



**TOWN BOARD REGULAR MEETING**  
April 11, 2016 - 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 6:59 p.m.

1. Roll Call

Mayor  
Mayor Pro Tem

John Vazquez  
Myles Baker  
Christian Morgan  
Jeremy Rose  
Kristie Melendez  
Robert Bishop-Cotner  
Ivan Adams

Also Present:

Town Manager  
Town Attorney  
Town Clerk/Assistant to Town Manager  
Communications/Assistant to Town Manager  
Chief of Police  
Director of Engineering  
Director of Planning  
Director of Public Works  
Senior Planner  
Chief Planner  
Director of Finance  
Recreation Manager  
Deputy Town Clerk

Kelly Arnold  
Ian McCargar  
Patti Garcia  
Kelly Unger  
John Michaels  
Dennis Wagner  
Scott Ballstadt  
Terry Walker  
Josh Olhava  
Carlin Barkeen  
Dean Moyer  
Tara Fotsch  
Krystal Eucker

2. Pledge of Allegiance

Mayor Vazquez 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 Adams 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.**

4. Board Liaison Reports

- Mayor Pro Tem Baker – Water & Sewer Board; North Front Range/MPO alternate  
Mayor Pro Tem Baker had no update on the Water and Sewer Board.  
Mr. Baker was unable to attend the MPO but funding was approved for the proposed U.S. 34 Planning and Environmental Lineage Study.
- 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 the Chamber of Commerce meets April 13, 2016.
- Town Board Member Rose – Clearview Library Board  
Town Board Member Rose reported the Library Board is continuing discussion on the proposed library expansion and they are looking at the various options including private fundraising.
- 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 Arbor Day Presentation will be on April 14, 2016 at Mountain View and April 15, 2016 at Tozer Primary School. The Arbor Day 5k will be April 16, 2016.  
Mr. Adams reported the Poudre River Trail Board lost the grant that would help with funding for easements.
- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO  
Mayor Vazquez had no report.

5. Arbor Day Proclamation

Mayor Vazquez read the proclamation.

6. Poudre Valley Medical Fitness Week Proclamation

Mayor Vazquez read the proclamation.

7. Public Invited to be Heard

Mayor Vazquez opened the meeting up for public comment.

Mike Mitchell, 6771 Steven Street, Windsor CO addressed the Board on the sand and wind blowing around the neighborhood from the Harmony Ridge subdivision. Mr. Mitchell feels the contractor is not abiding by the State of Colorado erosion control standards and have violated most of the concepts that are put out in the state standards.

B. CONSENT CALENDAR

1. Minutes of the March 28, 2016 Regular Town Board Meeting – K. Eucker
2. Report of Bills – D. Moyer

3. Resolution No. 2016-21 – A Resolution Approving an Intergovernmental Agreement Between the Town of Windsor and City of Fort Collins for the Exchange of Municipal Judge Services in the Event of Unavailability of Judicial Officers – I. McCargar  
**Town Board Member Melendez motioned to approve the consent calendar 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.**

#### C. BOARD ACTION

1. Johnny's Community Run - Town Sponsored Event Request
  - Applicant presentation – Mark Jacoby

Per Ms. Fotsch Johnny's Community Run is a 5K Run/Walk event to be held on April 23, 2016 at Boardwalk Park. The run is being organized by the Jacoby Family along with a group of citizens that approached the Jacoby family that wanted to hold an event in honor of Johnny Jacoby.

Mark Jacoby, 1343 Westwood Drive, Windsor, CO stated the community was very supportive of the family after the incident. The family wanted to give back to the community by remembering Johnny's spirit and also hosting a 5k with the proceeds going to Johnny's favorite charity, 28 Hours of Hope and establishing a Johnny Jacoby Scholarship program for Windsor High School Students.

Mr. Vazquez expressed his condolences to the family regarding the incident involving Johnny Jacoby and is supportive of the Town's sponsorship of the event.

Mr. Adams stated he would also support the sponsorship of the event.

Mr. Baker commented that Johnny Jacoby is embodies what made Windsor special and is supportive of the sponsorship.

**Town Board Member Adams motion to support the request for the Town Sponsored event; 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.**

2. Windsor High School Band - Long Form Grant Request
  - Applicant Presentation – Robert Darragh, Director of Instrumental Music, Windsor High School

Ms. Garcia reported the Windsor High School Band has submitted a long form grant application requesting \$20,000 to help supplement their funds in order to represent Windsor in the 75th Pearl Harbor Ceremony and Parade on December 7, 2016. This is essentially an invitation only event and they are looking for funding to help the students get there and be able to represent Windsor adequately.

Robert Darragh, Windsor High School Band Director addressed the Board on the long form grant requested that was submitted to request funds to help students travel to Pearl Harbor to represent Windsor High School and Band, the Town of Windsor and the State of Colorado. The band would be the only band from Colorado to be in the parade and ceremony. The ceremony is significant as it will be the 75<sup>th</sup> anniversary of Pearl Harbor. Approximately 100 members of the band will be attending the event at a cost to the member of \$2,100 at this point. Fundraisers are being held to offset the cost to the members of the band.

Sue Kelly, Windsor High School Music Booster Club addressed the Board and stated one of the band members is Ms. Weinberger; her mother is a lieutenant colonel with the Air Force Reserves and she is working to point out how important this trip is and how seriously the band members are taking the experience. One project that will commence next week is called Causality Cards. Lieutenant Colonel Weinberger contacted the Marine Corp History Division and has obtained over 90 Causality Cards from December 7, 1941. She will place each causality on a 3X5 index card. Each marching band student will have a card and will spend the year marching in honor of this hero. The cards contain the birth, enlistment date, death date, ship, emergency contact and disposition of the body.

Mr. Darragh stated this is a very big event. The Windsor High School Band will be taking part in not only the parade but also the ceremonies, be on the field with the Marine Band, perform in front of the USS Missouri and will be laying a memorial wreath at the USS Arizona.

Mr. Morgan inquired if the process was competitive.

Mr. Darragh reported there are approximately 14 bands asked to attend the event from across the country.

Ms. Melendez inquired if the parade will be televised.

Mr. Darragh reported the parade will be televised as well as the ceremonies.

Mr. Adams commented that he is in support of the request.

Mr. Vazquez commented that he is in support of the request.

**Town Board Member Melendez motioned to approve the long form grant; 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.**

3. Resolution No. 2016-22 – A Resolution in Support of the Efforts of the Colorado Department of Transportation and North Front Range Metropolitan Planning Organization to Secure Funding for Necessary Improvements to Interstate Highway 25 Between State Highway 402 and State Highway 14

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

**Mayor Pro Tem Baker motioned to approve Resolution No. 2016-22; Town Board Member Bishop-Cotner seconded the motion.**

Per Mr. Arnold at the March 28, 2016 Town Board meeting, representatives of Colorado Department of Transportation (CDOT) presented a proposal to seek grant funding for an I-25 improvement project from SH 402 to SH 140. The request from CDOT was that the Town considers committing \$1 million to help supplement the match. CDOT has been meeting with other municipalities in the region seeking similar types of commitments.

The resolution would be supporting \$1 million to CDOT over a three year period.

Ms. Melendez inquired if the match funds the Town provides is contingent on the grant being awarded.

Mr. Arnold stated that is the assumption. However they may be continuing efforts if they are not successful with the TIGER Grant request and there will probably be continued interest in keeping this commitment in the future.

Ms. Melendez inquired that if they do not get the funding, the Towns funds will be removed from the table.

Mr. Arnold stated that is correct.

Mr. Baker commented that \$1 million is a lot of money for a community this size but the return the Town will be receiving will be worth it.

Mr. Vazquez inquired if it is possible to have the commitment on a standing commitment for a period of time that those dollars would only be distributed only upon the procurement of the funding for those highway dollars.

Mr. Arnold stated if that would have been of interest or concern, CDOT would have mentioned that.

Mr. Baker inquired if the grant is not awarded can we keep the money in the capital improvement fund to be used as a place holder for future similar projects.

Mr. Arnold stated that would be a good discussion at budget time.

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

4. Site Plan Presentation – Highlands Industrial Park Subdivision, Block 4, Lot 1 – Advanced Roofing Technologies – Brad Evans, Advanced Roofing Technologies, applicant/ BJ DeForge, Hauser Architects, P.C., applicant’s representative

- Staff Presentation: Josh Olhava, Senior Planner

Per Mr. Olhava the applicant, Mr. Brad Evans is proposing a site development in the Highlands Industrial Park Subdivision. The site is zoned Limited Industrial (I-L) and surrounded by other industrial users and industrial zoned property to the east, south and west. The properties to the north are zoned High Density Estate Residential (E-2).

Site characteristics include:

- new building of approximately 44,500 square feet, including office and storage space;
- outdoor fenced storage of approximately 33,878 square feet or approximately 24% of the total lot area;
- 57 dedicated, off street parking spaces, including accessible parking spaces; and
- approximately 23% of the site to be landscaped.

Building and structural details include:

- building articulation through varying parapet heights and entrance offsets/bump outs
- insulated stucco embossed panels;
- architectural metal panels with 2" reveal;
- synthetic stone veneer with stone cap wainscoting;
- standard ribbed steel panels; and
- aluminum canopies along first floor windows.

The current presentation is intended for the Town Board's information. Should the Town Board have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff's review of the project.

The application is consistent with various goals of the 2016 Comprehensive Plan as well as the Vision 2025 document.

Ms. Melendez inquired as to the industry that will be utilizing the building.

Mr. Brad Evans stated they are a roofing contractor and do not manufacture any products. Everything they do is installed at the jobsite and there is limited storage with the majority of it being indoor storage. Vehicles will be parked in the back.

Mr. Vazquez inquired if the majority of the work is residential.

Mr. Evans stated they most of their work is commercial.

Mr. Vazquez inquired if there will be trusses or construction materials that will be stored outside.

Mr. Evans stated there would not be.

Mr. Vazquez inquired as to what the neighbors to the north would see out their back yards.

Mr. Evans stated they would see some vehicles, trailers and pallet racking. The goal is to obtain a larger facility to be able to bring all materials inside. Materials are shipped directly to a jobsite; an abundance of materials that are left over from a job site will be shipped back but the small pieces will be brought back to the warehouse.

Mr. Vazquez inquired if hot tar will be batched on the site.

Mr. Evans stated as a contractor, they do not install hot tar roofs.

Mr. Melendez inquired as to how many employees will be on site.

Mr. Evans stated the company is just under 50 employees but 12 individuals work in the office.

5. Public Hearing – Mineral Owner Notification for Surface Development per Article 65.5 of Colorado Revised Statutes – The Ridge at Harmony Road Subdivision – HR Exchange LLC., The Landhuis Company, applicant/ Jeff Mark, The Landhuis Company, applicant’s representative
  - Legislative action
  - Staff presentation: Josh Olhava, Senior Planner

**Town Board Member Adams motion to open 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.**

Per Mr. Olhava this public hearing is for the mineral owner’s notification for surface development and an objection was received by the Town from Anadarko. The Ridge at Harmony Road is  $\frac{3}{4}$  of a section in the area of Harmony Road and County Road 76.

Mr. Vazquez inquired if Mr. McCargar had anything to add on the statutory requirements relative to the mineral notification.

Mr. McCargar stated the statute requires that the applicant provide notice to the mineral owner and that has been done. The mineral owner has filed a timely objection. At this point it is a question if the applicant can satisfy the requirements of the statute with respect to either a signed surface use agreement or an official declaration by Anadarko that they are withdrawing the objection.

Mr. Jeff Mark stated they have been in contact with Anadarko over the last two years. An email from Anadarko that was received by Mr. Mark and Attorney David O’Leary was forwarded to the Town that reads in part, “By replying to this email you agree to the terms specified above and you agree to negotiate the specific terms of the SUA in good faith recognizing that time is of the essence. As soon as I receive your email, Anadarko will officially withdraw its objection to the plat.” Mr. O’Leary then responded to Anadarko effectively stating they are in concurrence with the terms and Mr. Mark believes they have removed Anadarko’s objection.

Mr. Vazquez inquired if that documentation has been forwarded to Mr. McCargar.

Mr. Mark stated it has.

Mr. McCargar stated what has been forwarded is a statement from the representative of Anadarko that as soon as confirmation has been received from the surface owner as to the terms above, Anadarko will officially withdraw its objection. The Town, as of now does not have any official document withdrawing its objection for the record.

Mr. Vazquez stated that the statement from the Anadarko representative that by acknowledging or accepting the terms will withdraw the objection.

Mr. McCargar stated if Mr. Mark would allow Mr. McCargar to read something into the record even though Mr. McCargar is not a witness; Mr. McCargar stated an email that was received by and individual named Travis who appears to be a representative of Anadarko stated in part, “As soon as I receive your email Anadarko will officially withdraw its objection to the plat for the northwest

corner of the property.” What is being seen by that statement is that another step is required by Anadarko. What has not been received is what would be entered into the record is something from Anadarko officially withdrawing its objection. The email said that it will withdraw the objection but it has not as of this moment. A document signed by Anadarko has not been received that officially withdraws the objection.

Mr. O’Leary stated he agrees with the dilemma and stated attempts have been made to obtain an official withdraw.

Mr. Mark believes that from Mr. O’Leary’s response, obligations have been met to withdraw the objection.

Mr. McCargar stated it is the decision of the Town Board to decide whether the record is sufficient to proceed under the statute; the statute requires a surface use agreement or withdrawal of the objection.

Mr. Vazquez inquired if it is specified in the statute what acceptable notification is.

Mr. McCargar stated the statute requires the applicant and any mineral estate owners who have filed an objection have executed a surface use agreement related to the property; the provision of which are evidenced by a memorandum or otherwise recorded in the records of the clerk and recorder of the county in which the property is located.

Mr. Vazquez commented that is for a surface use agreement and would not be for the mitigation of an objection.

Mr. McCargar stated that is correct. If the Board feels that there is still a valid objection before the Board, a decision will need to be made whether the record supports that it has been withdrawn. Mr. McCargar feels it does not appear that there is a written surface use agreement executed.

Mr. Rose commented that the email is a valid articulation of an intent to withdraw but it is not a valid withdraw.

Mr. Bishop-Cotner stated at this moment there are questions regarding the withdrawal so an option is to table the item for two weeks.

Mr. Adams inquired as to how a two week delay would impact the project.

Mr. Mark stated there is a number of dynamics and stated they have been in process for three years so they are at a crossroads at this point. There have been negotiations that have taken place, had disputes with staff and have generally overcome those hurdles. The project was forced to commence early grading so that risk was taken. If the sewer cannot be started soon they will be looking at winter time where they could have problems with pavement.

Mr. Mark stated correspondence has been ongoing with Anadarko for the last two years. Pad sites will be beneficial to have on the property as they will be paying a mill levy which then helps support the metro district.

Mr. Bishop-Cotner inquired as to when the objection was received.

Mr. Mark stated it was about 30 minutes prior to the Planning Commission meeting on April 6, 2016.

Mr. Baker inquired if this is approved and the agreement does not materialize what would happen to the Town.

Mr. McCargar stated in regards to this hearing to determine whether the mineral owner notification statute has been satisfied; it does not have anything to do with subdivision approval. The objective is to determine if an objection was properly filed and whether the developer has taken advantage of one of two options to get around the objection; either a surface use agreement or incorporating into its development plan certain accommodations for the oil and gas activity that may take place on the site. Neither of which has happened. A decision needs to be made by the Board if the record supports finding that the objection has been withdrawn and if that finding cannot be made, then the next two agenda items cannot go forward under the statute.

Mr. Vazquez inquired as to clarification of the email that was received from Anadarko.

Mr. Mark read the email addressed to Mr. O'Leary that stated, "As soon as I receive your email, Anadarko will officially withdraw its objection to the plat."

Mr. Vazquez commented from the wording of the email that if there was an email sent that Anadarko will officially remove the objection. The statute outlines certain steps for a surface use agreement to be executed but it does not outline the requirements for an objection to be withdrawn.

Ms. Melendez commented that her understanding is that the Board needs to have a record of its findings and feels the email supports that finding.

Mr. Rose inquired as to who the email was sent to.

Mr. O'Leary stated it was sent to Mr. Mark and himself.

Mr. Rose inquired if there was anyone on the CC line.

Mr. O'Leary stated there was not.

Mr. Rose inquired as to who the response was sent to.

Mr. O'Leary stated it was sent to Travis Book, Mr. Mark and himself.

Mr. Rose inquired as to no formal communication being sent to the Town from Anadarko.

Mr. McCargar stated the record on this subject is pretty much as Mr. Mark and Mr. O'Leary have cited.

Mr. Vazquez inquired if Mr. McCargar does have a copy of the email for the record.

Mr. McCargar stated the email was forwarded by Mr. O'Leary.

Mr. Morgan inquired if the language in the email is sufficient or equal to written communication that may have been received.

Mr. McCargar stated if Anadarko would have presented the Town something that looks like the objection and that says Anadarko officially withdraws its objection that would be sufficient.

Mr. Morgan inquired if Travis Book is in the capacity to withdraw the objection.

Mr. McCargar stated Travis Book is the individual that signed the objection so he will be sufficient to withdraw the objection.

Mr. Vazquez inquired if through this process and it is determined that there is sufficient evidence to address the objection, there is nothing that precludes the Board from the next agenda items of maybe requesting a surface use agreement or some other executed document with the plat.

Mr. McCargar stated if this circumstance goes the way it usually does, the mineral notification would have gone out and no one would object because the mineral interest holder is satisfied in some way. This is different because of the objection. If there were a surface use agreement there would not have been an objection.

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

**Mayor Pro Tem Baker motioned to find that the requirements of the mineral notification statute were met by the applicant; Town Board Member Melendez seconded the motion. Roll call on the vote as follows: Yeas –Melendez, Adams, Vazquez; Nays – Baker, Morgan, Rose, Bishop-Cotner; Motion failed.**

**Town Board Member Adams motioned to postpone agenda items 6 & 7 to a date certain, April 18, 2016; Mayor Pro Tem Baker seconded the motion. Roll Call on the vote as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

6. Resolution No. 2016-24 – A Resolution Authorizing the Town Manager to Propose to the City of Fort Collins an Amendment to the Intergovernmental Agreement Between the Town of Windsor and City of Fort Collins With Respect to Development in the Interstate 25/State Highway 392 Corridor Activity Center
  - Legislative action
  - Staff presentation: Kelly Arnold, Town Manager

**Town Board Melendez motioned to approve Resolution No. 2016-24; 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.**

Mr. Arnold stated the Resolution before the Board represents the Town Board's instructions to the Town Manager to present the proposed Amended and Restated Intergovernmental Agreement Pertaining to Development of the Interstate 25/Highway 392 Interchange ("IGA") to the City of Fort Collins. By doing so, the Town is making an offer to the City to modify the terms of the existing IGA. If the City and the Town are able to come to agreed terms, further official action will be required for formal adoption of the IGA as amended.

The core of the amendments is to expand the permitted uses in the Corridor Activity Center to include automobile dealerships and single-family detached residential homes. The amendments modify the revenue sharing formula for sales and property tax revenue arising out of these uses. The amendments also incorporate an exhibit containing the Enhanced CAC Design Standards for development on the Windsor side of the interchange.

Mr. Ballstadt stated the proposed design standards require a minimum 40 foot buffer with the option to increase that width to 50-60 feet between commercial and residential areas. While the 40 foot minimum width would be more stringent than other adopted setbacks in town he neighbors did indicate they would still prefer a wider buffer and at the last work session and the auto dealerships did indicate their willingness to provide up to a 50 foot buffer. With those items in mind and the fact that the development standards would apply to all commercial uses that abut residential areas, one option that staff suggested was to identify a specific buffer that would address the Country Farms and County Meadows neighborhoods so that the width and density of landscaping, maintenance and timing of installation could be addressed in the subdivision agreement.

To date the Enhanced Design Standards that have come before the Board have not addressed building heights because that is something that was addressed in the 2011 design standards that were adopted by both Fort Collins and Windsor. Section 17.13.443 of the municipal code caps the maximum height at 90 feet in the Corridor Activity Center (CAC). If the Board proposes to change the maximum height an appropriate reference would be to the limited industrial zoning of the property which is the underlying zoning and that does reduce the building height to 75 feet. The reason for the taller height in the CAC is consistent with the I-25 corridor plan which identifies the interchange as a CAC as well as the Comprehensive Plan that identifies the I-25/392 interchange as a regional commercial employment node. The height is intended to accommodate those higher intensity uses. It is important to note that if any future application proposing to exceed the maximum height agreed upon by Fort Collins and Windsor would require Fort Collins consideration as well as Windsor's building height modification process.

The auto dealerships are looking for clarifications on landscaping between berms on I-25 as well as some clarity on where parking can occur around buildings.

Mr. Baker commented that he is in favor of a larger buffer zone but does not feel that should be imposed across the CAC.

Mr. Rose commented he does not support the motion because there are two proposed uses that could be good or they could be bad but that is unknown as there is no concept of what is desired for this area.

Mr. Morgan inquired if a public hearing will be opened.

Mr. Vazquez stated there was no intention as there was a special meeting to take public comment.

Mr. Morgan suggests taking public comment as there are individuals in in the audience and there may be different issues brought forward.

Ms. Melendez commented that the Board has listened intently to the public. There are still unknowns at this time but there are already approved uses as this area is zoned commercial and those uses could cause great concerns and issues other than what is being proposed for the area. Also in the five years since the improvements have been made there has been no interest in the property until now.

Mr. Bishop-Cotner commented that he is willing to hear public comment.

Mr. Morgan commented that there has not been much discussion on the 45 acres to the north regarding single family homes.

Mr. Vazquez stated they cannot have that discussion as there is an application pending so that would be an ex parte discussion.

Mr. McCargar stated discussion can take place on a legislative matter whether to permit the use under the IGA but discussion regarding rezoning cannot be discussed.

Mr. Baker commented that since individuals are at the meeting they should be given the opportunity to speak.

Mr. Adams inquired if we can restrict comments to issues that have not been brought up previously.

Mr. Vazquez commented that there will be opportunity for public input during the subdivision process.

Judy Ellzey, 8016 Loudon Circle, Windsor, CO inquired if the IGA has been amended and approved and is it a guarantee the dealerships are going in.

Mr. Vazquez stated the Board has agreed to engage with the City of Fort Collins to consider the IGA. If that IGA is amended the Town wants to make sure the Town has an understanding of what that amended agreement is going to entail. The Town is attempting to determine if dealerships go in, what they will look like, how they will be developed and what will be the process for the community to participate in moving forward. At this point Fort Collins has asked Windsor to propose a plan for that area.

Ms. Ellzey commented that her and her husband are against the auto dealerships and are concerned with fumes from the body shops and noise from the intercoms.

Mr. Baker inquired if there will be body shops allowed at the dealerships and what has been resolved as far as noise at the dealership.

Mr. Ballstadt stated the Enhanced Design Standards have standards regarding noise and if the sales and service is allowed the standards define auto sales statutorily.

Mr. McCargar stated the statutory definition does not include body work.

Mr. Ballstadt stated the auto body piece would need to be clarified from the dealership.

Mr. Baker inquired if they have agreed to not use loud speakers to communicate throughout the dealership.

Mr. Ballstadt stated that is correct as they do not have any issues with the noise standards that have been proposed.

Arnold Jahnke, 7948 Bayside Drive, Windsor CO addressed the Board and stated even though the consideration is enhancements to the IGA the conversations seem to be geared more towards the dealership. The IGA should be for any business that operates in the area specified. Mr. Jahnke asked the Board to consider why Fort Collins is willing to let go of the dealerships and let them move to Windsor if it is financially profitable for the community.

Sabrina Richardson, 7953 Bayside Drive, Windsor, CO stated when the IGA was put into place residents knew it wasn't going to be single family homes or car dealerships and to now there could be those uses.

Mr. Baker inquired as to clarification of the single family homes and what part of the property they will be built on.

Mr. McCargar stated single family detached residential homes would be limited to 45 acres on the north side. A specific agreement has been reached with the land owner has not been executed yet but the terms have been negotiated to exactly where the single family homes would go.

Donald Burritt, 7931 Bayside Drive, Windsor, CO thanked the Town Board for their efforts on the IGA. Mr. Burritt commented that it does not seem feasible for the developer to have only a 50 foot buffer between the homes he is developing and our existing homes.

Steve Steinbecker with Architecture West stated the request was for residential mixed use which is a combination of residential that would be single family, single family attached, multi-family and commercial. There will be a substantial amount of commercial development that that will go along with this planned unit development that will have pedestrian access from single family. It will be compatible with the Ptarmigan Golf Course properties already existing.

Elaine Burritt, 7931 Bayside Drive, Windsor, CO stated staff has mentioned that code enforcement will be an issue with the dealerships.

Mr. Bishop-Cotner stated it was communicated to homeowners before they had purchased land that certain used would not be allowed and if these car dealerships are such a great idea then why would Fort Collins let them go to Windsor.

Mr. Baker thanked the staff, land owners and residents for their input on the issue. Mr. Baker feels this is not the right time or place for auto dealerships and will not support the IGA amendment.

Mr. Morgan stated he feels the dealerships seem to be economically neutral for Windsor and feels Windsor should be receiving 100% of the revenue from the dealership source. It has been mentioned that car dealerships in general cause code enforcement issues but that is also a form of revenue generation.

Mr. Adams stated he will support the amendment.

Ms. Melendez stated she believes that the single family detached homes should be kept in the current IGA. The Town is unaware of the proposal or what the developer would be contributing.

Mr. Vazquez commented that the draft being presented to the City of Fort Collins is not an approval of anything. This is just an authorization to allow the Town Manager to provide material to the City of Fort Collins for further discussion.

**Town Board Member Melendez motioned to approve Resolution No. 2016-24; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas –Morgan, Melendez, Adams, Vazquez; Nays- Baker, Rose, Bishop-Cotner; Motion passed.**

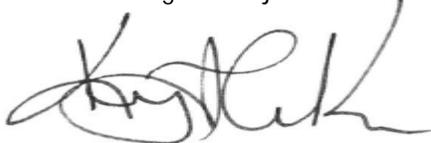
#### D. COMMUNICATIONS

1. Communications from the Town Attorney  
None
2. Communications from Town Staff  
None
3. Communications from the Town Manager  
A special meeting is scheduled for April 18, 2016 at 7:00 for the swearing in of the mayor and new board members. Dinner will be at 6:00 p.m. at The Border
4. Communications from Town Board Members  
Mr. Baker would like to thank Mr. Vazquez, Mr. Rose and Mr. Bishop-Cotner for all of their service and commitment to the Town over the years.  
Mr. Adams and Mr. Morgan seconded the comments made by Mr. Baker.  
Mr. Melendez thanked Mr. Rose and Mr. Bishop-Cotner for their years of service on the Town Board.  
Ms. Melendez also spoke of Mr. Vazquez's service and leadership over the years.
5. Thank you to departing Mayor and Town Board Members  
Mr. Arnold presented the Mayor and outgoing Town Board Member departing gifts.  
Town Board Member Jeremy Rose gave thanks for being able to serve on the Town Board.  
Town Board Member Robert Bishop-Cotner commended the Town staff and thanked them for their work that consistently goes above and beyond; thanked the citizens of the community for allowing him to serve the community for the last 8 years.  
Mayor John Vazquez thanked his family for their support over the last 8 years as well as the board members that he has worked with along the years as well.

#### E. ADJOURN

**Town Board Member Adams motioned to adjourn; 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.**

The meeting was adjourned at 10:02 p.m.



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Krystal Eucker, Deputy Town Clerk