



TOWN BOARD REGULAR MEETING
May 9, 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.

MINUTES

A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:00 p.m.

1. Roll Call

Mayor
Mayor Pro Tem

Kristie Melendez
Myles Baker
Christian Morgan
Ken Bennett
Brenden Boudreau
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 Public Works
Director of Planning
Town Prosecutor
Director of Parks, Recreation and Culture
Communications Manager
Chief Planner
Senior Planner
Senior Planner
Deputy Town Clerk

Kelly Arnold
Ian McCargar
Patti Garcia
Kelly Unger
John Michaels
Dennis Wagner
Terry Walker
Scott Ballstadt
Kim Emil
Eric Lucas
Katie VanMeter
Carlin Barkeen
Josh Olhava
Paul Hornbeck
Krystal Eucker

2. Pledge of Allegiance

Town Board Member Bennett led the pledge of allegiance.

3. Resolution No. 2016-27- A Resolution Pursuant To Section 3.7 Of The Town Of Windsor Home Rule Charter Appointing Paul Rennemeyer To Serve As The Town Board Representative From District 4 To Fill The Unexpired Elected Term Of Kristie Melendez

- Legislative action
- Staff presentation: Patti Garcia, Town Clerk

Mayor Pro Tem Baker motioned to approve Resolution No. 2016-27; Town Board Member Adams seconded the motion.

Per Ms. Garcia letters of interest and applications were received for the vacant District 4 position with interviews of the applicants held on May 2, 2016. Based on the interviews the Town Board has decided to appoint Paul Rennemeyer to the vacant District 4 seat that will expire in April of 2018.

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

Ms. Garcia asked Mr. Rennemeyer to stand and raise his right hand as the Oath of Office was recited to which Mr. Rennemeyer responded, "I will."

4. 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 Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.
5. Proclamation – National Public Works Week
Mayor Melendez read the proclamation.
6. Proclamation – National Police Week
Mayor Melendez read the proclamation.
7. Proclamation – Mental Health Month
Mayor Melendez read the proclamation.
8. Board Liaison Reports
 - Mayor Pro Tem Baker – Parks, Recreation & Culture Advisory Board; North Front Range/MPO alternate
Mayor Pro Tem Baker had no report for the Park, Recreation & Culture Board.
Mr. Baker reported the MPO approved an office lease and remodel financing in lieu of paying higher rent. The MPO is contracting out the remodel of the office which will be paid for by Van Go funds and will in turn be reimbursed over the next five years. A new computer server was approved for purchase for the Van Go program. A presentation was made regarding traffic incident management which brings together police, fire, ambulance and tow trucks to process accident scenes more efficiently; the faster they can clear these accidents the more lives they can save. Also this summer some low impact projects will take place along the side of US34 with no road closures. Heavier road work will commence on US34 after Labor Day. Construction of the climbing lanes at Berthoud Hill will begin on May 19, 2016.
 - Town Board Member Morgan – Water & Sewer Board; Clearview Library Board
Town Board Member Morgan had not report
 - Town Board Member Bennett – Planning Commission; Windsor Housing Authority
Town Board Member Bennett had no report for the Windsor Housing Authority.
Mr. Bennett reported the Planning Commission met last Wednesday and those items are on the agenda this evening.

- Town Board Member Rennemeyer – Historic Preservation Commission; Great Western Trail Authority
Town Board Member Rennemeyer had no report
- Town Board Member Boudreau – Chamber of Commerce; Planning Commission alternate
Town Board Member Boudreau reported the Chamber is meeting Wednesday at 7:00.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
Town Board Member Adams reported the Arbor Day activities were a success. The sick tree day is scheduled for June 23, 2016; contact a Tree Board member or the Public Works Department for inspection of sick trees.
Mr. Adams reported the Poudre River Trail Authority has scheduled a Trail-A-Thon for May 14, 2016 and will take place at the Poudre Learning Center. The Poudre River Trail Authority discussed the RainDance Golf Course and how the Trail relates to the Planned Unit Development.
- Mayor Melendez – Downtown Development Authority; North Front Range/MPO
Mayor Melendez had no report.

9. Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the April 25, 2016 Town Board Meeting – K. Eucker
 2. Resolution No. 2016-28 - A Resolution Approving the Agreement in Anticipation of Development between the Town of Windsor and Windsor Investments, LLC and JBT Associates, LLC Regarding a Single-family Detached Residential Development of Property Located in the Interstate 25/State Highway 392 Corridor Activity Center-I. McCargar
 3. Resolution No. 2016-29 - A Resolution Adopting and Reaffirming the Larimer County and Weld County 2016 Multi-Jurisdictional Hazard Mitigation Plans – J. Michaels
 4. Resolution No. 2016 -30 - Approving a Memorandum of Understanding between the Town of Windsor and the Colorado Department of Public Safety, Division of Fire Prevention and Control, for the purpose of Coordinated Building Inspection Services – S. Ballstadt
 5. Report of Bills for April 2016 – D. Moyer
- Town Board Member Adams motioned to approve the consent calendar as presented. Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.**

C. BOARD ACTION

1. Resolution No. 2016-31 – A Resolution Approving a Final Site Plan – Lake View Addition to the Town of Windsor 7th Filing, Lot 1 – Joe Shrader, applicant
 - Quasi-judicial action
 - Staff presentation: Josh Olhava, Senior Planner

Town Board Member Adams motioned to approve Resolution No. 2016-31; Mayor Pro Tem Baker seconded the motion.

Per Mr. Olhava the applicant, Mr. Joe Shrader has submitted a final site plan known as Lake View Addition to the Town of Windsor Subdivision 7th Filing, Lot 1 Site Plan. The site plan encompasses approximately 0.20 acres and is zoned Residential Mixed Use (RMU). The site will include a new 2-story, 4-unit, multi-family building.

Site characteristics include:

- a 2,213 square foot building footprint;
- 8 off-street parking spaces; and
- architectural materials to match the neighborhood.

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

At their May 4, 2016 regular meeting the Planning Commission forwarded to the Town Board a recommendation of approval of Resolution No. 2016-31 as presented, subject to the following condition and staff concurs with the recommendation:

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

Staff requests the following be entered into the record:

1. Application and supplemental materials
2. Staff memorandum and supporting documents
3. Recommendation

Ms. Melendez inquired as to how many bedrooms are in each unit.

Mr. Shrader, 2152 River West Drive, Windsor, CO stated each unit will have two bedrooms and two bathrooms.

Ms. Melendez inquired if the applicant has built other units in Windsor.

Mr. Shrader stated he has built the Grassland Condominium units, tract A and tract B.

Ms. Melendez inquired if there is a waiting list for the units.

Mr. Shrader there is not at this time.

Mr. Morgan inquired if the units will be sold or rented.

Mr. Shrader stated they will be rented.

Mr. Arnold inquired if there will be a conveyance on the units or will the applicant restrict how many vehicles will be allowed.

Mr. Shrader stated there will be 1 ½ parking spaces per unit.

Mr. Arnold commented that the neighborhood sometimes uses the public parking spaces by the park so if it could be communicated to the renters to park at the apartment building.

Mr. Adams inquired if the property will be apartments or townhomes.

Mr. Shrader stated they will all be apartments.

Mr. Rennemeyer inquired if the parking spaces on the property or the street.
Mr. Shrader stated the parking spaces are on the property.

Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

2. Public Hearing – Final Major Subdivision – South Hill Subdivision 2nd Filing – Patrick McMeekin, Frye Farm Investments, LLC, applicant
 - Quasi-judicial action
 - Staff presentation: Carlin Barkeen, Chief Planner

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

Per Ms. Barkeen the proposal before the Board is a final major subdivision. The proposal has been reviewed in compliance with the 2006 Comprehensive Plan as it was submitted prior to the 2016 Comprehensive Plan Update.

The subject property was annexed in 2006 and rezoned to Residential Mixed Use. Additionally a Master Plan was approved for the site. The site is north of Crossroads Boulevard and west of 7th Street. The site is zoned entirely Residential Mixed Use. There will be some agricultural farm type uses along Crossroads Boulevard and 7th Street. The subdivision includes 210 residential lots, 13 tracts, existing wetlands and 6 urban farming lots. Included in this subdivision is an easement for school district access in the future; approximately 50 acres was donated to Weld County RE-4 School District which will be a future middle school.

The lots generally range from 7,000 to 12,000 square feet with the largest lots at 14,000.

The applicant has submitted a wetlands mitigation plan to the Corp of Engineers in 2008 and since then the plan has been updated and approved.

On May 4, 2016 the Planning Commission considered this request and forwarded a recommendation of approval as presented to the Town Board subject to the following conditions and staff concurs with the recommendation:

1. All remaining staff comments shall be addressed.

The applicant Patrick McMeekin stated the project consists of 203 residential lots and 6 unique farms lots. The project has 74 60 foot lots, 85 70 foot lots, 6 85 foot lots and 33 large 90 foot lots. Being constructed with the project is a 4 acre park which will be owned and maintained by the metropolitan district. The project is part of the Water Valley Metropolitan District No. 2. On the outside of the project is where the farm lots will be and they will exclude livestock. Also included on the project is a large 13-15 foot berm that encompasses the energy drilling area that will screen the drilling area from the residential area. In addition to the berming will be landscaping.

Mr. Adams inquired about the surrounding streets.

Mr. McMeekin stated County Road 64/New Liberty Road is a half mile north of the project.

Mr. Baker inquired if there is any trail access.

Mr. McMeekin stated there are numerous trails in the project and the long term goal is a pedestrian bridge to Cross 7th Street.

Mr. Baker inquired if pedestrians will go through the homes to the north to cross until that bridge is constructed.

Mr. McMeekin stated that is correct.

Mr. Baker inquired about the time frame of the bridge.

Mr. McMeekin stated it is scheduled for next year.

Mr. Morgan inquired as to where the water will be coming from for the agricultural sites.

Mr. McMeekin stated Greeley/Loveland Irrigation Company will supply the water.

Mr. Rennemeyer inquired if there is a possibility of the six agricultural sites being merged into two or three sites.

Mr. McMeekin stated the lots are between three and five acres and the lots will ultimately be owned by the metropolitan district. The reason for that is if someone gets in over their head with farming the ultimate control will be with the district.

Ms. Melendez inquired the individual will own the home as there is a home associated with each farm lot.

Mr. McMeekin stated they will own their home.

Ms. Melendez inquired about the energy development area.

Mr. McMeekin stated the houses are set back per code at 350 feet from the well heads and the large berm and screening structure is designed to hide the production equipment.

Ms. Melendez inquired if there will be barriers to keep individuals out of the pad sites.

Mr. McMeekin stated it is believed there would be fencing installed to keep individuals out of the sites.

Mr. Morgan inquired as to where the ingress and egress for the trucks to access the pad.

Mr. McMeekin stated the existing ingress will be relocated further to the west off Crossroads Boulevard.

Mr. Morgan inquired if there will be notification of the pad sites to potential home owners.

Mr. McMeekin stated the lots will be sold to a home builder who will have full disclosure.

Mr. Rennemeyer inquired if the home owner will have any mineral rights.

Mr. McMeekin stated the mineral rights have been separated.

Mr. Arnold inquired about phasing of the project.

Mr. McMeekin stated the project is approved in five phases. While construction will happen simultaneously on everything within the project there will be project approval in phases for construction.

Mr. Arnold inquired as to who the home builder is.

Mr. McMeekin stated the 60 foot lots have been sold to Journey Homes. Negotiations are pending on the 70 foot lots and they are currently marketing the 90 foot lots.

Mr. Arnold inquired about the annexation agreement.

Mr. McMeekin stated documents have been finalized and submitted to Mr. McCargar.

Ms. Melendez inquired as to completion by the end of 2016.

Mr. Meekin stated the infrastructure will be completed by the end of 2016 but home building will take a few years after that to complete.

Mr. Baker inquired if there is a commitment to install fencing on the pad site.

Mr. McMeekin stated the surface use agreement requires the oil and gas company to fence their site. The timing of such is unknown as of now.

Mr. Adams inquired if there is a metro district involved.

Mr. McMeekin stated it will be part of the Water Valley Metropolitan District No 2.

Brent Rizzuto, 1084 Hawn Court, Windsor, CO has concerns regarding increased traffic through the development. There are also plans to pave New Liberty Road over to County Road 13 and several individuals use the washboard dirt road. With 209 new neighbors there is a concern with the increase in traffic.

Kathryn O'Brien, 1317 Hilltop Drive, Windsor, CO stated she believe traffic will turn into a big problem. The natural inclination will be to go through the neighborhood. When the neighborhood was established it was set up as an estate neighborhood that does not have curb and gutter. There is a lot of pedestrian and bicycle traffic in the neighborhood. Ms. O'Brien would like to see Kestrel Drive blocked off.

Candace Rizzuto, 1084 Hawk Court, Windsor, CO stated she feels the traffic will be an issue and is asking that gates be placed for a gated community.

Mr. Baker inquired how a gated community would work with public roads.

Mr. McCargar stated when individuals want to privatize the streets, the Town would deed the streets and related infrastructure or portions of it to the homeowners association or another entity. From there the responsibility for maintenance of the streets becomes a private matter and not a public matter. In years past in many cases once an HOA figures out how much it costs to maintain the streets it doesn't take them long to ask the Town to take them back.

Mr. Baker inquired if the HOA would have to come to the Town and make a request.

Mr. McCargar stated that is correct.

Ms. Melendez inquired as to the entity that would carry the financial burden.

Mr. McCargar stated if the Town turns the streets over to a private entity then they would assess its membership to pay the costs of roadway maintenance and gates.

Mr. Arnold commented that Hilltop was private at one time and they asked the Town to take over the streets to make them public in approximately 2006.

Mr. Rennemeyer inquired if the Town acquired them in 2006 and they were not a gated community prior to that how would fit in with what has been proposed.

Mr. Arnold stated they were public access but a private development. All infrastructures at that time were private streets but did not pursue a gate. The HOA then decided to submit a request to the Town to take over the streets.

Mr. McMeekin stated the traffic study was reviewed and submitted with the subdivision and it looks like the majority of the traffic that was studied was heading towards Crossroads and out Kestrel to 7th Street; all those intersections function at a level of service A and B.

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

3. Resolution No. 2016-32 – A Resolution Approving a Final Major Subdivision – South Hill Subdivision 2nd Filing – Patrick McMeekin, Frye Farm Investments, LLC, applicant

- Quasi-judicial action
- Staff presentation: Carlin Barkeen, Chief Planner

Mayor Pro Tem Baker motioned to approve Resolution No. 2016-31; Town Board Member Bennett seconded the motion.

Ms. Barkeen had nothing further to add.

Mr. Morgan commented that the plan presented is not a new concept as there has been discussion regarding development in this area for some time so there has been fair warning that something was going to happen at this site. Mr. Morgan believes traffic could increase on 7th Street and hopes that 7th Street will turn into a 2-lane roadway to provide a safe and friendly road. The oil pad is concerning and the amount of complaints that will generate.

Mr. Adams commented that when New Liberty Road is extended to County Road 13, that will add some exits to that area and would help.

Mr. Bennett commented that the plan presented meets the criteria but is concerned about traffic congestion from this addition as well as others throughout the community.

Ms. Melendez inquired if any consideration can be made as part of the quasi-judicial process.

Mr. McCargar stated what is before the Board and what is in the record of the public hearing is a conflict. The subdivision process at both the Planning Commission level and the staff level call for an analysis of traffic flow and then there are concerns expressed by neighbors regarding traffic safety.

Ms. Melendez inquired about the traffic concerns.

Mr. McMeekin stated the traffic generated is adequate and the density that the project is approved for is actually less than what could be approved on the site. The potential for traffic generation is actually less based on the overall density. Also the site is in a high growth area. It is believed the traffic needs have been met coming from the subdivision based on proper planning techniques.

Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

4. Public Hearing – Conditional Use Grant to allow a home occupation involving tutoring or instruction of more than two students at any one time in the Estate Residential (E-2) zone district –Fossil Ridge Subdivision Lot 7, Block 15, – Robin Flores, applicant

- Quasi-judicial action
- Staff presentation: Paul Hornbeck, Senior Planner

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

Per Mr. Hornbeck the applicant, Ms. Robin Flores, is requesting a Conditional Use Grant (CUG) to allow a home occupation involving tutoring or instruction of more than two students at any one time. The single family residence is located on an 8,772 square foot lot in the E-2 zone district.

The applicant's proposal includes:

- Teaching groups of 4-8 students, ages 2 to 6 years old
- Classes total 8 hours per week
- Availability of four off-street (driveway) parking spaces

Until recently the Municipal Code did not allow home occupations with tutoring or instruction to have more than two students present at any one time. The Code was amended at the request of the applicant to allow more than two students, subject to certain criteria. The issue in this case was brought to the Town's attention after a complaint was received from a neighboring property owner regarding Ms. Flores' home based business, which had been operating without a business license.

Town staff worked to create a possible code amendment to allow more than two students at any one time and held work sessions from both the Planning Commission and Town Board.

The subject Conditional Use Grant has been submitted and is in compliance with all requirements for home occupations involving tutoring or instruction of more than two students enumerated in Municipal Code Section 16-7-85.

At their May 4, 2016 regular Planning Commission meeting, the Commission voted 3-3 regarding forwarding a recommendation of approval to the Town Board.

Staff requested the following be entered into the record:

1. Application and supplemental materials
2. Staff Memorandum and supporting documents
3. Recommendation

Ms. Melendez inquired as to the reasoning for the three nay votes of the Planning Commission.

Mr. Hornbeck stated they expressed concern about traffic and a commercial type nature of this business in a neighborhood.

Ms. Melendez inquired if the nays were not specific to the conditions of the conditional use grant.

Mr. Hornbeck stated that is the recollection of the meeting.

Mr. Bennett stated he did not hear any evidence from the meeting that the plan did not meet the seven conditions. Traffic concerns and commercial activity in a residential home were items discussed and that it was a violation of the HOA.

Mr. Hornbeck stated the HOA forwarded a notice to the Town that the application was in violation of the conveyance but in turn received another notice that they misinterpreted the proposal and do not have any objection.

Mr. Adams commented that the only issue at this point seems to be the fee waiver as this topic has been discussed in length on multiple occasions.

Mr. Hornbeck stated Mr. Adams is referring to the applicant's request of the fee waiver. It has been decided that request should be addressed as a separate agenda item at another meeting so the item before the Board is just the conditional use grant.

Mr. Baker inquired how many days or which days there would be classes.

Robin Flores, 4630 Freehold Drive, Windsor, CO 80550 stated hours vary from year to year depending on how many classes are needed but do only teach two days per week.

Ms. Flores stated the concerns that were brought forth from the HOA were actually concerns over the sign that the Town required be placed in the front yard. The neighbors thought that there was some trouble or that they were starting another business. The complaint that was made regarding the traffic was actually during a time that there were no classes so the complaint was traffic to the mailbox which is next door.

Steve Scheffel, 507 Ventana Way, Windsor, CO stated with the election of the new Town Board members and new Mayor he strongly suggested that the new Board step back and take a fresh look at the facts and actions leading up to the CUG and consider reverting back to the original municipal code and protect the integrity of Windsor's neighborhood. The Town's municipal code allowed for two students to keep the sessions small and informal. He stated that clearly

the applicant had violated the spirit of tutoring. She is consciously violating the HOA covenant regarding home based businesses pitting neighbor against neighbor. She ran an unlicensed business for many years in Windsor; violated Windsor's municipal code seeing eight students rather than the recommended two. This is a commercial enterprise masquerading as a tutorial service. The CUG process is inherent with problems. There is no city staff to monitor compliance so again it becomes neighbor against neighbor. The CUG addresses parking but does not address the real problem which is traffic and noise. For example from the applicant's website, she has six classes on Tuesday with up to eight kids. That equates to two visits per student from dropping them off and picking them up; 16 car visits for one class. When there are six classes in one day that equates to 96 visits to this one house on one day. Also on the website they don't want to have the parents necessarily attend the classes when the students are in lesson so like any busy parent there is an assumption they could run an errand which could bring the visits up to 192. The reasons for the original complaint remain intact; congestion, traffic, noise and parking. Only this time Windsor is essentially endorsing the commercial activity in a residentially zoned neighborhood. He requested the CUG request be pended and revisit the case, facts and rationale from the Planning Commission's unanimous denial; impose a time limit on the CUG to allow an assessment of the impact of a 400% increase to the students seen at one time; in the future if there is an HOA involved please provide them with a copy of the applicant's request; if another one of the Town's commissions or boards approves or turns down a request especially if it is unanimous and the Town Board votes in the polar opposite, investigate why and not charge ahead. This is an example of a well-intended process going awry.

Ms. Melendez inquired if there have been any additional complaints.

Mr. Hornbeck stated there was the initial complaint over a year ago and that has been the only one.

Mr. Adams commented that there has been a lot of discussion regarding this topic.

Ms. Melendez commented that the discussion tonight is not on the basis of the applicant or what is stated but it is on the seven criteria items and if they met the conditions of the CUG.

Mr. Baker inquired of the length the CUG is valid for.

Mr. Hornbeck stated the CUG runs specific to the property owner and there is typically not a time frame associated.

Mr. Baker inquired if the CUG can be revisited if there are future complaints.

Mr. Hornbeck stated if there are complaints the CUG can be revisited and revoked if it is found the criteria is not being met.

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

5. Conditional Use Grant to allow a home occupation involving tutoring or instruction of more than two students at any one time in the Estate Residential (E-2) zone district –Fossil Ridge Subdivision Lot 7, Block 15, – Robin Flores, applicant

- Quasi-judicial action
- Staff presentation: Paul Hornbeck, Senior Planner

Mayor Pro Tem Baker motioned to approve the Conditional Use Grant; Town Board Member Boudreau seconded the motion.

Mr. Hornbeck had nothing further to add.

Mr. Baker stated he appreciates what the Planning Commissions says and their effort to uphold the strict interpretation of the Town's laws. This process was put into place to give some flexibility to individuals that tutor or teach at home and this is a good compromise.

Mr. Rennemeyer inquired if the Board will also be approving or denying the reduction in fees as part of the CUG.

Ms. Melendez stated the Board is not.

Mr. Morgan agreed with Mr. Bakers comments.

Ms. Melendez commented that there are some concerns because of where the Planning Commission has gone on this issue and appreciates Mr. Scheffel's comments. Based on the information presented this evening regarding the CUG and the seven conditions along with it, the applicant is meeting those conditions so I will be supporting the CUG.

Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

6. Resolution No. 2016-33 - A Resolution Re-Appointing Teresa Ablao to Serve as the Town of Windsor Local Liquor Licensing Authority Pursuant to the Provisions of the Colorado Liquor Code and Pursuant to Chapter 6, Article I of the Windsor Municipal Code
- Legislative action
 - Staff presentation: Kim Emil, Assistant Town Attorney

Town Board Member Morgan motioned to approve Resolution No. 2016-33; Town Board Member Bennett seconded the motion.

Per Ms. Emil Teresa Ablao has been service as the Liquor Licensing Authority since 2013. Ms. Ablao has been performing in a professional manner and provides reports on a regular basis to the Town Board.

Ms. Melendez inquired as to what was covered in the \$1,392.25 paid out for services.

Mr. Emil stated amount was paid out for services for last year which was below budget.

Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

7. 15th and Walnut Street Master Plan

- Staff presentation: Eric Lucas, Director of Parks, Recreation & Culture

Per Mr. Lucas the presentation before the board is a master plan for the 15th Street and Walnut site which is owned by the Town. In October of 2015 staff was asked to develop a variety of options with what could be done at that property. The neighborhood would like to see some type of development or improvement at the site.

Early in 2016 parks staff commissioned The Birdsall Group to develop a master plan and develop construction drawings for the site. The Birdsall Group generated 3 concepts based on the themes discussed with the Town Board in October 2015. Themes included an arboretum, community garden and an open area lined with trees.

A public meeting was scheduled and attended by 13 community members. The community members had a strong desire for a tree lined street, drought hardy grass area with benches adjacent to the street and a walking path within the park and were not in favor of a community garden. The community members were very excited about some low water vegetation plants and native grasses. A community member mentioned not installing too many trees or structures for individuals to hide in or behind. The Birdsall Group was contacted to make modifications to concept A.

Cost estimates were then requested from the Birdsall Group with all concepts being over the allotted budget.

Staff is requesting the consideration of the Town Board to allow the project to go to bid. Once bids are received town staff will review the bids to see where some costs could be reduced by town staff completing some of the work or build in phases. Before any work would commence, a final cost would be presented to the Town Board.

Mr. Baker commented that the \$100,000 was a place holder for the project and inquired if the project can be done this year.

Mr. Lucas stated it can be done this year.

Mr. Baker inquired if it could be put in the budget at the actual price for next year and move forward then.

Mr. Lucas stated that is also an option.

Mr. Adams stated it is a necessary improvement area.

Mr. Morgan commented there was no science regarding the \$100,000 number and is in favor of putting the project out to bid to see what comes back.

Ms. Melendez is concerned about this project going over budget for what the purpose is meant to be.

Ms. Melendez inquired if there is a cost of the design fee on top of the \$161,000 estimate.

Mr. Lucas stated the design fee is included in the estimate.

Ms. Melendez commented that she is in favor of moving forward with something but is concerned for the high cost of the area and what is intended to be.

Mr. Morgan stated he has never seen another site in Town that has been used as a dump right in front of people's houses with the Town utilizing that area for downed tree limbs as well.

Mr. Adams inquired about town staff completing some of the work.

Mr. Lucas stated town staff could plant trees, install benches, and pour small concrete pads. While staff is busy Mr. Lucas feels confident the work could get done.

Ms. Melendez inquired if it has been explored to involve the neighborhood.

Mr. Lucas stated a gentleman in the audience at the last PReCAB meeting mentioned maybe buying a bench and inquired as to what a bench would cost.

Mr. Bennett commented that he supports going to bid and asked for a follow-up presentation on the options that could bring costs down.

Mr. Boudreau inquired if there have been inquiries to purchase that strip of land.

Mr. Arnold stated the Town was approached but the land is undevelopable.

Ms. Melendez commented that the neighbor to the north may be exploring some commercial potential in the near future. Also in light of that, the Town could be acting a little prematurely.

Mr. Arnold stated it may be worth having a meeting with that neighbor.

Mr. Boudreau inquired as to the current zoning of the parcel.

Mr. Arnold stated it is zoned residential.

Mr. Adams inquired as to how long has this parcel been discussed.

Mr. Morgan stated it was brought up at the budget meeting in 2015.

Mr. Rennemeyer inquired about the grass that will be installed in the parcel.

Mr. Lucas stated the sod will not be bluegrass sod but what will be installed is a buffalo grass, zoysia grass and fescue grass mix which is all designed to reduce the impact of needing to irrigate. A well would need to be drilled for non-potable water at the location.

Mr. Baker stated the budget should always be of concern but would support obtaining some refined costs and putting the items in for next year.

Mr. Arnold suggested going out for bid and see where they come in at.

The consensus of the Town Board is to put the project to bid and bring those results back to the Board.

D. COMMUNICATIONS

1. Communications from the Town Attorney
None

2. Communications from Town Staff

Chief Michaels reported the Drug Take Back Day was a success with 250 pounds of prescription drugs collected at the police department. This event has taken place six or seven times and the total amount collected is approximately 800 pounds of prescription drugs.

The Bike Rodeo is scheduled for Saturday May 14, 2016 at the Middle School from 9:00 – 11:00 a.m.

3. Communications from the Town Manager

Mr. Arnold stated a cooperative event with the Cities of Loveland, Fort Collins and Greeley is scheduled for Wednesday night from 4:00 – 6:30 p.m. Strategic Planning will begin at a noon on Thursday and will go into the evening and start again on Friday morning at 8:00 at the Embassy Suites.

Monday May 16, 2016 the joint work session with the fire district, school district and library district will be at the school district, Fireside room at the High School.

4. Communications from Town Board Members

Mr. Adams congratulated the high school athletic teams.

Mr. Morgan stated his attendance may be sporadic during the strategic planning.

E. ADJOURN

Town Board Member Adams motioned to adjourn; Town Board Member Boudreau seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Boudreau, Adams, Melendez; Nays- None; Motion passed.

The meeting was adjourned at 9:11 p.m.



Krystal Eucker, Deputy Town Clerk