beer. Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowksi, Melendez; Nays- None; Motion

10. Item C.10 was moved up in the agenda following item A.3.

11. Financial Report September 2018

- Staff presentation: Dean Moyer, Director of Finance

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

12. Economic Development Report

- Staff presentation: Stacy Miller, Director of Economic Development

Ms. Miller provided an overview of the prospect report that was distributed during the meeting.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Mr. McCargar reminded the Board of the executive session this evening.

2. Communications from Town Staff

- Site Plan: Southgate Business Park 7th Filing Lot 1

3. Communications from the Town Manager

Mr. Hale informed the Board that the wrap-up budget meeting is scheduled for November 5, 2018.

4. Communications from Town Board Members

Dr. Jones went over questions that will be asked of the Windsor Housing Authority and asked that Board members send any other questions to him.

E. 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 water treatment options (Shane Hale, Town Manager; Ian D. McCargar, Town Attorney)

Town Board Member Rennemeyer moved to go into 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 water treatment options (Shane Hale, Town Manager; Ian D. McCargar, Town Attorney). Town Board Member seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowksi, Melendez; Nays- None; Motion

Upon a motion duly made, the Town Board returned to the regular meeting at 10:36 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 10:36 p.m.

F. ADJOURN

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

The meeting was adjourned at 10:36 p.m.



Krystal Eucker, Town Clerk