



TOWN BOARD REGULAR MEETING
November 23, 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.

MINUTES

A. CALL TO ORDER

Mayor Vazquez called the regular meeting to order at 7:01 p.m.

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

- | | | |
|---------------|--|---|
| Also Present: | Town Manager
Town Attorney
Town Clerk/Assistant to Town Manager
Communications/Assistant to Town Manager
Chief of Police
Director of Finance
Director of Parks, Recreation and Culture
Budget Analyst
Director of Engineering
Manager of Parks and Open Space
Associate Planner
Chief Planner | Kelly Arnold
Ian McCargar
Patti Garcia
Kelly Unger
John Michaels
Dean Moyer
Eric Lucas
Vicki Miller
Dennis Wagner
Wade Willis
Paul Hornbeck
Carlin Barkeen |
|---------------|--|---|

2. Pledge of Allegiance

Town Board Member Adams led the Pledge of Allegiance

3. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board

Town Board Member Melendez 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, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.

4. 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 had no report for the Chamber of Commerce. Ms. Melendez reported the DDA met the new executive director and plans to make a formal presentation in the near future. The Town of Windsor, DDA and Chamber of Commerce are working on Windsor Wonderland scheduled for Saturday December 5th starting at noon with numerous activities scheduled. Downtown business will also have complimentary ornaments for patrons making purchases in the businesses on December 5th. Also, November 28th is small business Saturday.

- Town Board Member Rose – Clearview Library Board
Town Board Member Rose-Absent
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission
Town Board Member Bishop-Cotner had no report.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
Town Board Member Adams reported the Tree Board meeting has been cancelled. The Poudre River Trail Board had a successful volunteer recognition dinner.
- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO
Mayor Vazquez had no report.

5. Invited to be Heard

Mayor Vazquez opened the meeting for public comment to which there was none.

B. CONSENT CALENDAR

1. Minutes of the November 9, 2015 Regular Town Board Meeting – K. Eucker
2. Advisory Board Appointments - P. Garcia
3. Resolution No. 2015-68 - A Resolution of Support for the Town's Efforts in Seeking a Grant From the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Funds for the Purpose of Building a Public Works Service Facility - K. Unger
4. Resolution No. 2015-69 – A Resolution Vacating a Portion of the 10 Foot Utility and Drainage Easement Located at the East Property Line of 701 Automation Drive – P. Hornbeck

Mr. Arnold commented on item number B.3 as it is a big resolution on consent for sake of agenda coordination which is a grant application for the public works facility. The Town is seeking upwards of \$1 million. The application is due on December 1, 2015 and is currently being finalized. A final copy will be made available to the Town Board when the application is submitted.

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

C. BOARD ACTION

1. Long Form Grant Request – Windsor-Severance Historical Society
 - Presentation: Sandy Brug

Sandy Brug with the Windsor Severance Historical Society reported the society has raised almost \$10,000 to date for the sculpture that will be placed at Boardwalk Park. The reason this grant is so important is that it will do two major things; the Poudre Heritage Alliance grant process is coming up after the first of the year and is usually a matching grant so the more money we have towards the statue the more money we can ask for in the grant process. The other reason is to give the artist a chance to start working on the statue. The grant request will also allow the society to lock in prices for materials.

Ms. Melendez recommended providing half of the amount requested, \$25,000 from the 2015 budget with the remaining \$25,000 to fill in a gap at the end of the project. Once the funds are raised by the society and it is determined what that gap may be the remaining funds up to \$25,000 can be provided that at the end of the project.

Mr. Bishop-Cotner commented that the recommendation is reasonable to approve \$25,000 now and \$25,000 later to be able to move forward with the project.

Mr. Baker is also in support of the recommendation but clarified that \$25,000 will be the last portion of the project after the society's fundraising efforts.

Ms. Melendez stated that was correct but is also recommending approving \$25,000 at this time out of the 2015 budget.

Mr. Adams inquired if \$50,000 was already promised to this group.

Ms. Melendez stated when society was before the board the first time, a presentation was made but there was no request for funds.

Mr. Vazquez inquired if without the \$25,000 the project cannot move forward through the phase one component.

Mr. Brug stated that is correct.

Mr. Adams inquired as to what the impact would be if the society waited for the second \$25,000.

Ms. Brug stated it would not hurt the project.

For Clarification, Mr. Vazquez stated the initial \$25,000 is putting the project in motion and if the society is successful in fundraising efforts for phase two, the second \$25,000 will be the last money in to ensure the project is complete.

Mr. Brug stated that is correct.

Ms. Garcia stated balance remaining in the Outside Agency Funding budget is \$54,258.

Town Board Member Melendez motioned to approve \$25,000 in funding out of the Town Board's 2015 Outside Agency fund for the purpose of defraying costs associated with a clay model of the sculpture. An additional \$25,000 from the 2015 Outside Agency Fund will be carried over into 2016 and kept available to provide "gap" funding upon further request for the costs of bronze casting once the Historical Society has completed its own fundraising efforts. The Town's Director of Finance will establish the means by which this funding is accounted. Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote

resulted as follows: Yeas –Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.

2. Ordinance No. 2015-1512 – An Ordinance Amending Section 16-27-70 of the *Windsor Municipal Code* and Adopting the New Digitized Weld County Flood Insurance Rate Maps and Flood Insurance Study Pertaining to the Flood Damage Prevention Measures Applicable to Land Use Practices within the Town of Windsor
 - Second reading
 - Legislative action
 - Staff presentation: Dennis Wagner, Director of Engineering

Town Board Member Melendez motioned to approve Ordinance No. 2015-1512 – An Ordinance Amending Section 16-27-70 of the *Windsor Municipal Code* and Adopting the New Digitized Weld County Flood Insurance Rate Maps and Flood Insurance Study Pertaining to the Flood Damage Prevention Measures Applicable to Land Use Practices within the Town of Windsor; Town Board Member Bishop-Cotner seconded the motion.

Director of Engineering Dennis Wagner stated the ordinance is an amendment to the Windsor Municipal Code. The Federal Emergency Management Agency (FEMA) have updated maps and digitized maps so they are in electronic form. FEMA intends to adopt the digitized mapping in January of 2016.

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

3. Public Hearing – Ordinance No. 2015-1513 - An Ordinance Approving the Disconnection of a Portion of the Zeiler Farms Second Annexation Pursuant to the Colorado Municipal Annexation Act of 1965, and Rescinding a Prior Approval of Statutory Vested Property Rights With Respect to the Property Disconnected Herein – Patrick McMeekin, Vima Partners, LLC
 - Legislative action
 - Staff presentation: Ian McCargar, Town Attorney

Town Board Member Adams motioned to open 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.

Town Attorney Ian McCargar stated at the request of the property owner, a portion of the Zeiler Farms Second Annexation is being proposed for disconnection from the Town's corporate limits. This property was brought into town in 2009, but has since undergone a change of ownership and a change in vision. The current owner, Vima Partners, LLC, has proposed that the property be returned to Weld County jurisdiction, and essentially maintained for agricultural purposes indefinitely. This action is tied to a reallocation of sewer treatment capacity from this property to the RainDance property.

The Statutes allow for disconnection by ordinance if the Town Board, after “due consideration”, concludes that the “best interests of the town will not be prejudiced by the disconnection of such tract”. It is believed this request will have no harmful impact on the town’s best interest.

Mr. Vazquez inquired if the property is not in the Town of Windsor, how can the town prevent a land use application in the county and what are the advantages and disadvantages?

Mr. McCargar stated included in the agreement is language that if land use applications are filed that do not fit in the permitted land uses, the ground could be annexed back into the town.

Mr. Vazquez inquired about not foregoing all land use applications in the future.

Mr. McCargar stated essentially what can take place on the property is what Weld County’s agricultural zoning allows with the understanding that if the property expands beyond four residences and agricultural use that the town will become involved.

Ms. Melendez inquired if that is the applicants understanding as well and are they in agreement.

Mr. McCargar stated the applicant has signed the Zeiler Density Transfer Agreement that contains those terms.

Mr. McCargar stated if the property is no longer in Windsor; it is not subject to vested property rights.

Mr. Baker inquired if this agreement carries if the property is sold.

Mr. McCargar stated the agreement goes with the land.

Mr. Morgan inquired as to how many acres the property is.

Mr. McCargar stated it is a quarter section; approximately 160 acres.

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

4. Ordinance No. 2015-1513 - An Ordinance Approving the Disconnection of a Portion of the Zeiler Farms Second Annexation Pursuant to the Colorado Municipal Annexation Act of 1965, and Rescinding a Prior Approval of Statutory Vested Property Rights With Respect to the Property Disconnected Herein – Patrick McMeekin, Vima Partners, LLC

- First reading
- Legislative action
- Staff presentation: Ian McCargar, Town Attorney

Town Board Member Adams motioned to approve Ordinance No. 2015-1513 - An Ordinance Approving the Disconnection of a Portion of the Zeiler Farms Second Annexation Pursuant to the Colorado Municipal Annexation Act of 1965, and Rescinding a Prior Approval of Statutory Vested Property Rights With Respect to the Property Disconnected Herein – Patrick McMeekin, Vima Partners, LLC; Town Board Member Melendez seconded the motion.

Town Attorney Ian McCargar had nothing further to add.

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

5. Resolution No. 2015-70 - A Resolution Approving the First Amendment to Zeiler Farms Annexations and Master Plan Annexation and Development Agreement to Allow for the Reallocation of Sanitary Sewer Density to Serve the Proposed Raindance Development
 - Legislative action
 - Staff presentation: Ian McCargar, Town Attorney

Town Board Member Melendez motioned to approve Resolution No. 2015-70; Town Board Member Bishop-Cotner seconded the motion.

Town Attorney Ian McCargar stated the resolution would approve an agreement that would transfer 549 sanitary density units from the Zeiler property and to the RainDance property. The request comes from the landowner and is part of an overall plan for RainDance that calls for increased density. The same pipes and the same treatment facilities that will be used for RainDance were planned for this portion of the Zeiler property. The other impact to the Zeiler property is that the density transfer will render the property undevelopable beyond the four residential units that are referred to in the agreement.

This agreement also contains some terms and requirements for re-annexation if an application is filed for use other than what is permitted. Also, if oil and gas activity takes place on the surface of this property, that portion will be re-annexed into Windsor and that portion could include enough to meet the contiguity requirements of the statute and that portion will not be subject to Windsor's oil and gas regulations.

Ms. Melendez inquired if this reallocation will have financial impacts to the property where the density is being transferred or to the town's current sanitary system.

Mr. McCargar stated engineering has studied the situation and concluded the system would use the same pipes and treatment plant; it will just be coming from a different location. There should be no impact.

Mr. Vazquez stated the reality this is a reduction of impact as infrastructure will not travel as far.

Ms. Melendez inquired if there was any financial impact.

Mr. McCargar stated it allows the RainDance property to be developed at a higher density than it would if this density had remained with Zeiler but has no real financial impact.

Mr. Adams commented that he was in support of the resolution.

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

6. Resolution No. 2015-71 - A Resolution Approving an Agreement for Reallocation of Sanitary Sewer Capacity Units by, between, and among the Town of Windsor, Trolco, Inc., Vima Partners, LLC, and Raindance Aquatic Investments, LLC
 - Legislative action
 - Staff presentation: Ian McCargar, Town Attorney

Town Board Member Adams motioned to approve Resolution No. 2015-71; Town Board Member Bishop-Cotner seconded the motion.

Town Attorney Ian McCargar stated this agreement isolates certain portions of Water Valley and either strips entirely a parcel of its density or partially strips a parcel of density so those density units can then be transferred to the RainDance property. This agreement is complicated as there are several different properties held by several different property owners. The particular basins and the particular units of density are all laid out in Exhibit B included in the Town Board packet which is a study and amendment to the sanitary sewer plan that has been reviewed by the town's engineering staff.

Ms. Melendez inquired if the Engineering Department has been presiding over the agreement.
Mr. McCargar stated they have been.

Ms. Melendez inquired if the applicant concurs with the agreement.
Mr. McCargar stated the study was prepared by TST Inc. who is the developer's engineering firm with their work being checked on by town staff.

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

7. Public Hearing – Ordinance No. 2015-1514 - An Ordinance Pursuant to Chapter 16, Article XXIII of the Windsor Municipal Code Approving the Raindance Planned Unit Development Within the Town of Windsor – Raindance Aquatic Investments, LLC and William F. Larrick, Inc., applicants/Mitch Black, Norris Design, applicant's representative
 - Quasi-judicial action
 - Staff presentation: Paul Hornbeck, Associate Planner

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

Associate Planner Paul Hornbeck stated there have been two changes other than what was presented in the packet. The first being two public comments that have been received in the last few days and the other change being the memo mentions the accessory dwelling units being proposed on lots under 6,000 square feet which was an issue with the Planning Commission. That has since been removed from the proposal.

The applicants, Raindance Aquatic Investments, LLC and William F. Larrick, Inc., represented by Mr. Mitch Black of Norris Design, are proposing to create a Planned Unit Development (PUD) overlay district on approximately 1,133 acres known as RainDance PUD. The subject property is located at the western terminus of New Liberty Road; north of and adjacent to Crossroads Boulevard; and east of and adjacent to County Line Road (WCR 13).

In accordance with Article XXIII of Chapter 16 of the Municipal Code, the intent of PUD regulations is, among other things, intended to “provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.” A complete copy of the Article XXIII PUD regulations is attached for further reference.

The subject rezoning application will create a PUD overlay district which constitutes an amendment to the Town’s Official Zoning District Map and the minimum standards approved with the PUD will be applied to future land use applications within the PUD district. The RainDance PUD proposes variations in minimum lot size, setbacks, street standards and other aspects of development in order to accommodate specific product types and neighborhood concepts. This is consistent with the intent of PUD regulations which are “intended to accomplish the purposes of public control to the same extent as do zoning and other regulations applicable to conventional lot-by-lot development, while simplifying, integrating and coordinating land development controls and providing necessary flexibility to encourage design innovation and creative community development.”

In addition to the aforementioned variations to Municipal Code requirements, the PUD proposes side yard easements associated with some of the product types that would allow neighboring property owners to utilize the entire property between homes with limitations outlined in the PUD documents. The intent is to create a more useable area between homes than the typical five (5) foot offsets seen in standard subdivision development.

Another unique aspect of the proposed PUD is the use of certain agricultural uses at the perimeter of the property along County Line Road (WCR 13) and Crossroads Boulevard to maintain an open and agrarian character. The agricultural uses that are allowed are specified in the PUD documents and those uses that require appropriate site plan approvals will be required to meet the site plan requirements of the RainDance PUD documents. The process is similar to the administrative site plan requirements of the Municipal Code, but tailored to agricultural uses.

Mr. Vazquez inquired if the agricultural use would be counted towards landscaping requirements.

Mr. Hornbeck stated it would not count as landscaping requirements.

Mr. Vazquez inquired as to why the agricultural use would not be considered landscaping.

Mr. Hornbeck stated that is something that could be considered. Another consideration is that for half the year through the winter it could be bare.

An enhanced parks and open space system is one of the amenities proposed with the RainDance PUD to justify approval of the PUD. The final park layout will be determined with the future platting of the property, but the PUD documents indicate that the approximate location of open space and park features will be within one-third (1/3) mile radius to every resident.

Included among the objectives that the PUD provisions are intended to further: "To encourage unity and diversity in land development, resulting in convenient and harmonious groupings of uses, structures and common facilities, varied type, design and layout of housing and other buildings and appropriate relationships of open spaces to intended uses and structures." Based upon the application materials, the RainDance PUD appears to further this objective.

The proposal is in conformance with Comprehensive Plan, Vision 2025 document, and the Strategic Plan.

At the June 3, 2015 regular meeting, the Planning Commission voted to recommend approval of the proposed Planned Unit Development to the Town Board subject to the following conditions listed in the staff memo. In the time that has elapsed since the time of the Planning Commission meeting, the applicant has addressed all four of the items.

Mr. Baker inquired if there will be animal units allowed.

Mr. Hornbeck stated there are some animal units allowed; hens, beekeeping, fish hatchery and other similar uses.

Mr. Vazquez commented that the question may be directed more towards horses, cattle, goats and pigs.

Mr. Hornbeck stated he does not see where they are allowed.

Mr. Baker inquired about the trail network through the property.

Mr. Hornbeck stated this is in the early stages of development.

Mr. Vazquez inquired if this area has been included in the overall trail master plan and making the connection between County Road 13 and 7th Street.

Mr. Hornbeck stated there is a trail plan for that corridor.

Applicant Martin Lind stated there are extensive trails throughout the property and that is a very important part of the project.

Applicant's Representative Mitch Black provided a presentation of the RainDance PUD project. The design objective for the PUD is to establish design guidelines that will facilitate a dynamic and diverse built environment. Plans for the property will ultimately include parks, trails, a school, a commercial district, agricultural integrated throughout the site, a championship golf course, and a variety of housing products. The proposed standards are also consistent with other Northern Colorado communities. Embracing agriculture throughout the project is also a main focus.

New Liberty Road will also connect existing developments to the east and the west and the diagonal road will provide a view of Longs Peak.

Mr. Vazquez inquired if there would be any light industrial.
Mr. Black stated there would not.

Ms. Melendez inquired if the amenities of the project will be available to residents of the project or open to all and if this will turn into a gated community.
Mr. Black stated the project will not turn into a gated community over all but sometimes the active adult piece can be a gated community.
Mr. Black also stated there would be public access on the south edge to the parks but the metropolitan district may be involved in the as well.

Mr. Arnold inquired if the oil and gas pads have been accommodated for as far as distances from developments.
Mr. Black stated they have.

Ms. Melendez inquired about the email provided by Mr. Hornbeck regarding a citizen concern on density impact.
Mr. Lind stated the density is still not a high density project even though the word density has been associated with this project. In Fort Collins, they require five units per acre and this project is about 2 ½ units per acre. This is a large parcel of land and densities are not exceeding or coming close to exceeding the limit.

Mr. Morgan inquired where the existing oil and gas wells will land.
Mr. Lind stated there are surface agreements in place and one well is being vacated. No structures will be planned out as it is all at grade.

Mr. Morgan inquired if the Poudre Trail will need to be rerouted.
Mr. Lind stated a portion will need to be relocated.

Mr. Vazquez stated currently the only thing that connects 7th Street to County Road 13 is Highway 392 so with this new development and the continuation of New Liberty Road through it, residents west of County Road 13 will be able to safely ride bikes into Windsor.

Mr. Vazquez inquired if the orchards and agricultural areas will be operated and maintained by the metropolitan district.
Mr. Lind stated ownership will stay within the district with the hope that individuals would lease the ground for crops.

Patrick Davey, 8795 Longs Peak Circle, Windsor, CO

Mr. Davey stated he likes the layout with the community center but believes it would be more useful in the center of the project and believes it would give a bigger buffer to the people in the Steeplechase subdivision. Mr. Davey also likes the idea of the agricultural lots but is concerned if they are owned by homeowners that they will become weed patches and turned into RV storage.

Earl Pittman, 8413 Cherry Blossom Drive, Windsor, CO

Mr. Pittman believes the pad sites that will be going in at RainDance are more than 2000 feet away from the school and there is actually pads at Windsor Charter Academy that are closer to the school

than what is proposed for RainDance. Mr. Pittman also stated he is in support of the development being proposed by providing jobs, more housing, and connectivity with other neighborhoods.

Karen Speed, 8310 Cherry Blossom Drive, Windsor, CO

Ms. Speed has concerns with the density and the amount of traffic that will be on County Road 13. When it rains and the river is up, the north end of County Road 13 is usually closed as the water has flooded the area making the only entrance and exit at Crossroads. Ms. Speed believes turning County Road 13 into a four lane road could be beneficial.

Mr. Vazquez stated based on traffic studies, that County Road 13 is Colorado Boulevard all the way down to Denver and is a major arterial road. At some point in the future it will be four lanes. The roads that are there today are not necessarily the roads that will be there 50 years from now.

Rebekah Wilson, 5435 Far View Court, Windsor, CO

Ms. Wilson agrees that New Liberty Road will be very beneficial for many neighborhoods. Ms. Wilson is concerned about buses that make stops on Steeplechase as the subdivision has become busier over time and is concerned with the opening of New Liberty Road it becoming even busier. Mr. Wilson is also concerned that the neighborhood is an equestrian neighborhood and trying to cross horses on a busy street is a very dangerous situation.

Mr. Lind stated there will be no RV storage or weed patches at RainDance. Mr. Lind stated County Road 13 and Crossroads is a bad intersection and is working on getting a stoplight at that intersection.

Mr. McCargar stated there was a fair amount of time examining what appears to be the master plan which is a separate agenda item. When the meeting comes to that agenda item, if folks want to be heard on that issue rather than the PUD ordinance, then they will be asked to come back up to make the record.

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

8. Ordinance No. 2015-1514 - An Ordinance Pursuant to Chapter 16, Article XXIII of the Windsor Municipal Code Approving the RainDance Planned Unit Development Within the Town of Windsor – Raindance Aquatic Investments, LLC and William F. Larrick, Inc., applicants/Mitch Black, Norris Design, applicant's representative
 - First reading
 - Quasi-judicial action
 - Staff presentation: Paul Hornbeck, Associate Planner

Mayor Pro Tem Baker motioned to approve Ordinance No. 2015-1514 - An Ordinance Pursuant to Chapter 16, Article XXIII of the Windsor Municipal Code Approving the RainDance Planned Unit Development Within the Town of Windsor – Raindance Aquatic Investments, LLC and William F. Larrick, Inc., applicants/Mitch Black, Norris Design, applicant's representative; Town Board Member Adams seconded the motion.

Associate Planner Paul Hornbeck had nothing further to add.

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

9. Resolution No. 2015-72 - A Resolution Approving an Agreement by, between and among the Town Of Windsor, Raindance Aquatic Investments, LLC, and William F. Larrick, Inc., with Respect to the Planned Unit Development Known as "Raindance"
 - Legislative action
 - Staff presentation: Ian McCargar, Town Attorney

Town Board Member Adams motioned to approve Resolution No. 2015-72; Town Board Member Morgan seconded the motion.

Town Attorney Ian McCargar stated ordinarily an agreement of this sort is something that would be handled administratively. Since a particular component of this agreement was brought before the Town Board for discussion at a work session and the Town Board gave instruction on how to resolve the disagreement over review time frames as development proposals come in within the RainDance PUD, the agreement is being presented for approval. Language was accepted by the developer and the developer has signed the agreement. The agreement that was included in the packet does not contain section 6, the language that was agreed upon by the town and the developers. Mr. McCargar recommended approving the agreement with the understanding that section six will be inserted which allows for fixed development review time frames that were acceptable to the developer that also allows for some flexibility in the application of those depending on circumstances over time.

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

10. Resolution No. 2015-73 - A Resolution Approving an Amended Master Plan for Property Within the Windsor Highlands Annexation No. 2, Raindance River Annexation and Windsor Highlands Annexation No. 1, Formerly Known As "Water Valley West", Which Property Shall Henceforth be Known as "Raindance" – Martin Lind, Raindance Aquatic Investments, LLC, applicant/Mitch Black, Norris Design, applicant's representative
 - Quasi-judicial action
 - Staff presentation: Paul Hornbeck, Associate Planner

Town Board Member Morgan motioned to approve Resolution No. 2015-73; Mayor Pro Tem Baker seconded the motion.

Mr. Hornbeck stated the master plan amendment is proposed to reflect the RainDance PUD that was approved earlier this evening. The subject property was previously master planned and subdivided as Water Valley West. The residential and commercial density proposed in the amended master plan and the PUD are based on approval of earlier agenda items this evening.

The proposal is in conformance with the Comprehensive Plan, Vision 2025 document and the Strategic Plan.

At the June 3, 2015 Planning Commission meeting, the commission voted to recommend approval of the proposed amended master plan subject to conditions outlined in the staff memo; conditions 1-3 have all been addressed since that time. Condition four remains as an ongoing discussion between the town attorney and the applicant.

Mr. McCargar recommended the applicant state for the record that the material presented earlier when discussing the PUD would be considered by the Town Board when it comes to the master plan. The burden does fall on the applicant to demonstrate that an amended master plan is appropriate. Also, if anyone has comment to make on the master plan issue they can either speak separately to it or make reference to their comments made earlier.

Mr. Lind stated he is affirming and confirming that what has been submitted is what has been requested and understands the burden going forward to follow the guidelines.

Mr. Vazquez inquired if the applicant requests the evidence and information presented for the PUD application also be included as part of the master plan application.

Mr. Lind stated that is correct.

Patrick Davey, 8795 Longs Peak Circle, Windsor, CO

Mr. Davey stated he would like to see the heavier densities moved more into the center of the PUD.

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

11. Resolution No. 2015-74 – A Resolution of Support for the use of Larimer County Mill Levy Funds for Interstate 25 (I-25) Improvements

- Legislative action
- Staff presentation: Kelly Arnold, Town Manager

Town Board Member Melendez motioned to approve Resolution No. 2015-74; Town Board Member Bishop-Cotner seconded the motion.

Town Manager Kelly Arnold stated at a recent annual Larimer County municipal dinner meeting, representatives from Larimer County discussed a method of using Larimer County Road and Bridge Mill Levy funds to help off-set potential match funds needed for I-25 bridge improvements. The proposal is that Larimer County would increase the County Road and Bridge Mill levy by .4228 and lower the County General Fund Mill levy by a similar amount. This would generate an additional \$2 million a year for the Road and Bridge Mill levy. By statute, the Road and Bridge Mill levy is distributed to municipalities and county by a valuation formula. The proposal is that the municipal distribution of the increase would be kept by the County and used a match for the I-25 bridge improvements.

According to current valuations, the mill levy increase would mean an increase for Windsor in the amount just over \$22,000. The proposal is that this mill levy increase would stay in affect for a five year period. This proposal would not affect our current allocation and that would be distributed to Windsor as normal. Those funds are budgeted and used in the General Fund for street operational purposes.

The Resolution supports the proposal and also directs staff to engage in developing an Intergovernmental Agreement that would document the specifics of the proposal.

Mr. Vazquez stated Larimer County is shifting mills out of their general fund into their bridge and roadways fund but statutorily they then will be entitled to a portion of whatever roadway and bridge revenues they appropriate. So for clarification, our base is not going to change, any increase in the increment above and beyond what Windsor is currently already receiving they want to us forgo our ability to collect that revenue because they are pulling it out of the general fund and putting it into roadways and bridges. Also, the town is not waiving the base of \$20,000-\$30,000 that Windsor collected last year as that amount will still continue to be collected. Larimer County has come up with a creative solution to find alternate revenue sources to put into roadways and bridges without doing a tax increase and what they have realized is that they can redirect or re-appropriate funds out of their general fund into capital but if they do that, then by statue they would have to give us a percentage and through the IGA, the town is agreeing to forgo the entitlement to that increment.

Ms. Melendez inquired it states in the proposal if the grant was approved; what will happen if it is not awarded.

Mr. Arnold stated that will need to be worked into the IGA as that point had not been reached.

Ms. Melendez inquired if the valuation will be looked at year by year.

Mr. Arnold stated this proposal is based on today which is for presentation purposes only. As valuations increase, that money will also increase.

Mr. Baker inquired if we will still get the \$27K.

Mr. Arnold stated that is correct.

Mr. Morgan inquired if the area north of Crossroads will be one of the projects.

Mr. Arnold stated there are three bridges on I-25 that cross the Little Thompson, Big Thompson and Poudre Rivers that the funds from this will go towards.

Mr. Baker stated the Crossroads overpass is addressed by CDOT, \$30 million project.

Mr. Arnold stated that is a separate project.

Mr. Vazquez stated there are two projects that will happen in 2016 including I-25 and Crossroads and an extra lane from Highway 402 south. There is also a federal highway bill that could bring some extra widening and other lanes to I-25 but that is unknown at this time.

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

12. Public Hearing 2016 Budget

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

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

Director of Finance Dean Moyer stated the budget process started in August with a CIP meeting where capital projects were discussed, followed by the budget retreat in October and at the last meeting of the Town Board an update was given on any changes.

Mr. Moyer provided an overview of the Condensed Summary included in the packet.

- Beginning balance of all funds will be approximately \$60 million
- Estimated revenue collections are approximately \$45 million
- Estimated expenditures are approximately \$57 million
- Ending balance at the end of 2016 to be approximately \$47 million

Mr. Vazquez inquired as to why there was such a significant increase of 91% in the Mayor, Board and Municipal Court budget.

Mr. Moyer stated the 2016 budget reflects a transfer of funds into that budget for the public works / parks maintenance facility that is being paid for in cash. The funds were reflected in the general funds portion.

Mr. Baker inquired about the revenue from the recreation center bonds that were received in 2015; in theory there was a large surplus last year.

Mr. Moyer stated that is correct.

Mr. Vazquez inquired if only these two years will the anomalies be seen.

Mr. Moyer stated that is correct unless there is another similar project.

Mr. Arnold stated the Event Coordinator position is being evaluated as this position has been outsourced. In the future, that position may be brought back in house.

Town Board Member Adams motion to close 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.

13. Resolution No. 2015-75 - A Resolution Summarizing Expenditures And Revenues For Each Fund, And Adopting A Budget For The Town Of Windsor, Colorado, For The Calendar Year Beginning On The First Day Of January, 2016, And Ending On The Last Day Of December, 2016, And Appropriating Sums Of Money To The Various Funds And Spending Agencies, In The Amount And For The Purpose As Set Forth Below, For The Town Of Windsor, Colorado, For The 2016 Budget Year

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

Town Board Member Morgan motioned to approve Resolution No. 2015-75; Town Board Member Bishop-Cotner seconded the motion.

Director of Finance Dean Moyer had nothing further to add.

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

14. Resolution No. 2015-76 - A Resolution Levying General Property Taxes For The Taxable Year 2015 To Help Defray The Costs Of Government For The Town Of Windsor, Colorado, For The 2016 Budget Year (Weld County)

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

Town Board Member Melendez motioned to approve Resolution No. 2015-76; Town Board Member Bishop-Cotner seconded the motion.

Director of Finance Dean Moyer stated Windsor's mill levy is 12.03.

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

15. Resolution No. 2015-77 - A Resolution Levying General Property Taxes For The Taxable Year 2015 To Help Defray The Costs Of Government For The Town Of Windsor, Colorado, For The 2016 Budget Year (Larimer County)

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

Mayor Pro Tem Baker motioned to approve Resolution No. 2015-77; Town Board Member Bishop-Cotner seconded the motion.

Director of Finance Dean Moyer had nothing further to add.

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

16. Resolution No. 2015-78 - A Resolution of the Town Board of the Town of Windsor, Colorado, Approving the 2016 Windsor Downtown Development Authority Budget: Making Annual Appropriations for the Windsor Downtown Development Authority for the Fiscal Year Ending December 31, 2015; and Fixing the Mill Levy for the Windsor DDA District for the Fiscal Year Ending December 31, 2016

- Legislative action
- Staff presentation: Patti Garcia, Town Clerk/Assistant to Town Manager

Town Board Member Adams motioned to approve Resolution No. 2015-78; Town Board Member Bishop-Cotner seconded the motion.

Town Clerk Patti Garcia represented the Downtown Development Authority (DDA) as Colorado State Statute requires that each year the DDA present their budget to the Town Board for review and approval. The Town Board previously reviewed the budget at a work session and the DDA did approve their budget at their October regular meeting. The only change to the budget is based on the executive director position being contracted out; the wages that were included under personal services were moved to contract fees. Also the mill levy has been increased to four mills and will likely increase to the maximum five mills next year.

Mr. Baker inquired about the \$110,000 out \$240,000 is going to actual projects as that seems like a small amount.

Ms. Garcia stated at the time the budget was developed the executive director position was still being looked at, the library feasible study was moving forward and ideas regarding the back lots were being discussed. Once the contract is signed and the executive director is introduced to the Town Board, it will be clear that the executive director comes with all the expertise of development planning, architecture, all of the pieces to move the DDA to the next level.

Mr. Arnold stated the DDA heard the necessity of moving onto other projects and making sure there is some impact being shown. It is anticipated the DDA will be talking to the Town Board in the near future regarding ideas, vision and the agreement that will expire in a little over a year.

Ms. Melendez stated the new hire comes with a lot of experience in development and that is the next phase of the DDA.

Mr. Baker stated it seems like 42% of funds going to projects is pretty low.

Ms. Garcia stated that is a lot of carry over and the IGA actually speaks to only allowing use of those carry over funds for capital projects and cannot be used for general administration.

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

D. COMMUNICATIONS

1. Communications from the Town Attorney
Mr. McCargar reminded the Town Board of the executive session.
2. Communications from Town Staff
Mr. Vazquez inquired about the Syrian refugees relocating to Greeley.
Chief Michaels stated there have been relocations from various countries into Colorado but specific number are not available.

Mr. Vazquez inquired about anything that law enforcement is concerned with.

Chief Michaels stated intelligence reports are received from various federal agencies but nothing to cause an alarm at this point.

Mr. Vazquez has heard Loveland, Fort Collins and Greeley are preferred cities for relocation.

Chief Michaels has not heard that information.

Earl Pittman stated Syrian refugees have come into Colorado through the Colorado Refugee Program. There been five families that have come into Colorado in 2015. There are Syrian families that have sponsored members of their family to come live with them. Syrian refugees are placed in metropolitan cities like Denver and Colorado Springs with access to a case worker within a 50 mile radius. Refugees are living in government funded housing.

3. Communications from the Town Manager

Mr. Arnold congratulated all that were involved in completing the budget. Almost nine years of ongoing discussion with the federal government on the need for maps. Congratulations on wrapping up many long term projects this evening.

3. Communications from Town Board Members

Mr. Vazquez congratulated the Windsor football team for their win at Palmer Ridge and the next game is scheduled for Saturday at 1:00 in Longmont.

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 Raindance Conservation Easement (Ian D. 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 Raindance Conservation Easement (Ian D. McCargar); Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.

Upon a motion duly made, the Town Board returned to the regular meeting at 10:24 p.m.

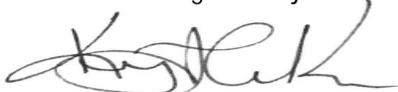
The Executive Session was closed and the Town Board returned to the Regular Meeting.

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 10:24 p.m.

F. ADJOURN

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

The meeting was adjourned at 10:24 p.m.



Krystal Eucker, Deputy Town Clerk