



TOWN BOARD REGULAR MEETING

March 22, 2021 - 7:00 PM

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

Please click this URL to join. <https://windsorgov.zoom.us/j/93609134289>

OR join by telephone at (888) 788-0099 or (877) 853-5247 Webinar ID:936 0913 4289

MINUTES

A. CALL TO ORDER

Mayor Rennemeyer called the meeting to order at 7:39 p.m.

1. Roll call

Mayor Paul Rennemeyer
Mayor Pro Tem Ken Bennett
Scott Charpentier
Barry Wilson
Julie Cline
Victor Tallon
David Sislowski

Also Present:

Shane Hale, Town Manager
Ian McCargar, Town Attorney
Jessica Humphries, Admin Services Director
Kim Emil, Assistant Town Attorney
Rick Klimek, Police Chief
Aaron Lopez, Police Commander
Scott Ballstadt, Director of Planning
John Thornhill, Community Development Director
Eric Lucas, Public Services Director
Carlin Malone, Chief Planner
Paul Hornbeck, Senior Planner
Doug Roth, Civil Engineer
Desa Blair, Civil Engineer
Stacy Miller, Economic Development Director
McKenzie Payne, Visual Media Coordinator
Karen Frawley, Town Clerk

2. Pledge of Allegiance

Mayor Rennemeyer asked Town Board Member Wilson to lead 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 Sislowski moved to approve the agenda as presented., Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

4. Board Liaison Reports

- Town Board Member Charpentier - Chamber of Commerce, Clearview Library Board

Town Board Member Charpentier reported that the Library Board is still working on the Intergovernmental Agreements with the branch libraries and the new administrative office being located at the Severance branch library as well as the Ash Street office building. Town Board Member Charpentier reported that the Chamber of Commerce will have a meeting next week.

Mayor Rennemeyer added that the Library the next two nights will have public input sessions via zoom from 6:00 to 7:30 p.m., details can be obtained from the Library.

- Town Board Member Wilson - Planning Commission, Larimer County Behavioral Health Policy Council

Town Board Member Wilson reported that the BHPC received Presentations from 2020 Impact Fund Grant Recipients:

- The Kempe Organizations focuses on the prevention and treatment of child abuse and neglect: <http://www.kempe.org/>
- Healing Warriors Program provides non-narcotic therapy to service members and their families for pain, PTSD and sleep: <https://www.healingwarriorsprogram.org/>
- BHPC reviewed the BHPC Dashboard which is a work in progress, but is quickly becoming a great resource: <https://www.larimer.org/behavioralhealth/data>

FYI - New private sector services for substance abuse in Larimer County:

- Northpoint in Loveland, inpatient and outpatient programs: <https://www.northpointcolorado.com/>
- Garcia House in Fort Collins, residential treatment for adults with co-occurring disorders: <https://www.summitstonehealth.org/garcia-house/>

- Mayor Pro Tem Bennett – Water and Sewer Board, 34, and I-25 Coalition’s

Mayor Pro Tem Bennett reported that Water and Sewer board has been watching the snow pack, all of Colorado is still in a moderate or severe drought condition. The board is still pushing the Mayor's water challenge.

Mayor Pro Tem Bennett reported that the 34 and I-25 Coalitions have no updates since the last Board meeting.

- Town Board Member Cline – Tree Board, Poudre River Trail Corridor Authority, Historic Preservation Commission

Town Board Member Cline reported that the Historic Preservation Commission has not met since the last provided update.

Town Board Member Cline reported that the Tree Board meets tomorrow.

Town Board Member Cline reported that the Poudre River Trail Corridor Authority met on March 11th and are reviewing the financial report and the

budget. The authority tried for a trails grant but was unsuccessful. The authority is also looking at items and putting together a schedule for the trail-a-thon. The subcommittee met last week and spoke about the cycling without age program, as well as working on the creative brief for a marketing program.

- Town Board Member Tallon - Parks, Recreation and Culture Advisory Board, Great Western Trail Authority

Town Board Member Tallon reported that there are no updates for either board at this time.

- Town Board Member Sislowski - Windsor Housing Authority, Windsor Severance Fire District

Town Board Member Sislowski reported that the Fire District went through financial report updates for the district. One of the highlights, Chief presented to the board that they had been successful on a series of grants, they received a little over \$200,000.00 in grants recently.

Town Board Member Sislowski reported that the Windsor Housing Authority introduced two new board members, the board is now full. The Golden Meadows application has been submitted and they are thinking the interviews will be coming in the next few weeks and expecting decisions to be made in May. The board is working on updating their website and if there is any assistance the Town could provide in building and maintaining the website to reach out to the Chair. The board is looking at expanding their program they currently have in place for affordable housing to look at a first time home buyers program.

- Mayor Rennemeyer - Downtown Development Authority, North Front Range MPO

Mayor Rennemeyer reported that the North Front Range MPO has not met since the last meeting so there are no updates to provide.

Mayor Rennemeyer reported that the Downtown Development Authority met last Wednesday and they executed a letter of intent and exclusive negotiation agreement with Tribe Development. Ditesco design and contract for the scope of work to finish out the thru lot at Chimney Park area has been delayed for another month to work some details out.

5. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the March 8, 2021 Town Board Regular Meeting - K. Frawley, Town Clerk

2. Boards and Commissions Appointment - K. Frawley, Town Clerk

On March 9th, Mayor Rennemeyer and Mayor Pro Tem Bennett conducted an interview for a vacancy on the Planning Commission. The following individual is being recommended for appointment.

Planning Commission
Timothy Reddick - Term expiring March 2025

Town Board Member Tallon moved to approve the consent calendar as presented, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

C. BOARD ACTION

1. Public Hearing - Rezone - Hoehne Subdivision 1st Filing, Block 2, Tract B - Cindy Hoehne, Property Owner/Co-Applicant and Les Kaplan, Co-Applicant
Please see materials included with ordinance item, Ordinance No. 2021-1622.

Town Board Member Sislowski moved to open the public hearing, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

Town Board Member Wilson stated "Mayor Rennemeyer, for the record I would like to point out that in my capacity as a 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 proceeding 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. Malone, this is a request to rezone from GC (general commercial) to RMU (residential mixed use). This request was reviewed in accordance with Article V of Chapter 16 of the Municipal Code. The main criteria is the applicant shall provide a rezoning petition and justification for the rezoning request. The site is located South of the Safeway shopping center and is surrounded by existing residential zoning to the East and South, and commercial to the North as well as Northeast. The parcel to the West is currently undeveloped agricultural land. Typically, the Town shies away from a request to reduce the amount of commercial zone districts within the Town. This is a unique site given that it is surrounded on two sides by existing single family as well as residentially zoned property to the West. This property has also remained undeveloped since it was annexed for the shopping center. Planning staff has also consulted with Economic Development to make sure there were no concerns they had regarding this request from commercial to residential. When staff was reviewing this request with the comprehensive plan, there were many items that helped support this justification. This is a parcel that is within a residential neighborhood, this is the only commercially zoned parcel within the block. This request would create a cohesive residential mixed use zone for the block. Additionally, this provides a good transition of land uses between the commercial to the North and the residential to the South. There was a neighborhood meeting held on February 2nd via zoom and there were five attendees, two of which identified themselves as neighbors. The discussion focused around the uses that would be allowed with the new zoning. At the March 17, 2021 meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of the rezone petition and ordinance subject to any outstanding Planning Commission and Staff comments being addressed.

Mayor Pro Tem Bennett asked staff what attempts have been made over the years to develop this property? Mr. Kaplan stated that he is not aware of any applications that have been submitted. Mr. Kaplan stated that he did read an

application that was submitted twenty years ago by Mr. Hoehne trying to justify the general commercial zoning. His vision for the property was to have an office with a residential character that would include renovating the house on the property into an office. Mr. Kaplan stated that giving it's distance from Main Street, it's adjoining through residential neighborhoods, and adjoining RMU zoning makes it not prime for commercial development. Were someone to develop it consistent with general commercial zoning district, he believes that it would be very intrusive to the three residential neighborhoods that are already there. Mr. Ballstadt stated that when the property was annexed, the only reason the property was zoned commercially was because Mr. Hoehne had the thought that his house could be converted to an office type use and they might have a couple of other residential looking offices surrounding the existing home. At that time, staff did entertain two different concepts of that nature and they were not right for development and had very little interest for the location.

Town Board Member Cline asked if this is changed back to RMU, what is thought to be developed there? Mr. Kaplan stated that there hasn't been a lot of visioning for the property, but the property is a multi-family site, a transition property between residential and commercial development. There would have to be a lot of market analysis done and conversations with the Town to come up with a clearer vision of what the character would be.

Town Board Member Sislowski asked if Ms. Miller could give her viewpoint on this property changing from commercial. Town Board Member Sislowski stated that in looking at the public hearing comments in the packet shows concern about what kind of building would be across the street, how high would they be and if the property was rezoned to RMU-1 there is a certain use by right within the zoning that would allow the developer to build almost anything without any kind of conditions and would like to clarify that once this property is rezoned, how much control will the Town have over the design that will be put in? Ms. Miller stated that there have not been any submitted proposals or projects that have met the commercial criteria for that area. Traditionally, following the pattern of the Town Board, she is not supportive of switching commercial development to residential. However, this parcel fits the need of a unique property that has not seen any demand for commercial development including the vision that Mr. Hoehne had many years ago, which is no longer valid.

Town Board Member Wilson stated that he agrees that this is not conducive to commercial as zoned and thinks that instead of looking at it as a conversion, he looks at it as looking to zone it correctly. Maybe it would have been zoned RMU in the past had the previous owner had not wanted to do something with it at the time.

Mr. Ballstadt responded to Town Board Member Sislowski's question about the control the Town would have by stating that once the property is zoned residential mixed use, that will be a use by right zone district. That does allow for any of the Town's residential densities. It would still need to meet the capacities of the existing infrastructure and would need to meet all the height and set back requirements.

Mr. Kaplan stated that a comment made by a Planning Commission member as well as several Town Board Members about the hesitancy to rezone a general commercial property to residential. For the record, general commercial zoning doesn't generate sales tax, it's the consumer that generates sales tax. In this case, having an additional opportunity for residents in that area to frequent the commercial will do more for sales tax than leaving it as general commercial property in its less than ideal location of the general commercial zone.

Mayor Pro Tem Bennett moved to close the public hearing, Town Board Member Sislowski seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

2. Ordinance No. 2021-1622 - Ordinance Approving a Zoning Map Amendment from GC (General Commercial) to RMU-1 (Residential Mixed Use) Zone District - Hoehne Subdivision 1st Filing, Block 2, Tract B - Cindy Hoehne, Property Owner/Co-applicant, and Les Kaplan, Co-applicant

The applicants, Cindy Hoehne and Les Kaplan, represented by Melanie Foslien of Northern Engineering, have submitted a rezoning application to rezone 4.36 acres from GC (General Commercial) to RMU (RMU-1) (Residential Mixed Use) Zone District. The proposed rezoning is located west of and adjacent to 15th Street, south of and adjacent to Westwood Drive, and north of Walnut Street and Westwood Village Park. The subject rezoning plat includes a 3.79- acre parcel plus adjacent right-of-way to the centerline of 15th Street and centerline of Westwood Drive.

The property is currently agricultural with one single-family residence and is surrounded by following zoning and land uses:

North: GC (General Commercial); Safeway shopping center (Hoehne Subdivision 1st Filing)

South: SF-1 (Residential, Single-family); Westwood Village Park and single-family residential (Westwood Village Subdivision 2nd Filing)

East: SF-1 (Residential, Single-family); single family residential (Westwood Village Subdivision)

Northeast: GC; Medical Facilities and Assisted Living – Columbine Health (Westwood Village Subdivision 5th Filing)

West: RMU-1 (Residential Mixed Use); agriculture (Hoehne Subdivision 1st Filing)

Per Section 16-5-20 of the Town's Municipal Code, an applicant requesting a zoning map amendment must submit to the Town a petition and justification for the rezone.

The property was zoned commercial at the time the Safeway shopping center was rezoned. The subject parcel has remained agriculture/undeveloped since this time. The property owner has petitioned to rezone the property to residential because there has been little interest for commercial development on the subject property due to the location behind the commercial center and rezoning to residential would tie into the existing residential development (east and south) and residentially zoned (to the west). Additionally, the RMU (RMU-1) zone district provides an appropriate transition from single-family residentially zoned property to the south to the GC (General Commercial) zoned property to the north.

The subject rezoning application constitutes an amendment to the Town's Official Zoning District Map. In accordance with Article XXIII of Chapter 16 of the Municipal Code, the rezoning from GC to RMU (RMU-1) is in compliance with the Town's 2016 Comprehensive Plan goals and objectives, as outlined below.

The applicant held a neighborhood meeting on February 2, 2021. There were five attendees and two of the five attendees identified themselves as neighbors. Please refer to the enclosed meeting summary for topics discussed at the meeting. The main topic was the uses allowed in the GC zoning district as compared to the proposed RMU (RMU-1) zoning district, and the RMU (RMU-1)

zone district allowable building height and density. Other questions were related to future development.

Conformance with the Comprehensive Plan

The rezone petition is consistent with the following comprehensive plan goals and objectives:

Chapter 5b – Growth Framework

Goal: *Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.*

Staff comment: The property is located immediately south of a shopping center (Safeway) and further south of the New Windsor Marketplace, southwest of medical offices and assisted living, southeast of medical offices/urgent care (River Valley Crossing Subdivision), financial businesses, auto services, and restaurants; and north of an existing Town park (Westwood Village Park). The property is located within the Westwood Village neighborhood, located west and north of existing single-family residential. Future development within an area already served by utilities and services (“infill”) creates less of a fiscal burden on municipalities by having less utility and road infrastructure to maintain on a per unit basis. Additionally, the property is located within an area offering alternative forms of transportation such as walking, biking, and transit. The Poudre Express Route has two stops in close proximity to the subject site, a west-bound to Fort Collins stop on the north side of Main Street/SH 392, west of 15th Street, and an east-bound to Greeley stop on the south side of Main Street, also west of 15th Street.

Objective 3: Develop new neighborhoods adjacent to the Town core.

Staff comment: The proposed rezoning is in close proximity to the Town core, being approximately one mile west of downtown and within an established neighborhood.

Chapter 5c Residential Areas Framework Plan:

Goal: *Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.*

Objective 4: Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

Objective 5: Support high density residential development near Downtown, commercial centers, and mixed-use nodes.

Staff comment: The proposed RMU (RMU-1) zoning allows for a mix of residential types. Future development of the property requires a site plan application and an administrative approval. A site plan application for the subject property has not been received at this time. As stated herein, the RMU (RMU-1) zone district offers an appropriate transition between the single-family residential located south of the subject property to the commercial center located to the north.

Notification

The applicant held a neighborhood meeting on February 2, 2021, virtually via Zoom. A link to this meeting was included in the mailing to adjacent property owners.

Notifications for this meeting were as follows:

- January 20, 2021- display ad published in papers
- January 15, 2021 – affidavit of mailing to property owners within 300 feet

Public Hearing notifications for the Planning Commission and Town Board meetings were completed in accordance with the Municipal Code as follows:

- February 19, 2021 - applicant mailed letters to surrounding property owners
- February 24, 2021 – development signs posted on property
- February 26, 2021 – public notice published in newspapers
- February 24, 2021 – public hearing notice published to Town website

Per Ms. Malone, at the time that this application was submitted, Cindy Hoehne was the property owner and she just sold the property last Friday.

Town Board Member Tallon stated that he knew Mr. Hoehne when he was on the Planning Commission, and at that time it was viable for the commercial zone to be there. At this time, feels that this would be better to go to RMU.

Mayor Pro Tem Bennett stated that it has always bothered him thinking about converting commercial to residential but is going to vote yes on this for two reasons. One, the location would be difficult to have any viable commercial development. The second, Mr. Kaplan made a point that residential mixed use might result in more rooftops which might result in more business traffic for those businesses to the North.

Town Board Member Charpentier stated that when he hears the word mixed use, he thinks of mixed residential and commercial and is wondering if that opportunity for commercial development can be left open? Ms. Malone stated that the RMU is set up so if there is a property that is forty or more acres and it has a master plan that it may include commercial. Since this property is so small, it wouldn't be eligible for that.

Town Board Member Sislowski stated that he remembered talking about in the past about residential mixed use development where it was required at a certain percentage be used as commercial. Ms. Malone stated that there was discussion during the land use code update on if the Town wanted to have a requirement with the RMU zone district and it was Town Board's direction that didn't want to require it. Mr. Ballstadt stated that it was during the land use code discussion and there was some conversation at Planning Commission and at Town Board and although there was some desire to require commercial in certain residential developments. At the end of the discussion, landed on trying to force commercial where it may not be viable was not a good idea so ultimately the Town does not require commercial to be mandatory on residential mixed use zones. Town Board Member Sislowski stated that this location is perfect for RMU, there is a grocery store that can be walked to, and urgent care that can be walked to and really feels like a location that is really primed for those who may need easy access to those services.

Town Board Member Sislowski moved to approve Ordinance number 2021-1622, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

3. Public Hearing - Final Major Subdivision – The Ridge at Harmony Road Subdivision 5th Filing - Jeff Mark, The Landhuis Company, applicant; Kristin Turner, TB Group, applicant's representative

The applicant Jeff Mark of the Landhuis Company, represented by Ms. Kristin Turner of the TB Group, has submitted an application for a final major subdivision plat and a final site plan for The Ridge at Harmony Road Subdivision 5th Filing. The subdivision encompasses approximately 16.5 acres and is zoned Residential Mixed Use (RMU).

Development characteristics:

- 16.5 total acres
- 103 townhome lots/units in 21 buildings
- Two tracts (4.7 acres) for future commercial development
- Water Service: North Weld County Water District
- Sewer Service: Boxelder Sanitation District
- Privately owned & maintained internal road network
- Parking: 423 spaces (2 garage spaces and 2 driveway spaces per off-street spaces) unit and 11

Building Characteristics:

- 8 four-unit buildings, 10 five-unit buildings, 3 seven-unit buildings
- Two story buildings
- Building materials: synthetic stone, 6" exposed lap siding, 8" vertical batten siding, and asphalt shingles siding, vertical

Vehicular Access is provided by street connections to Duncroft Drive and Rycroft Drive, which connect to Harmony Road and Latham Parkway/ WCR 13, respectively. A traffic memo, prepared by the applicant's traffic engineer, indicates the proposed townhomes and future commercial development will generate 1,106 daily trips, with 90 morning peak hour trips and 100 afternoon peak trips. This trip generation is considerably less than originally anticipated when the traffic study for The Ridge at Harmony Road was prepared. No offsite transportation improvements are proposed with the development.

In addition to connections to surrounding sidewalks, bike and pedestrian access are provided with connections to the Town-maintained Harmony Road trail to the south and to the north-south trail through the neighborhood immediately to the west.

The site is located approximately ¼ mile south of the planned Town park site at The Ridge at Harmony Road. Two small privately maintained green spaces with playground and barbeque amenities for residents are proposed within the development

The applicant held a neighborhood meeting on July 7, 2020. The meeting was held digitally via the Zoom platform due to the ongoing pandemic. A summary of the meeting is attached.

Town Board Member Tallon moved to open the public hearing, Town Board Member Sislowski seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

Town Board Member Wilson stated "Mayor Rennemeyer, for the record I would like to point out that in my capacity as a 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 proceeding 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, this proposal is for one-hundred and three townhome lots that would consist of twenty-one buildings. The internal road network would be privately owned and maintained. There are two parking spaces, two garage spaces, and two driveway spaces per unit as well as a small number of off street parking as well. There was a traffic memo prepared with the application that summarizes the trip numbers and the impact. There are no offsite transportation improvements required or associated with this development. This development is in conformance with both the strategic and comprehensive plans. At the March 17, 2021 meeting, the Planning Commission forwarded to Town Board a recommendation of approval of the final major subdivision as presented. Additionally, staff has been working with the applicants to address Town of Timnath concerns regarding subdrain along Latham Parking serving the subdivision, and recommends those improvements shall be completed as a condition of construction acceptance of the subject development.

Town Board Member Wilson stated that on the North landscape plan it shows the oil and gas parcel to the West and asked what the plan is and if there is going to be any kind of fracking operations? Mr. Hornbeck replied that it is an existing oil and gas window that was platted with the second filing of The Ridge so it is not being dedicated or part of the current proposal. It was required at that time to provide the mineral owner with access to those minerals with the development occurring around it. Town Board Member Wilson stated that if you are putting houses next to an existing well, the set back is around three-hundred and fifty feet but the State increased them further than that and didn't know how it would apply if it is already platted. Mr. Ballstadt stated that the new State setbacks only apply to new oil and gas coming to existing homes and this window was platted prior to those regulations being in place. Mr. Ballstadt stated that he doesn't know if this site is viable for new oil and gas and would probably have to access those minerals from an off-site location and come under the property to get to them.

Town Board Member Sislowski asked what the two large open areas on the map are intended to be if anything in the future, as well as is curious what the large open space on the South edge of the development is meant for? Mr. Mark replied that the two areas on the East side are commercial but does not have any users as of now. The South side, is parcel right of way and drainage for Harmony Road and are undevelopable property.

Mayor Pro Tem Bennett asked how the trails are being conjoined with other trails and subdivisions? Mr. Hornbeck replied that there is a ten-foot concrete trail on Harmony that is a regional trail that will eventually have additional connections down South to the Poudre Trail. There are also a number of sidewalk connections to that trail, as well as a soft surface trail along the Western boundary that extends more through the portion of The Ridge that is mostly built out.

Town Board Member Tallon moved to close the public hearing, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

4. Resolution # 2021-14 Approving a Final Major Subdivision of The Ridge at Harmony Road Subdivision 5th Filing - Jeff Mark, The Landhuis Company, applicant; Kristin Turner, TB Group, applicant's representative

Please refer to the previous agenda item for discussion and recommendation.

Per Mr. Hornbeck, nothing further on this item.

Town Board Member Tallon asked if staff could provide a summary of the traffic impact study if townhomes are approved. Mr. Mark replied that all of the abutting roadways are installed that will service the exterior of this townhome site and all frontage from CR13 to CR15, all improvements along Harmony Road have been completed.

Town Board Member Sislowski stated that he had the same thought on the roads and believes that CR13 is going to need some attention in the near future. There will be a whole lot of people that are trying to get from North to South and the only options right now are fairly limited.

Mr. Ballstadt stated that he wanted to point out that Latham Parkway adjacent to Harmony Road is a Town of Timnath road and staff has been exchanging referrals with Timnath regularly on all of these applications. Similarly South of Harmony Road, is the Town of Timnath road and staff will be working jointly with Timnath on the referrals.

Mayor Rennemeyer stated that he remembers there was a section when the subdivision was originally being built on Latham Parkway that was town maintained and asked if it was fully Timnath's road now to maintain and plow. Mr. Ballstadt replied that it is Timnath's road and the Town did enter into an IGA with Timnath regarding that road.

Town Board Member Tallon moved to approve Resolution number 2021-14, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

5. Resolution # 2021-15 Approving a Final Site Plan of The Ridge at Harmony Road Subdivision 5th Filing - Jeff Mark, The Landhuis Company, applicant; Kristin Turner, TB Group, applicant's representative

The applicant Jeff Mark of the Landhuis Company, represented by Ms. Kristin Turner of the TB Group, has submitted an application for a final major subdivision plat and a final site plan for The Ridge at Harmony Road Subdivision 5th Filing. The subdivision encompasses approximately 16.5 acres and is zoned Residential Mixed Use (RMU).

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Building Characteristics:

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- Building materials: synthetic stone, 6" exposed lap siding, 8" vertical siding, vertical batten siding, and asphalt shingles

Vehicular Access is provided by street connections to Duncroft Drive and Rycroft Drive, which connect to Harmony Road and Latham Parkway/ WCR 13, respectively. A traffic memo, prepared by the applicant's traffic engineer, indicates the proposed townhomes and future commercial development will generate 1,106 daily trips, with 90 morning peak hour trips and 100 afternoon peak trips. This trip generation is considerably less than originally anticipated when the traffic study for The Ridge at Harmony Road was prepared. No offsite transportation improvements are proposed with the development.

In addition to connections to surrounding sidewalks, bike and pedestrian access are provided with connections to the Town-maintained Harmony Road trail to the south and to the north-south trail through the neighborhood immediately to the west.

The site is located approximately ¼ mile south of the planned Town park site at The Ridge at Harmony Road. Two small privately maintained green spaces with playground and barbeque amenities for residents are proposed within the development. The applicant held a neighborhood meeting on July 7, 2020, in accordance with Chapter 16, Article XXXI, and Chapter 15, Article III, of the Municipal Code. The meeting was held digitally via the Zoom platform due to the ongoing pandemic. A summary of the meeting is attached.

Per Mr. Hornbeck, at the March 17, 2021 meeting, the Planning Commission forwarded to Town Board a recommendation of approval of the final site plan as presented.

Mr. Mark, stated that they did complete the road impact widening and turn lanes North of Harmony Road.

Town Board Member Tallon moved to approve Resolution number 2021-15, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney
Per Mr. McCargar, the Town attorney's office is pretty much back to full-time in office hours. Tomorrow, Mr. McCargar will be presenting to the State Bar Association membership a case study on a charter academy versus a local land use authority powers which is based on an experience the Town had over the last year with the charter school. The legal issues that were raised in that case although were not resolved on an appellate level in court are still of interest to the bar

and will be presented. Ms. Emil will be out next week but Mr. McCargar will be in the office if needed.

2. Communications from Town Staff

Commander Lopez stated that the thoughts and prayers are with the people of Boulder due to the shooting tragedy that happened earlier in the day.

Chief Klimek stated that the Polar Plunge is coming up on Saturday and there is still room on the team for anyone interested to join. Mr. Hale stated that on that note, something staff has wanted to speak about is a concept where Town Board would match a certain dollar amount if employees contribute money to various fundraisers efforts? Mayor Rennemeyer asked out of the Town Board discretionary budget, is there the ability to say they can match employee contribution for the Polar Plunge event? Mr. Hale responded that the Town Board could do that and this is a great program to match. Town Board Member Sislowski asked what the current status of the fund is? Mr. Hale responded that this year's budget was around \$115,000.00 and there has only been around \$30,000.00 earmarked for known events. Mayor Rennemeyer checked with all boards members who all unanimously agreed to match funds for employee donations for this event. Town Board Member Charpentier stated that it could be concerning if someone made a large donation and suggested a cap should be placed on the amount the Board will donate? Mr. Hale suggested a not to exceed amount of \$10,000.00 for this event, and all board members agreed.

a. Windsor Police Department February 2021 Statistical Report

b. NoCO Nosh Update

Per Ms. Miller, in the packet there was a memo regarding the Nosh delivery system. Per the memo, there are around fourteen companies that are signed up so far. There are around forty-two who are looking at the program, and a couple have declined to sign up for any delivery service. Staff is bringing back an update on what has been spent out of the allocated \$50,000.00 that was approved. There is a February invoice for \$1,156.36, which is for reimbursements for fifteen-percent of restaurants for Monday, Tuesday, and Wednesday. Staff would like to recommend moving forward with subsidizing all days of the week and see if we can utilize the funds and help restaurants out further.

Town Board Member Sislowski asked if that amount from February also included the orders that were picked up by the homeowner at twelve and a half percent and is curious if that invoiced amount includes all of the various subsidies under the contract and based on the recommendation of extending the reimbursement for all seven days of the week, does that also include the other subsidies for clarification. Ms. Miller stated that it would be all elements of the contract, and the invoice covers all elements of the contract.

Town Board Member Cline stated that she would like more clarification, and her thinking was the original NoCo Nosh contract was because of COVID and wonders why the Town was still helping out. Going to this seven day and as restrictions have been lessening, doesn't understand

why the need to extend it. Ms. Miller stated that we are still in a pandemic and even if the anticipated reduction in the dial comes out by April, it is still anticipated that there will be restrictions in place at least on the Larimer County side. This would just be to build up the program, which does take a while to get going.

Mayor Pro Tem Bennett stated that this is designed to help businesses through a tough time around the pandemic, this can be cancelled with a two week notice at any time. Mayor Pro Tem Bennett stated that he has always thought if and when we are at the point where no restrictions at restaurants, there will not be a need for this. Mayor Pro Tem Bennett asked if the businesses that are signing up realize that as more businesses sign up, we will burn through the approved amount faster and do they realize the Town could cancel this program in two weeks? Ms. Miller replied that staff originally anticipated spending around \$5,000.00 a month in reimbursements. That has not happened and will be interested to see when March is over if it has increased. The more restaurants that come on board each month, the higher the bill will be. Ms. Miller stated that the contract can be cancelled with two-weeks' notice, and if the pandemic ends and there are no longer restrictions in place, there would be no need to continue with the program.

Town Board Member Wilson stated that he thinks the seven days should have been done from the beginning and is on board with staff recommendation.

Town Board Member Tallon agrees on the increase to see if it will help as we are still in the pandemic.

Town Board Member Charpentier asked if moving to the seven days a week would still give the opportunity to provide this service the entire six months as originally thought with the allocated money, or will staff be back asking to raise the amount? Ms. Miller replied that staff does not anticipate asking for more money and is not a desire. When the money is gone, the program is over.

Town Board Member Sislowski asked if the invoice shows the number of meals ordered by restaurant and the number of meals ordered for delivery versus pickup? Ms. Miller responded that she provided that information in a weekly update but will send the information again. Mr. Hale stated that since the deadline to use CARES funding has been extended, there should be enough to cover most if not all of the money allocated to this program.

3. Communications from Town Manager

Per Mr. Hale, the new group under 1.b.4 is now eligible to obtain a COVID vaccine if desired. The new group is eligible due to continuity of continued local government and does include Town Staff except members of the Police Department as well as the entire Town Board. Mr. Hale also stated that he has been following the American Rescue Plan which is the latest funding that was signed by President Biden. It is very large and should be somewhere

between \$5.5 and \$6.5 million dollars for the Town. Staff does not currently have any guidance on the funds as of now, but looks to be less restrictive than the CARES Act funding. This will also be a direct distribution to the Town and will not go through the Department of Local Affairs like previously required. The Town will have until 2024 to spend the funds and once guidance is received, staff will bring forward some recommendations to the Town Board to consider. Mr. Hale stated that the Governor's dial changes will be presented tomorrow. It looks like the changes are going to be focused on the lower end of the dial with the blue and green sections allowing Counties to stay in blue or green. If things stay stable, looking at possibly mid-April the dial being removed all together, but still having some mask restrictions for indoor uses and high risk areas. Mr. Hale reminded the board that next week is Spring Break for Windsor schools and he will be out of the office for the week. Chief Klimek will be acting Town Manager while he is away.

4. Communications from Town Board

Town Board Member Sislowksi asked about the Police Statistical report and stated that three things jump out. Fraud and forgery, seventeen year to date last year and this year sixty-five and asked why the jump? Chief Klimek responded that the majority are the social security fraud that is coming in across the nation. Chief Klimek stated that the COVID lull has retracted fast and a lot of areas have increased. Town Board Member Sislowksi stated that the municipal code violations more than doubled, and the criminal warnings jumped and stated that the department must be running like crazy. Chief Klimke stated that a lot of it goes back to the COVID lulls and there is more activity taking place and all employees are taking on a heavier burden.

Town Board Member Charpentier thanked staff for the way the snow storm was handled as well as the communication that was put out.

E. ADJOURN

Town Board Member Tallon moved to adjourn, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier , Cline, Rennemeyer, Sislowksi, Tallon, Wilson; Motion Passed.

Upon a motion duly made, the meeting was adjourned at 9:27 p.m.



Karen Frawley, Town Clerk