



TOWN BOARD REGULAR MEETING

May 13, 2019 - 7:00 PM

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

MINUTES

A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:05 p.m.

1. Roll call

Mayor Kristie Melendez
Mayor Pro Tem Ken Bennett
Myles Baker
Barry Wilson
Paul Rennemeyer
Tom Jones
David Sislowski

Also Present:

Shane Hale, Town Manager
Ian McCargar, Town Attorney
Terry Walker, Director of Public Works
Richard Zeigler, Police Lieutenant
Stacy Miller, Director of Economic Development
Scott Ballstadt, Director of Planning
Dean Moyer, Director of Finance
Dennis Wagner, Director of Engineering
Milissa Berry, Senior Planner
Jessica Humphries, Director of Administrative Services
Scott Tometich, GIS Coordinator
Ryan Phelps, IT Analyst
Cameron Utoft, Network Administrator
Brian Rowe, Streets Operation Manager
Krystal Eucker, Town Clerk

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

Town Board Member Rennemeyer moved to approved the agenda as presented, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

4. Presentation

- Colorado Government Association of Information Technology (CGAIT)

Mayor Melendez recognized Cameron Utoft and Ryan Phelps on their Excellence Award from CGAIT for the work on enhancing public-facing communications by implementing

point-to-point fiber from Windsor Town Hall to the Art and Heritage Center.

- Cartegraph High Performance Government Award

Mayor Melendez recognized Brian Rowe and Scott Tometich for their Cartegraph High Performance Government Award. Cartegraph has been an incredible tool to assist in budgeting, planning, and tracking of assets.

5. Proclamation

- Mental Health Month

Mayor Melendez read the Mental Health Month Proclamation.

Joanna Sinnwell with North Range Behavioral Health addressed the Board and thanked them for the proclamation.

- National Public Works Week Proclamation

Mayor Melendez read the National Public Works Week Proclamation.

Terry Walker, Director of Public Works addressed the Board and thanked them for the proclamation.

- National Police Week Proclamation

Mayor Melendez read the National Police Week Proclamation.

Lieutenant Ziegler addressed the Board and thanked them for their support and the reading of the proclamation this evening.

- Better Hearing and Speech Month Proclamation

Mayor Melendez read the Better Hearing and Speech Month Proclamation.

Lisa Ayers with Bright Skies Therapy Center thanked the Board for reading the proclamation this evening.

6. Board Liaison Reports

- Town Board Member Baker - Tree Board, Historic Preservation Commission

Town Board Member Baker reported the Tree Board will be meeting on May 28, 2019.

Mr. Baker reported the Historic Preservation Commission (HPC) recognized Carrie Ann Lucas at the last meeting. There was an election of a new Chair which is Ruth Brunner and the Vice Chair is Jean Zuckweiler. An update was received on the Windsor Lake signage which are water specific signs around Windsor Lake. A discussion regarding a partnership with the Windsor Severance Historical Society took place although it is not clear on how that would work. The 2019 HPC event will be tours of Boardwalk Park on June 6th and 27th.

- Town Board Member Wilson - Parks, Recreation and Culture Advisory Board; Poudre River Trail Corridor

Town Board Member Wilson reported the 2019 recreation program numbers through March are:

- 2,194 lunches served
- 340 flag football players in the spring
- 1,391 pickleball players
- 365 group swim lesson participants
- 1,195 private swim lessons
- 790 culture program participants
- 319 individuals educated through culture outreach programs

A strategic planning meeting will be taking place at the Recreation Center and the public is invited to share their opinions on the Parks, Recreation and Culture Department.

Mr. Wilson stated in regards to the Poudre River Trail Corridor Board, a meeting took place with Larimer County Natural Resources and there is a lot of excitement that is generating as there is over 20 miles of trail through Windsor, Weld County and Greeley. With the I-25 expansion project, the trail will go under the interstate and connect to the existing trail on the other side of the interstate.

- Mayor Pro Tem Bennett - Water and Sewer Board

Mayor Pro Tem Bennett reported the Water and Sewer Board met and there were a number of items on the agenda. Ms. Hegeman, Stormwater Manager gave an update on the MS4 System. There are five pollution programs that the Town is required to address; public education and outreach, illicit discharge detection and elimination program, construction sites, post construction and municipal operations. There was also an update on how Windsor is adjusting the raw water cash in lieu policy on a quarterly basis; this is due to the rapid increase in the cost of water. The Board also discussed what the proper role is for the Water and Sewer Board.

- Town Board Member Rennemeyer - Chamber of Commerce

Town Board Member Rennemeyer reported the Chamber has selected a new Executive Director which is now the CEO or President and that person is Scott Soldat-Valenzuela. A meet and greet will be scheduled in the near future.

- Town Board Member Jones - Windsor Housing Authority; Great Western Trail Authority

Town Board Member Jones reported the Great Western Trail Authority was ready to advertise for bids tomorrow although there is a property line dispute which involves approximately 500 square foot. The area is in the process of being surveyed.

- Town Board Member Sislowksi - Clearview Library Board; Planning Commission

Town Board Member Sislowksi reported the Planning Commission meet and held a public hearing regarding the Harmony Ridge Subdivision which is on this evening's agenda.

Mr. Sisloski reported the Library Board met and discussed adult programming, trivia at High Hops and arts and crafts. It was announced that Kelly Hall has been selected as the Business Outreach Coordinator for the Library.

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

Mayor Melendez reported the MPO approved unanimously the support letter of a supplemental \$250 million for the north I-25 segment 7 and 8. Information was reviewed from the Colorado Air Quality Control Commission. Rebecca White, CDOT's new Director of the Division of Transportation Development gave a detailed presentation on resetting CDOT's statewide planning process to include all modes of transportation through the development of a 10 year strategic plan of projects.

7. Public Invited to be Heard

Brandon Battaglia, 306 Hemlock Drive, Windsor, CO is looking for clarification of the abandon vehicle ordinance.

Ms. Melendez referred Mr. Battaglia to Mr. Hale for more information.

Katie Scherer, Clearview Library Board addressed the Town Board and informed them that the Library will be working on a Strategic Plan. The winner of the Chili Cook-off was On the Border.

B. CONSENT CALENDAR

1. Minutes of the April 1, 2019 Special Meeting, Minutes of the April 8, 2019 Special Meeting and Minutes of the April 22, 2019 Regular Meeting - K. Eucker
2. Resolution No. 2019-39 - A Resolution Accepting a Permanent Public Utility Easement Upon Lot 4, Windsor Commons Subdivision First Filing - D. Blair
3. Report of Bills April 2019 - D. Moyer

Town Board Member Rennemeyer moved to approve the consent calendar, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

C. BOARD ACTION

1. Ordinance No. 2019-1587 - An Ordinance Revising and Readopting the Methodology and Cash In-Lieu Payments pursuant to the Intergovernmental Agreement Concerning Land Dedication or Payments In-Lieu for School Purposes entered into by the Town of Windsor and Weld County School District RE-4

Per Mr. Ballstadt, the enclosed ordinance will revise and readopt the methodology and cash in-lieu payments pursuant to the Intergovernmental Agreement Concerning Land Dedication or Payments In-Lieu for School Purposes entered into by the Town of Windsor and Weld County School District RE-4.

There have been no changes to the ordinance since first reading and staff recommends approval of the ordinance on second reading as presented.

Ms. Melendez inquired if there is something now that is set up so that it will be looked at on an more frequent basis.

Mr. Ballstadt stated he believed the district has been looking at it on a more frequent basis although not reporting their reviews back to the Town Board. It was requested of the District to include some of that information in their annual report.

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

Mayor Pro Tem Bennett moved to approve Ordinance 2019-1587, Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

2. Public Hearing – Final Major Subdivision - The Ridge at Harmony Road Subdivision 3rd Filing– Jeff Mark, The Landhuis Company, applicant / Kristin Turner, TB Group, applicant's representative

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, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

Mr. Sislowski stated, "Madam Mayor, in my capacity as the Town Board liaison for the Planning Commission I was present at the 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 Ms. Berry, the applicant has submitted a final major subdivision plat, known as The Ridge at Harmony Road Subdivision 3rd Filing. The subdivision encompasses approximately 148 acres and is zoned Residential Mixed Use (RMU).

Final Plat characteristics:

- 301 single-family lots Most lots are between 7,000 and 9,000 sf Larger lots (9,000 – 30,000 sf) adjacent to Alexander Estates Subdivision
- Product: 1 & 2-story houses with attached 2-3 car garages
- Tracts for open space (34 acres), commercial (7 acres), multi-family (7.5 acres), and other (10 acres) future development
- Connections to school site through neighborhood, intersection bulb-outs, widened sidewalk along north side of Harmony Ridge Parkway (to school site in Phase 2)
- Town trail along Harmony Road & WCR 15
- Park sites = approximately 1 acre total over 2 tracts (large park site in Phase 2)
- Offsite improvements will include widening of Harmony Road to four lanes with a landscaped median
- Boxelder lift station site on WCR 15

Since the preliminary plat stage, an irrigation line has been re-routed from an alignment in the interior of the subdivision to an easement along WCR 15. The residential lot count and general residential lot sizes, open spaces tracts, and future development tracts have not changed.

Staff is working with the applicant to ensure screening of the Boxelder lift station as viewed from the Town trail and from WCR 15. The Town is also working with the applicant on agreements in regard to the construction and maintenance of improvements to Harmony Road between Duncroft Drive and WCR 15.

During the preliminary plat phase, the applicant held a neighborhood meeting on March 8, 2018, in accordance with Chapter 16, Article XXXI of the Municipal Code. There were approximately eight neighbors in attendance. Please see the enclosed neighborhood meeting notes for discussion topics and responses.

At the May 1, 2019 Planning Commission meeting, Doug Ochsner, representing the Lake Lee Lateral Ditch Company, requested that the applicant install a smooth wire fence along the northern property line to discourage people from trespassing on the ditch company property and also to install a gate at the WCR 15 entrance to the ditch access road to deter people from driving on the road. The applicant's representative stated that the requests would be conveyed to the applicant.

At its May 1, 2019 regular meeting, the Planning Commission forwarded a recommendation of approval with the condition that all remaining Planning Commission and staff comments be addressed including the applicant working with staff to screen the Boxelder lift station facility as viewed from the Town Trail and WCR 15.

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

Notification for the public hearing was completed in accordance with the Municipal Code.

At their May 1, 2019 regular meeting of the Planning Commission,

Staff requests the following be entered into the record:

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

Mr. Sislowski requested clarification regarding the request for fencing and the access gate.

Ms. Berry stated at the Planning Commission meeting, a representative from the ditch company voiced a concern of the ditch becoming an attraction to people in the area and at that meeting it was suggested that there be a fence put up on the southern portion of the ditch. A gate was also requested at the east end of the property where it meets County Road 15 to prohibit people from entering the site.

The applicant Jeff Mark addressed the Board and stated there have been many discussions with the ditch company and they are willing to work with the ditch company within reason. Fencing along that ditch is very expensive.

Kristen with Birdsell Group addressed the Board and stated the fencing and gate request is a fairly new request. Typically in the Northern Colorado area is that when there is a ditch there is often a ditch located in close proximity. Although, there have been no trails planned for that area. There will also be signage placed in the area.

Dr. Jones inquired if there was a trail planned along the ditch.

Mr. Mark stated there was no trail planned although there is kind of a natural trail in the area.

Mr. Baker inquired as to who is technically responsible to protect the ditch.

Mr. McCargar stated it is the responsibility of the property own to fence out.

Ms. Melendez inquired as to the farthest distance between the property to the ditch.

Mr. Mark stated it looks to be approximately 30-50 feet.

Mr. Baker inquired as to open space and it looks like a large portion is on Harmony Road.

Mr. Mark stated those area actually future development tracts.

Mr. Bennett inquired as to how close the lift stated is to Harmony Road.

Ms. Berry stated if approximately 400 feet off of Harmony Road.

Mr. Bennett inquired as to how extensive the landscaping is.

Ms. Berry stated there is landscaping already on the south portion and there is an open space area with larger evergreens.

Dr. Jones inquired if the park space is meeting the Town of Windsor requirements.

Ms. Berry stated they were meeting requirements.

Ms. Melendez inquired if the screening will include fencing.

Ms. Berry stated there has been discussion regarding a privacy fence.

Dr. Jones inquired if Boxelder will serve this area in perpetuity

Ms. Berry that is the understanding.

Town Board Member Rennemeyer moved to close public hearing, Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

3. Resolution 2019-40 - A Resolution Approving a Final Major Subdivision - The Ridge at Harmony Road 3rd Filing - Jeff Mark, Landhuis Company, applicant / Kristin Turner, TB Group, Applicant's Representative

Ms. Berry had nothing further to add.

Town Board Member Rennemeyer moved to approve Resolution 2019-40, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

4. Ordinance No. 2019-1588 - An Ordinance Amending the Windsor Municipal Code Concerning Renewal Requirements for Sales Tax Licenses and Requirements for Sales Tax Licenses and Requirements for Business Licenses in the Town of Windsor Colorado

Per Mr. Moyer, In Windsor's original sales tax code, all sales tax licenses renew on January 1, thus causing a heavy workload in the months of November and December each year. This ordinance changes that to make the licenses renewable 12 months after they originate. This will even the workflow throughout the year.

Additionally our existing code requires that mobile food vendors have a separate license for each location that they may park their truck. This ordinance eliminates that requirement, requiring only one license with our planning department approving the places the trucks request to park.

Mr. Bennett inquired if it matters if it is on public or private property
Mr. Moyer stated mobile vendors can not set up in a public right-of-way.

Mr. Wilson thanked Mr. Moyer for the change in the ordinance to make the process more feasible to mobile food vendors.

Ms. Melendez inquired if the fee will be going up from \$10 to \$25 for the licenses.
Mr. Moyer stated that it will be going up to \$25.

Mr. Sislowski commented that this is well thought out and simplifies workload.

Town Board Member Rennemeyer moved to approve Ordinance 2019-1588, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

5. Financial Report February 2019

Mr. Moyer gave an overview of the financial reported that was included in packet material.

6. Financial Report March 2019

Mr. Moyer gave an overview of the financial report that was included in packet material.

D. COMMUNICATIONS

1. Communications from Town Attorney
2. Communications from Town Staff

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

Mr. Ballstadt informed the Board that the Community Development and Building Permit reports are currently behinds due to the changes in staffing.

Mr Wagner gave an overview of the some areas where work has been done in Windsor to ease the amount of flooding that occurs in the area. If the river continues to come up above 3,000 CFS, there will be roads that will flood.

Mr. Hale informed the Board that Windsor placed 5th in the Mayor's Water Challenge

with 1,497 pledges and an estimated water savings of 6.1 million gallons.

a. Windshire Park Annex - Public Works/Parks Expansion - Site Plan Review - P. Hornbeck

3. Communications from Town Manager

4. Communications from Town Board

Mr. Baker informed the Board that the Historic Preservation Commission has the virtual walking tours available on the Windsor website.

Ms. Melendez gave reminder of Coffee with the Mayor on May 18, 2019 from 7:30 - 9:00 a.m. at the Community Recreation Center.

Dessert and Dish is also scheduled for May 23, 2019 from 7:00 - 9:00 p.m. at Colorado Cherry Company.

The American Legion will be hosting a Memorial Day Celebration at the Lakeview Cemetery beginning at 10:00 a.m.

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)

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 for certain Economic Development Incentives (Jill Young, Economic Development Specialist), Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 9:25 p.m.

The Executive Session was closed and the Town Board returned to the Special Meeting.

Upon returning to the Special 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 9:25 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, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

The meeting was adjourned at 9:25 p.m.



Krystal Eucker, Town Clerk