



**TOWN BOARD REGULAR MEETING**  
October 26, 2015 - 7:00 P.M.  
Town Board Chambers  
301 Walnut Street, Windsor, CO 80550

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 Thursday prior to the meeting to make arrangements.

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MINUTES

A. CALL TO ORDER

Mayor Vazquez called the regular meeting to order at 7:06 p.m.

- |              |                        |  |
|--------------|------------------------|--|
| 1. Roll Call | Mayor<br>Mayor Pro Tem | John Vazquez<br>Myles Baker<br>Christian Morgan<br>Jeremy Rose<br>Kristie Melendez<br>Robert Bishop-Cotner<br>Ivan Adams |
|              | Absent                 |  |

- |               |  |  |
|---------------|--|--|
| Also Present: | Town Manager<br>Town Attorney<br>Town Clerk/Assistant to Town Manager<br>Communications/Assistant to Town Manager<br>Chief of Police<br>Director of Planning<br>Director of Finance<br>Associate Planner | Kelly Arnold<br>Ian McCargar<br>Patti Garcia<br>Kelly Unger<br>John Michaels<br>Scott Ballstadt<br>Dean Moyer<br>Josh Olhava |
|---------------|--|--|

2. Pledge of Allegiance  
Town Board Member Morgan 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  
**Mayor Pro Tem Baker motioned to approve the agenda as presented. Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

1. Board Liaison Reports
- Mayor Pro Tem Baker – Water & Sewer Board; North Front Range/MPO alternate  
Mayor Pro Tem Baker had no report.
  - Town Board Member Morgan – Parks, Recreation & Culture; Great Western Trail Authority  
Town Board Member Morgan had no report.
  - Town Board Member Melendez – Downtown Development Authority; Chamber of Commerce  
Town Board Member Melendez reported there were 1026 kids that come out for trick or treating downtown.

- Ms. Melendez reported the DDA, Town of Windsor and the Chamber are preparing for Windsor Wonderland. Also, the DDA approved the budget for 2016 and interviews for the executive director position will take place on November 6, 2015.
- Town Board Member Rose – Clearview Library Board  
Town Board Member Rose had no report.
  - Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission  
Town Board Member Bishop-Cotner reported items from the Planning Commission meeting are on the agenda tonight.
  - Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board  
Town Board Member Adams reported the Poudre River Trail Corridor Board had their retreat with the majority of the discussion was regarding land acquisition for the trail.
  - Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO  
Mayor Vazquez had no report.

2. Invited to be Heard

Mayor Vazquez opened the meeting for public comment.

Joi Machmer, 7902 Bayside Drive, Windsor, CO

Ms. Machmer stated she has lived in Country Meadows since 2000. She does not feel car dealerships belong in residential areas and believes car dealerships would be an eyesore in our community.

David Machmer, 7902 Bayside Drive, Windsor, CO

Mr. Machmer stated whatever the decision may be it would set a precedent with what you allow to be next to residential areas.

Tom Croft 4868 Twin Peaks Circle, Windsor, CO

Mr. Croft expressed his concern that car dealerships would greatly change the country feel of the neighborhood. Mr. Croft Urged the board to consider closing the proposed amendment to the IGA.

Diane Howell, 7919 Bayside Drive, Windsor, CO

Ms. Howell thanked the Town Board for hearing the residents' concerns regarding the car dealerships. Ms. Howell pointed out that car dealerships are not permitted in the current IGA and feels there is a good reason for the exclusion.

Earl Pittman, 8413 Cherry Blossom Drive, Windsor, CO

Mr. Pittman thanked the Town Board for all their work with the Pace property as it has been settled.

Jana Anderson- 7930 Bayside Drive, Windsor, Co

Ms. Anderson reported her opposition to car dealerships and feels that is not a good use for the property and feels Windsor will not benefit financial from this project.

Ms. Anderson spoke on behalf of Michelle Thomas, 7914 Bayside Drive, Windsor, CO

Ms. Thomas feels putting a car dealership in that space is a mistake. Car dealerships will not generate income for Windsor and feels a car dealership does not fit into the vision statement for Windsor.

Lauren O'Keefe, 5025 Harvest Moon Circle, Windsor, CO

Ms. O'Keefe stated she was comfortable with list of uses at the time they purchased their home. Ms. O'Keefe feels Dealin Doug is putting up a smoke screen with the LLC when he purchased the land and he also knew what that land was zoned for.

Mayor Vazquez thanked the audience for taking the time to attend the meeting and voice their concerns.

## B. CONSENT CALENDAR

1. Minutes of the October 12, 2015 Regular Town Board Meeting – K. Eucker
2. Resolution No. 2015-64 – A Resolution vacating a portion of a utility and drainage easement located in Tract A of the First Replat of Highland Meadows Subdivision 2<sup>nd</sup> Filing – J. Olhava  
**Town Board Member Adams motioned to approve the consent calendar as presented; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

## C. BOARD ACTION

1. Budget Request Presentation by the Windsor-Severance RE-4 School District  
Mr. Arnold stated the school board requested \$150,000 for technological expenses.

Dan Seegmiller Superintendent with the Weld RE-4 School District reported with growing deficits, it is more difficult to maintain buildings and to continue the infrastructure that is needed for the district to educate as it would like. There are 3 action items within the request. These are action items the district feels are very necessary but not attainable this year without support from the town. There is an ongoing need for Chromebook and for our students to be able to access these resources that are available. That also takes infrastructure such as the carts so that the devices are portable, able to be recharged and protected as well. Also, the wireless coverage has been difficult to maintain with more devices are coming onto the network. With the significant power outages that have been an issue, the district would like to allow the schools to maintain systems in the event of an emergency.

Mr. Bishop-Cotner inquired about the second request on the access points and wiring as the request is for \$73,000 but according to calculations, it is actually \$72,200.

Trevor Timmons, Director of Technology and Information Services with the Windsor-Severance RE-4 school district stated the number was rounded to make an even number.

Mr. Bishop-Cotner inquired on how the purchased 600 Chromebook are being stored with five carts down.

Mr. Timmons stated the schools already purchased several carts so they are already on their way to the schools.

Mr. Adams inquired if the kids are benefiting from the technology.

Mr. Timmons stated a laptop with a trimmed down operating system like Google has brought technology down to be more affordable. A Chromebook can be put into the classroom at \$200 each compared to a full pc laptop at a minimum of \$500-\$600. The Chromebooks have allowed the district to go from a ratio of 1 computer to every 16 students and now 1 computer to every 2 or 3 students. In looking at data, behavior rates, in regards to referrals of sending kids to the office have dropped significantly. Also, standardized assessments have shown students in 1 to 1 Chromebook classrooms have outscored their peers that were in non-Chromebook classes.

Mr. Baker inquired if future technological expenses will be included in the next bond issue as this is not going to be an ongoing benefit.

Mr. Seegmiller stated that is currently being evaluated.

Mr. Morgan inquired if there was a plan is for maintenance in school buildings.

Mr. Seegmiller stated out of the items that the request could have been used for the school district felt technology was the greater immediate impact.

Ms. Melendez inquired if the request will benefit all schools in the district.

Mr. Seegmiller stated the request will benefit all schools in the district.

Mr. Arnold inquired if the Town Board would like invoices or anything from the school district as a final package submittal for reimbursement. Mr. Arnold could review the information and if the information meets criteria, then the check would be issued and not come back to the Town Board for further approval.

Ms. Melendez stated historically other individuals that have made a request provide documentation and believes it would be good fiscal protocol.

2. Ordinance No. 2015-1507 - Amending Section 18-10-10 of the Windsor Municipal Code with respect to minimum standards governing the planning, laying out and installing or the making of additions, alterations and repairs in the installation of wiring apparatus and equipment for electric light, heat and power within the Town of Windsor  
*Super-majority vote required for adoption on second reading*
  - Second reading
  - Legislative action
  - Staff presentation: Scott Ballstadt, Director of Planning

**Town Board Member Melendez motioned to approve ordinance No. 2015-1507 - Amending Section 18-10-10 of the Windsor Municipal Code with respect to minimum standards governing the planning, laying out and installing or the making of additions, alterations and repairs in the installation of wiring apparatus and equipment for electric light, heat and power within the Town of Windsor; Town Board Member Bishop-Cotner seconded the motion.**

Director of Planning Scott Ballstadt stated in 2013 the Town adopted the 2012 International Building Codes by reference and concurrently adopted the 2011 National Electrical Code (NEC) by reference in Section 18-10-10 of the Municipal Code. However, the Colorado State Electrical Board requires municipalities to enforce the most current electrical code as adopted by the state, which is currently the 2014 NEC. Therefore, the reference in the Municipal Code is currently dated and the proposed ordinance will correct this by excluding the reference to a specific edition of the code.

**Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

3. Ordinance No. 2015-1508 - Amending Section 18-3-10 of the Windsor Municipal Code with respect to exceptions for building permit issuance within the Town of Windsor  
*Super-majority vote required for adoption on second reading*
  - Second reading
  - Legislative action
  - Staff presentation: Scott Ballstadt, Director of Planning

**Town Board Member Melendez motioned to approve Ordinance No. 2015-1508 - Amending Section 18-3-10 of the Windsor Municipal Code with respect to exceptions for building permit issuance within the Town of Windsor; Town Board Member Bishop-Cotner seconded the motion.**

Director of Planning Scott Ballstadt stated the proposed ordinance will correct conflicting building height allowances in the Municipal Code. Section 16-8-30 of the Municipal Code zoning regulations allows for accessory buildings no larger than one hundred twenty (120) square feet and no taller than eight (8) feet in height to be installed without requiring a building permit. However, when the Town approved Ordinance No. 2013-1452 adopting Windsor's amendments to the building codes, the amendments referring to storage sheds exempt from building permits differed between the IBC and the International Residential Code (IRC). While the IBC amendment refers to a height of eight (8) feet, the IRC amendment refers to a height of ten (10) feet. Therefore, this ordinance will simply update Section 18-3-10 to refer to a maximum roof height of eight (8) feet to be consistent with Sections 16-8-30 and 18-2-10 of the Municipal Code.

**Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

4. Ordinance No. 2015-1509 - An Ordinance Repealing Article 9.5 of Chapter 16 of the Windsor Municipal Code Concerning Election and Ideological Signs  
*Super-majority vote required for adoption on second reading*
  - *Second Reading*
  - Legislative action
  - Staff presentation: Ian D. McCargar, Town Attorney

**Town Board Member Adams motioned to approve Ordinance No. 2015-1509 - An Ordinance Repealing Article 9.5 of Chapter 16 of the Windsor Municipal Code Concerning Election and Ideological Signs; Town Board Member Bishop-Cotner seconded the motion.**

Town Attorney Ian McCargar stated in light of recent case law out of the United States Supreme Court, we are recommending repeal of the Town's Election Sign Code, adopted in 2009 and codified in Article 9.5 of Chapter 16. The Election Sign Code clarified our regulation of a particular type of signage, the intent of which was to provide guidance to the community. Considering that our Election Sign Code is entirely driven by the content of the sign (election messages, ideological messages), we are recommending repeal of this portion of Chapter 16.

**Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

5. Ordinance No. 2015-1510 - An Ordinance Repealing Section 16-9-190 of the Windsor Municipal Code Concerning Permit Requirements for Temporary Advertising Intended to Promote Residential Development
  - First Reading
  - Legislative Action
  - Staff presentation: Ian D. McCargar, Town Attorney

**Town Board Member Melendez motioned to approve Ordinance No. 2015-1510 - An Ordinance Repealing Section 16-9-190 of the Windsor Municipal Code Concerning Permit Requirements for Temporary Advertising Intended to Promote; Mayor Pro Tem Baker seconded the motion.**

Town Attorney Ian McCargar stated the attached Ordinance Repealing Section 16-9-190 of the Windsor Municipal Code Concerning Permit Requirements for Temporary Advertising Intended to Promote Residential Development is a companion to Item C-3, and is presented for the same reason. Aside from having limited relevance in the current economic climate, the content-based nature of this regulation runs afoul of the Supreme Court's decision. In order to preserve the remainder of our sign code, the repeal of the residential lot sales language is advised.

**Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

6. Ordinance No. 2015-1511 - An Ordinance of The Town Board of the Town of Windsor, Colorado, Approving a Consolidated Service Plan for the East Fossil Creek Ranch Metropolitan District Nos. 1-2 and Authorizing the Execution of an Intergovernmental Agreement Between the Town and the Districts
  - First Reading
  - Legislative Action
  - Staff presentation: Ian D. McCargar, Town Attorney; James Mock, Special Metropolitan District Counsel

**Mayor Pro Tem Baker motioned to approve Ordinance No. 2015-1511 - An Ordinance of The Town Board of the Town of Windsor, Colorado, Approving a Consolidated Service Plan for the**

**East Fossil Creek Ranch Metropolitan District Nos. 1-2 and Authorizing the Execution of an Intergovernmental Agreement between the Town and the Districts; Town Board Member Bishop-Cotner seconded the motion.**

Town Attorney Ian McCargar stated this is the first service plan review under the new model service plan. If the Town Board approves the creation of the district, a court order issued in Larimer County will ultimately create the district.

Attorney Jim Mock stated a lot of time was spent going over the model and the serve plan before you complies with the model service plan. There were a few minor technical adjustments which make it mutually better for the districts and the town.

Applicant's representative Dave Greher stated this was the first metropolitan district in Windsor that he has worked on. Mr. Greer stated the current process was extremely easy in comparison to other municipalities. There were a few minor adjustments that were easily rectified.

Mr. Baker inquired about the information on page 17 of the service plan that referred to the debt mill levy that may not exceed 34 mills then the next paragraph the operations and maintenance mill levy shall not exceed 39 mills.

Mr. Mock stated it is a total of 39 mills combined.

**Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

7. Continuation from the October 12, 2015 Public Hearing – Conditional Use Grant to allow temporary agricultural uses for seasonal cattle grazing in the General Commercial (GC) zone district, located at 8420 SE Frontage Road – Doug Moreland, Manager, Downsmore, LLC., applicant
  - Staff presentation: Josh Olhava, Associate Planner

Mr. Bishop-Cotner stated:

“Mr. 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.”

**Town Board Member Melendez motioned to reopen the public hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

Associate Planner Josh Olhava stated the applicant, Mr. Doug Moreland, is requesting a Conditional Use Grant (CUG) to allow temporary seasonal cattle grazing to occur at the subject property, 8420 SE Frontage Road. The property encompasses approximately 60 acres and is zoned General Commercial (GC) and is located within the Corridor Activity Center (CAC), as

identified in the Town's Intergovernmental Agreement with the City of Fort Collins pertaining to development of the I-25/SH 392 interchange.

The applicant's proposal includes:

- approximately fifteen (15) animal units on approximately 60 acres;
- a domestic water tank for the cattle; and
- the use of cattle grazing on the property for approximately four (4) months per year.

At the October 7th and 12th Planning Commission and Town Board meetings, neither the applicant nor a representative was present to answer questions and concerns raised during the public hearing.

Neither the Comprehensive Plan nor the Vision 2015 document address the specific conditions of the conditional use grant request.

At their October 21, 2015 meeting the Planning Commission forwarded a recommendation of approval of the Conditional Use Grant subject to the following conditions and staff concurs with the recommendation:

1. There shall be no more than fifteen (15) animal units allowed on the property at any one time;
2. The property owner shall erect and maintain a temporary perimeter fence to contain the animals and to protect neighboring property owner fences from livestock damage;
3. The temporary perimeter fence is permitted to be barbed wire, specifically for this conditional use on the property and shall not exceed four (4) feet in height;
4. The conditional use grant shall expire three (3) years from the date of Town Board approval;
5. All noxious weeds shall be eradicated in accordance with the Colorado Noxious Weed Act and Larimer County Weed District;  
and
6. The property shall be maintained and remain in compliance with the Chapter 7 of the Town of Windsor Municipal Code regarding nuisances or the CUG may be revoked by the Town Board.

Mr. Baker inquired if the CUG could be reviewed after one year if it becomes too obnoxious.

Mr. Olhava stated the way it is written is that if the property does not remain in compliance with the nuisance part of the code that it could come back before the Town Board.

Mr. McCargar stated if the Town Board would like to review the CUG more frequently, that condition could be added to the conditions.

Mr. Adams inquired to if the phrase "may be revoked" is strong enough for what was heard at the last public hearing.

Mr. Olhava stated the reason it is worded that way was in case it was brought back before the Town Board, it was at the discretion of the Town Board to make the decision to revoke the CUG.

Mr. McCargar stated if additional information is needed on the topic now would be the time to inquire into it. If changes to the conditions of approval are requested, that can be done in the next agenda item.

Mr. Vazquez commented using the term like shall be as opposed to may be gives a predetermine outcome. Mr. Vazquez believes that decision should be at the discretion of the Town Board as there may be extenuating circumstances or something that may have caused a temporary non-compliance situation which doesn't call for a revocation.

Mr. McCargar stated a CUG can be revoked but it may only be revoked based on evidence so even though the language is shall, a future board after hearing evidence at a public hearing would have to decide whether a violation occurred or not and that again vests in their judgement weather to revoke or not.

Mr. Vazquez commented the word shall could create an adversary situations in the future whereas maybe still leaves it up to the discretion of the board.

Mr. Morgan inquired about the applicant's timeframe for grazing; seems to be limiting the use of the land to 4 months a year but the recommendation would be approving 12 months of use and there is not a time frame reference in the conditions of approval.

Mr. Olhava stated that is correct.

Mr. Morgan inquired if there was a specific reason it was at 4 months.

Mr. Olhava stated that was what the applicant stated. At the Planning Commission meeting, it was asked what 4 months of the year it was be utilized and the representative did not have an answer.

Mr. Rose inquired if the CUG was denied, what would be the responsibility to the property owner without the CUG in place.

Mr. Olhava stated it would still fall under the nuisance code and the weeds would need to be maintained.

Mr. Rose inquired if staff have a position on the current status of the land with regard to weed management.

Mr. Olhava stated there was a complaint about the weeds on the site and when code enforcement went out they contacted the property owner; shortly after they moved cattle onto the property. The owner was notified of the CUG process to be allowed to graze cattle.

Craig Hau, The Group Inc., representative for applicant stated the applicant is satisfied with the six requirements for cattle grazing. There was a misunderstanding after the property was acquired since the property historically has been a farm. Soon after the land was purchased, code enforcement contacted Mr. Howell's office regarding the weeds. Most of the weeds are on the east side of the property.

Mr. Vazquez inquired about the duration and timeframe of the grazing.

Mr. Howell stated the property is not flood irrigated and has not has it been tilled so it is just pasture ground. The ground is subject to rainfall in the spring. Most years it would be April – July but if it is a late rain season it could be May – August.

Mr. Vazquez commented for clarification this CUG is for grazing rights and not for feedlot rights so hay cannot be imported and the cattle feed on the property.

Mr. Bishop-Cotner inquired if the cattle are presently on the land.

Mr. Howell stated they are not.

Mr. Olhava stated the cattle were removed from the property but during public comment at the Planning Commission meeting an individual mentioned there were cattle back on the land but that has not been confirmed.

Dallas Horton a resident of Fossil Creek Meadows commented that he is in favor of the CUG.

**Town Board Member Adams motioned to close the public hearing; Town Board Member Melendez seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

8. Continuation from October 12, 2015 – Conditional Use Grant to allow temporary agricultural uses for seasonal cattle grazing in the General Commercial (GC) zone district, located at 8420 SE Frontage Road – Doug Moreland, Manager, Downsmore, LLC., applicant
- Quasi-judicial action
  - Staff presentation: Josh Olhava, Associate Planner

**Town Board Member Melendez motioned to approve the Conditional Use Grant as presented; Mayor Pro Tem Baker seconded the motion.**

Mr. Olhava had nothing further to add.

Mr. McCargar clarified the record stating the motion assumes an approval of a conditional use grant subject to the six conditions as presented by staff. The issue about whether to confine the conditional use grant and the grazing that may take place under it to a fixed period of time is not in those conditions. If there is consensus to modify the conditions, that should be discussed and the record made clear.

Mr. Morgan stated he is comfortable with not adding a fixed time frame to the CUG.

Mr. Baker stated he preferred having the four month time frame added to the CUG.

Ms. Melendez stated she is opposed to adding time frame language as it could complicate the CUG in the future.

Mr. Vazquez stated he would be reluctant to add the verbiage regarding a time frame also.

Mr. McCargar stated if the Town Board wants to add a one year review; it is recommended a motion to amend the pending motion to add a review period.

Mr. Vazquez inquired if expiration dates are placed on other CUG's.

Mr. McCargar stated there have been some.

Mr. Rose commented that if the conditions are not being met, citizens will notify town hall and if those complaints are not resolved, the citizens will come back to the board to take action on.

**Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rose, Melendez, Adams, Vazquez; Nays- Bishop-Cotner; Motion passed.**

9. Public Hearing – Final Major Subdivision – Highland Meadows Golf Course Subdivision 12<sup>th</sup> Filing – Jon Turner, applicant/ Jason Sherrill, Landmark Homes, applicant's representative
- Staff presentation: Josh Olhava, Associate Planner

**Town Board Member Melendez motioned to open the public hearing; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

Associate Planner Josh Olhava stated the applicant, Mr. Jon Turner, represented by Mr. Jason Sherrill has submitted a final major subdivision plat, known as Highland Meadows Golf Course Subdivision 12th Filing. The subdivision encompasses approximately 7.5 acres and is zoned Residential Mixed Use (RMU). A total of 8 building envelopes are being platted, along with HOA maintained open space, private drives and a park tract within the site. The site will include up to 96 attached, residential units, to be reviewed as the following site plan agenda item.

The applicant held a neighborhood meeting on October 8, 2014 in accordance with Chapter 16, Article XXXI of the Municipal Code. There was 1 neighbor in attendance. No major concerns or issues were raised during that meeting. The discussion included an overview of the project, anticipated timeframes for development and general planning questions. The applicant received Preliminary Plat approval at the July 1, 2015 Planning Commission meeting and on October 21, 2015, the Planning Commission held a public hearing prior to providing their recommendation on the project.

The application is consistent with various elements of the Comprehensive Plan as well as the Vision 2025 document.

At their October 21, 2015 meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of the final major subdivision and Resolution No. 2015-65 as presented, subject to the following condition, and staff concurs with this recommendation:

1. All remaining subdivision requirements shall be addressed prior to recordation.

Mr. Arnold inquired what the building standards are for the private drives.

Mr. Olhava stated the private drives are HOA maintained. The details for the private drives may be included in the site plan.

Mr. Arnold inquired if the plat would need to be amended if the HOA requested the town take the streets on as public streets.

Mr. Olhava stated that is correct.

Mr. Vazquez inquired who will be doing what if the HOA becomes dysfunctional.

Mr. McCargar stated in the development agreement, an expectation that to the extent improvements are not dedicated to the town for maintenance but they will be maintained. Given that expectation if they are not being maintained then in theory the developer is in breach of the agreement and the town would have the ability to force some sort of compliance with the agreement.

Mr. Sherrill referenced the design standards stating there were soils tests that were provided and the civil engineer provided specific drawings on how things would be constructed and they will be constructed per those standards. The declarant of the HOA will remain as the declarant until all improvements are completed and all plans are constructed per the approved plans. After that, the Colorado Common Owners Interest Act requires the property managers to provide budgets and provide reserve studies to manage future maintenance needs with improved regulations that previous associations didn't have.

Mr. Vazquez inquired about the warranty period on the infrastructure.

Mr. Sherrill stated the warranty will follow the Colorado State Statutes that puts the responsibility on the developer for seven years on not just the buildings but also the improvements that they are constructing.

Mr. Vazquez inquired if the private drives are an option as roadway standards cannot be met if there was a dedicated right of way.

Mr. Sherrill stated if you were to apply your typical roadway standards in the subsequent right of way, you start to lose the things that we try to strive for in a planning sense to create side wakes and pocket parks and so forth so when streets are wider than necessary for an ally to serve a 12 unit building. Designing for private drives allows us the flexibility to add more landscaping and more amenities that the homeowners actually want as opposed to this major separation that would be required to accommodate a right of way.

Mr. Baker inquired if this area will be age restricted.

Mr. Sherrill stated tract H is not age restricted.

Mr. Adams inquired if he was the declarant right now.

Mr. Sherrill stated once we are approved and the HOA is established we would be the declarant.

**Town Board Member Melendez motioned to close the public hearing; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

10. Resolution No. 2015-65 – A Resolution Approving the Final Major Subdivision – Highland Meadows Golf Course Subdivision 12<sup>th</sup> Filing – Jon Turner, applicant/ Jason Sherrill, Landmark Homes, applicant’s representative

- Quasi-judicial action
- Staff presentation: Josh Olhava, Associate Planner

**Mayor Pro Tem Baker motioned to approve Resolution No 2015-65; Town Board Member Morgan seconded the motion.**

Mr. Olhava had nothing further to add.

**Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

11. Resolution No. 2015-66 – A Resolution Approving the Final Site Plan – Highland Meadows Golf Course Subdivision 12<sup>th</sup> Filing – Site Plan – Jon Turner, applicant/ Jason Sherrill, Landmark Homes, applicant’s representative

- Quasi-judicial action
- Staff presentation: Josh Olhava, Associate Planner

**Town Board Member Melendez motioned to approve Resolution No 2015-66; Mayor Pro Tem Baker seconded the motion.**

Associate Planner Josh Olhava stated the applicant, Mr. Jon Turner, represented by Mr. Jason Sherrill has submitted a site plan, known as Highland Meadows Golf Course Subdivision 12th Filing Site Plan. The site plan encompasses approximately 7.5 acres and is zoned Residential Mixed Use (RMU). The site will include up to 96 attached, residential units, in 8 building envelopes. The private drives and open spaces will be managed by the HOA.

Site characteristics include:

- attached single-stall garages for each unit;
- single car parking spaces on the driveway for each unit;
- 39 additional parking spaces throughout the site;
- a neighborhood/HOA maintained park; and
- numerous sidewalks and trails throughout the site.

The sidewalks and trails create inter and intra connectivity throughout the neighborhood. In addition, open spaces and landscaping elements provide pedestrian environments throughout the site. The building facades include lap siding, straight edge shingle siding and manufactured stone veneer. Additional site details can be found in the enclosed staff PowerPoint.

The application is consistent with various goals of the Comprehensive Plan as well as the Vision 2025 document.

At their October 21, 2015 meeting, the Planning Commission forward to the Town Board a recommendation of approval of the final site plan and Resolution No. 2015-66 as presented, subject to the following conditions, and staff concurs with this recommendation:

1. All remaining comments shall be addressed prior to submitting mylars.

Mr. Vazquez inquired as to why this site plan was not approved administratively.

Mr. McCargar stated the attached nature of the product requires resolution approval because of the residential land use.

Mr. Adams inquired how staff considers school needs.

Mr. Olhava stated every residential project subdivision including multi-family site plans are sent to the school district as a referral agency and they provide a response letter.

Mr. Arnold inquired if there are phasing elements.

Mr. Sherrill stated first the underground construction will all be completed; alleyways that were not associated with the loop will be constructed as the buildings are constructed and the landscape perimeter to each individual building will be constructed as the project is built up.

Mr. Arnold inquired when the park will be build.

Mr. Sherrill stated it will be built at about 50% of completion.

Mr. Arnold inquired if buildings 1, 2, and 3, are that the order they will be built.

Mr. Sherrill stated not necessarily.

**Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

## 12. Financial Report

- Staff presentation: Dean Moyer, Director of Finance

Director of Finance Dean Moyer provided an overview of the financial report included in the Town Board Packet.

- Sales tax collections of the 3.2% sales tax for September was \$624,626.
- September 2015 year-to-date gross sales tax increased 4.24% from September 2014.
- Construction use tax through September is at 78.2% of the annual budget.
- 36 business licenses were issued in September, of which 23 were sales tax vendors.
- Single Family Residential building permits total 239 through September; up from 192 in September of 2014.
- CRC expansion sales tax surpasses budget requirements for the 8<sup>th</sup> consecutive month.

## D. COMMUNICATIONS

1. Communications from the Town Attorney

Mr. McCargar reminded the Town Board of the executive session scheduled tonight.

2. Communications from Town Staff

Ms. Unger stated the state legislative breakfast is scheduled for December 3, 2015 at 7:00 a. m.

3. Communications from the Town Manager

None.

4. Communications from Town Board Members

Mr. Vazquez wished Windsor school athletics good luck.

E. EXECUTIVE SESSION

An executive session pursuant to C.R.S. § 24-6-402 (4) (b) to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions concerning the Intergovernmental Agreement with Fort Collins (I-25/Highway 392 Interchange) I. McCargar

**Town Board Member Melendez motioned to go into executive session pursuant to C.R.S. § 24-6-402 (4) (b) to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions concerning the Intergovernmental Agreement with Fort Collins (I-25/Highway 392 Interchange); Mayor Pro-Tem Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None. Motion passed.**

**Upon a motion duly made, the Town Board returned to the regular meeting at 9:28 p.m.**

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

Upon returning to the regular meeting, Mayor Vazquez 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 9:29 p.m.

F. ADJOURN

**Mayor Pro Tem Baker motioned to adjourn; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None. Motion passed.**

The meeting was adjourned at 9:29 p.m.



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Krystal Eucker, Deputy Town Clerk