



TOWN BOARD REGULAR MEETING
June 27, 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.

AGENDA

A. CALL TO ORDER

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

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| 1. Roll Call | Mayor
Mayor Pro Tem | Kristie Melendez
Myles Baker
Christian Morgan
Ken Bennett
Paul Rennemeyer
Brenden Boudreau
Ivan Adams |
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| Also Present: | Town Manager
Town Attorney
Communications/Assistant to Town Manager
Town Clerk/Assistant to Town Manager
Chief of Police
Administrative Lieutenant
Director of Parks, Recreation and Culture
Director of Economic Development
Director of Finance
Budget Analyst
Accounting Manager
Town Prosecutor
Parks & Open Space Manager
Chief Planner
Deputy Town Clerk | Kelly Arnold
Ian McCargar
Kelly Unger
Patti Garcia
John Michaels
Rick Klimek
Eric Lucas
Stacy Johnson
Dean Moyer
Vicki Miller
Cheryl Turner
Kim Emil
Wade Willis
Carlin Barkeen
Krystal Eucker |
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- Pledge of Allegiance
Town Board Member Boudreau led the Pledge of Allegiance
- 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 Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.
- SAFEbuilt Scholarship Presentation – Carlin Barkeen, Planning Dept/Russ Weber, SAFEbuilt
Per Ms. Barkeen the Director of Planning serves as the Town’s Building Official and works closely with SAFEbuilt and the Windsor-Severance Fire Rescue.

Russ Weber, Building Official for SAFEbuilt's stated SAFEbuilt has contracted with Windsor since 1992 to perform building plan reviews and inspections for compliance with the Town's adopted building codes.

SAFEbuilt offers an annual \$2,000 scholarship for continuing education for graduating Windsor High School seniors. Mr. Weber stated the recipient of the 2016 scholarship, Natalie Zimmerman was forth in her class with a 4.26 GPA and has been accepted to the Colorado School of Mines to pursue a biochemical and chemical engineering degree.

5. Board Liaison Reports

- Mayor Pro Tem Baker – Parks, Recreation & Culture Advisory Board; North Front Range/MPO alternate
Mayor Pro Tem Baker had no update.
- Town Board Member Morgan – Water & Sewer Board; Clearview Library Board
Town Board Member Morgan stated the Clearview Library Board discussed the pros and cons of the two proposed library sites.
- Town Board Member Bennett – Planning Commission; Windsor Housing Authority
Town Board Member Bennett had no report.
Mayor Melendez reported John Moore with the Windsor Housing Authority has submitted his resignation after many years of service.
- Town Board Member Rennemeyer – Historic Preservation Commission; Great Western Trail Authority
Town Board Member Rennemeyer reported the Great Western Trail Authority hosted interviews for the trail manager position to oversee the trail. The Board is reviewing the interviewees but two additional interviews will be conducted in the near future.
- Town Board Member Boudreau – Chamber of Commerce; Planning Commission alternate
Town Board Member Boudreau had no report.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
Town Board Adams reported the Sick Tree event is scheduled for June 28, 2016.
- Mayor Melendez – Downtown Development Authority; North Front Range/MPO
Mayor Melendez reported the NFRMPO will be meeting next Thursday in Severance.
Ms. Melendez reported the Downtown Development Authority attended the final summary review for the Library Feasibility Study and has also sent out a Downtown Future Summit RFP to four firms however it has been decided to hold off on the summit until later in the fall. The Strategic Plan summary has been completed and that information has been turned into a printed brochure that will be sent to business and property owners within the downtown area. A rack card has also been completed with all the downtown events through the end of the year. The Colorado Main Street application for candidate status has been drafted.

6. Invited to be Heard

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

Kelly Arnold reported the current Chief of Police John Michaels will be retiring July 22, 2016. A consultant, KRW works with small to mid-sized communities on police matters including police chief recruitment. KRW started their recruitment process approximately two months ago. After taking 46 applications, five finalists were chosen and one of the finalists was current Windsor

Police Lieutenant Rick Klimek. Mr. Arnold introduced the new Police Chief effective July 23, 2016, Rick Klimek.

Mr. Klimek stated John Michaels will be impossible to replace but will work hard and is honored to move forward in the position.

B. CONSENT CALENDAR

1. Minutes of the June 13, 2016 Town Board Meeting – K. Eucker
2. Resolution No. 2016-39 - A Resolution Vacating a Portion of the 10 foot Utility and Drainage Easement Located Along the Easterly Portion of Lot 23, Block 4 of Highland Meadows Subdivision, 4th Filing, 8318 Annapolis Drive – P. Hornbeck
3. Resolution No. 2016-40 - A Resolution Approving and Adopting the Intergovernmental Agreement Dated June 15, 2016, Between the Town of Windsor and the East Fossil Creek Ranch Metropolitan Districts Nos. 1-2 – I. McCargar

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

C. BOARD ACTION

1. Ordinance No. 2016-1520 - An Ordinance Approving an Amendment to the Consolidated Service Plan for Highpointe Vista Metropolitan Districts Nos. 1 & 2 and Approving an Extension of Debt Maturity

Super-majority vote required for adoption on second reading

- Second reading
- Legislative action
- Staff presentation: Ian D. McCargar, Town Attorney

Town Board Member Baker motioned to approve Ordinance No. 2016-1520 - An Ordinance Approving an Amendment to the Consolidated Service Plan for Highpointe Vista Metropolitan Districts Nos. 1 & 2 and Approving an Extension of Debt Maturity; Town Board Member Morgan seconded the motion.

Mr. McCargar stated before the Board is an ordinance on second reading. There were two items that the districts have requested be approved; increase in the amount of debt limit and an extension of the maturity date of the debt from 2032 to 2047. The refinancing of a package of debt that arose in 2007 and 2009 will reduce the total amount of debt through the developer by forgiving \$2.3 million.

Since the first reading, the finance lawyers have reviewed the amendment and have asked the Board to consider a modified ordinance on second reading. The modifications include weather the earlier approval by implication approved the compounding of interest on the debt and clarifying language on the service plan.

Alan Pogue, general counsel to Highpointe Vista Metropolitan Districts 1 and 2 stated there are three sentences in the service plan that haven't given bond counsel some pause. The transaction that was originally presented to the Board contemplates a 22.5 mill levy for debt service for the maturity of the two series of bonds that are being proposed. That mill levy was intended and shown in the financing model to remain in place until those bonds are paid off at maturity. There is a provision in the service plan that states in part that the districts shall be required to impose a debt service mill levy on all properties so long as there are bonds or other debt instruments outstanding. However, the next sentence provides the mill levy shall terminate at such time as the assessed valuation of all property within the districts is at least 200% of the aggregate outstanding principal indebtedness of the districts or upon discharge of all such bonds or debt instruments. The two statements are counterintuitive in municipal finance to terminate the mill levy at any point prior to repayment of the bonds but certainly not based on an increase of assessed value as compared to debt.

The modification to the ordinance after first reading essentially eliminates the 200% portion of the sentence and will now read the mill levy that is imposed for debt service shall remain in place until such time as the debt has been discharged.

Mr. Morgan inquired as to what the original intent was to include the 200%.

Mr. Pogue stated he cannot find any reasoning why that would have been included. The first draft of the service plan for these districts looked different than what was ultimately approved by the Town and this service plan was based on a service plan that had recently been approved for another district so there may have been something in the other district that precipitated that language and carried forward to the current service plan.

Mr. Morgan inquired if there is another district that has the 200% language included in their service plan.

Mr. McCargar stated that is unknown.

Mr. Morgan inquired as to when the service plan was signed.

Mr. Pogue stated it was signed in 2005.

Ms. Melendez inquired if the property owners were given notice of the changes since first reading.

Mr. Pogue stated there was no additional notice but the transaction perspective will have no change.

Ms. Melendez inquired if the changes are cleaning up the document.

Mr. McCargar stated it does clean up the document and makes it clear that when the debt is paid off the mill levy ends. What cannot be explained is why the other language was in the document originally and what it might possibly mean in this context other than to effectively render it impossible to carry out the refinancing.

Mr. Rennemeyer inquired as to what originally brought up the refinancing.

Mr. Pogue stated interest rates are at historic lows which will benefit the property owners and taxpayers and the developer is willing to forgive \$2.3 million of the existing obligation.

Mr. Adams inquired about the efforts to come up with a model service plan that will work with developers.

Mr. McCargar stated a model service plan was developed to bring consistency to the language. Unfortunately this service plan was developed prior to the model service plan was developed.

Mr. Pogue stated the service plan provides the compounding interest is not allowed without the prior written approval of the Town Board. The structure of this financing includes two series of bonds; senior bonds and subordinate bonds. The senior bonds are sized based on the current assessed value in the district and the anticipated interest rate so that all interest is paid current through the life of the bond and there is no expectation of compound interest on the senior bonds.

The subordinate bonds are cash flow bonds and compound interest is forecast in a financial model to 2025 so for the first nine years there is interest only being paid. The interest that is not paid current in those years does compound and accrue and the principle begins to be paid down and is paid off with the accrued and unpaid interest at maturity in 2045.

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

2. Ordinance No. 2016-1521 - An Ordinance Approving the Disconnection of a One-Half Mile Stretch of Northbound Weld County Road 15 South of Weld County Road 60. Being a Remnant of the Zeiler Farms Second Annexation Pursuant to the Colorado Municipal Annexation Act of 1965
 - First reading
 - Legislative action
 - Staff presentation: Kimberly Emil, Assistant Town Attorney

Per Ms. Emil in order to facilitate increased sanitary sewer capacity to the RainDance development, the Town disconnected the northerly portion of the Zeiler Farms Second Annexation by Ordinance. It was later discovered that the disconnection inadvertently failed to include a half-mile stretch of the east half (northbound) of Weld County Road 15 south of WCR 60. The Ordinance before the Board corrects this oversight, disconnects that portion of the road and returns it to Weld County.

Mr. Morgan inquired if land will connect to parcels south of the area.

Ms. Emil stated the western portion of CR 15 was the Zeiler disconnection and the majority of the eastern portion is in the Town.

Ms. Melendez inquired if all the property to the west of the road is in Weld County.

Mr. McCargar stated that is correct.

Town Board Member Adams motioned to approve Ordinance No. 2016-1521 - An Ordinance Approving the Disconnection of a One-Half Mile Stretch of Northbound Weld County Road 15 South of Weld County Road 60, Being a Remnant of the Zeiler Farms Second Annexation Pursuant to the Colorado Municipal Annexation Act of 1965; 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.

3. Presentation of 2015 Audit – Tyra Litzau, Anton, Collins, Mitchell LLP, Certified Public Accountants

Per Mr. Moyer Colorado law requires an independent audit to be completed each year by an independent auditor. The Town utilized the firm Anton, Collins, Mitchell LLP with Tyra Litzau being the lead auditor.

Ms. Litzau provided a review of the Audit Wrap Document as well as the Management’s Discussion and Analysis. The document states all audit procedures have been completed and work is being completed on the last phase regarding quality review of financial statements.

The objective of the audit is to attain reasonable assurance using the risk based audit approach that includes discussions with management on significant transactions and reviews of the Town Board minutes.

A review of internal controls revealed one material weakness regarding journal entries that were prepared as part of the audit.

Mr. Morgan inquired if \$6.2 million is common between the original and revised budget.
Ms. Litzau stated it is not uncommon to have budget revisions.

4. Resolution No. 2016-41 - A Resolution Accepting the Audit Report for 2015 Prepared by Anton Collins Mitchell LLP, Certified Public Accountants.

- Legislative Action
- Staff Presentation: Dean Moyer, Director of Finance

Mr. Moyer stated approval of the resolution will accept the audit which will be sent to required reporting agencies.

Town Board Member Morgan motioned to approve Resolution No. 2016-41; 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.

5. Resolution No. 2016-42 - A Resolution Accepting the Recommendation of the Town Attorney and Appointing Carolyn R. Steffl to Serve as Special District Counsel in Accordance with Section 9.1.G of the Town of Windsor Home Rule Charter

- Legislative action
- Staff presentation: Ian D. McCargar, Town Attorney

Per Mr. McCargar a resignation letter was received from special district counsel James R. Mock. Mr. Mock served with distinction for many years as the Town's specialist on the formation, approval and amendment of metropolitan district service plans.

Section 9.1.G of the Home Rule Charter authorizes the appointment of special counsel upon the recommendation of the Town Attorney or the Town Manager. In this case the qualifications of Ms. Steffl have been reviewed and summarized in a Professional Resume. Ms. Steffl comes highly recommended and is experienced in both municipal government law and the specialty area of special district law. Mr. McCargar is recommending the appointment of Carolyn R. Steffl, partner at the Boulder firm of Moses, Wittemyer, Harrison and Woodruff, P.C. The appointment of Ms. Steffl assumes the terms of the engagement letter that is within the Town Board materials.

Ms. Steffl introduced herself to the Town Board and gave a brief background on her qualifications and experience in government and special districts.

Mr. McCargar stated when a metropolitan district presents a service plan for approval; special counsel reviews the service plan since that area of law is very specialized.

Mr. Arnold inquired about the expenses of the metropolitan district.

Mr. McCargar stated each year the budget includes funding for metropolitan districts although all expenses incurred by the Town for metropolitan districts is backfilled by the developers who composes the districts. Expenses incurred by the Town regarding ordinances or developing a model service plan would be at the expense of the Town.

Ms. Melendez inquired as to the fee difference between Mr. Mock and Ms. Steffl.

Mr. McCargar stated they are very similar.

Town Board Member Morgan motioned to approve Resolution No. 2016-42; 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.

6. Resolution No. 2016-43 - A Resolution Supporting for the Windsor Downtown Development Authority to Apply for Candidate Status in the Colorado Main Street Program
 - Legislative action
 - Staff presentation: Patti Garcia, Town Clerk/Assistant to the Town Manager

Per Ms. Garcia the Downtown Development Authority (DDA) is requesting support from the Town Board to file for Candidate status with the Colorado Main Street Program. The Main Street Program is a national program and the Colorado Program is run by the Department of Local Affairs (DOLA). Currently there are 19 Colorado towns or cities that are participating in the Colorado Main Street Program. The Program provides technical support to downtowns throughout the state. There are no additional costs associated with the Candidate status

although there are required trainings the Downtown Development Authority will be required to participate in.

Mr. Morgan inquired if it is the DDA that is applying for the program.

Ms. Garcia stated the DDA is the applicant but the application does require a resolution from the local governing authority.

Ms. Melendez commented that three letters of support were also submitted.

Ms. Garcia stated the DDA participated in the Main Street 101 training conducted by DOLA.

Ms. Melendez stated the Candidate status moves the DDA into a category to be able to apply for financial funding.

Mr. Morgan inquired if this could include portions of Main Street that are outside the DDA.

Ms. Garcia stated it would not as the Main Street Program endorses the DDA area.

Town Board Member Boudreau motioned to approve Resolution No. 2016-43; 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.

7. Resolution No. 2016-44 - A Resolution Making Certain Findings of Fact Concerning the Weakland Annexation to the Town of Windsor, Colorado; Determining Substantial Compliance with Section 31-12-101, ET SEQ., C.R.S., "The Municipal Annexation Act of 1965"; and Establishing Dates for Public Hearings Before the Planning Commission and the Town Board of the Town of Windsor, Colorado, with Regard to the Weakland Annexation
 - Legislative action
 - Staff presentation: Carlin Barkeen, Senior Planner

Per Ms. Barkeen the applicant and property owners, Dr. Pat Weakland and Mrs. Amanda Weakland, are requesting to annex approximately 9.87 acres to the Town of Windsor. The purpose of this resolution is to make certain findings of fact concerning the annexation, determining substantial compliance with the Colorado Municipal Annexation Act (Act).

The Act requires that after a conforming annexation petition has been submitted; Town Board shall set a hearing date to determine if the allegations made in the petition are supportable and if the property is eligible for annexation. Said hearings will be held on August 3, 2016 by the Planning Commission and August 8, 2016 by the Town Board.

Staff finds the petition is in substantial compliance with state requirement and recommends approval of the resolution as presented.

Ms. Morgan inquired as to how close the current sewer capacity is to the property.

Ms. Barkeen stated it is currently on the east side of 17th Street and Highway 392.

Mr. Morgan inquired as to how many feet that would be.

Ms. Barkeen stated it would be close to 200 feet but the location to where the tie in would be is further.

Mr. Morgan inquired if the sewer will run to the current structures on the property or will it run to new buildings on the property.

Ms. Barkeen stated the buildings are currently utilizing a septic system so they would need to tie into Windsor's sewer line.

Mr. Morgan inquired if the septic will remain.

Ms. Barkeen stated it will be terminated.

Mr. McCargar stated the public hearing dates are scheduled under Resolution 2016-44 for the presentation of evidence that supports the annexation. Infrastructure requirements are set forth in an annexation agreement.

Town Board Member Adams motioned to approve Resolution No. 2016-44; 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.

8. Resolution No. 2016-45 - A Resolution Approving an Agreement for Certain Economic Inducements and Development Incentives Between the Town of Windsor, Colorado, and High Hops/Windsor Garden Center, with Respect to the Annexation and Development of Property for Commercial Purposes Within Windsor
- Legislative action
 - Staff presentation: Stacy Johnson, Director of Economic Development

Per Ms. Johnson the location of the High Hops Brewery and Windsor Gardner is 6461 Highway 392 in Windsor, CO. The annexation of High Hops and the Windsor Gardner will annex over 20,000 square feet of commercial space as well as a residential structure. The location will also include construction of a 10,000 square foot commercial building at a cost of \$2.4 million and create five new full time positions for brewery expansion.

High Hops and the Windsor Gardner have been in discussions with the Town since 2011 regarding an annexation but the Weakland's did not want to lose the content and the ability to utilize their site to grow hops and maintain the agricultural component. The cost to bring the property up to code was also a concern. In 2015 a formal letter of request came forth asking for an annexation and assistance with some of the annexation costs that the Town would require for the annexation. Discussions were always based on the premise that if Dr. Weakland did annex and bring both companies into the Town, Windsor would try to get as close to zero cost as possible. The Town would also allow them to annex into Town and grandfather in their current land uses and infrastructure where applicable. Through discussions there were options for assistance that included reimbursement with some of the company's tax generation in the form of sales tax and property tax and fee waivers. The waivers that are eligible according to standard protocol are the administration fees, water plant investment fee, sewer plant investment fee, drainage fee and the Windsor Use Tax totaling \$49,440.27. A maximum amount of \$350,000 will reimburse the company's cost of annexation.

The building permit estimate totals \$73,767.69 and it is requested \$49,440.27 of those fees be waived; \$44,000 would come from enterprise funds which would need to be backfilled from another source.

Revenue generated from High Hops and the Windsor Gardner is estimated at \$33,800 per year. The estimate does not include forecasts for the future expansion.

Dr. Pat Weakland addressed the Board and thanked town staff for the work put into the project. Dr. Weakland appreciates any assistance the Town can offer.

Mr. Boudreau inquired as to what the \$610,000 will include.

Dr. Weakland stated it would include the parking lot, infrastructure, water treatment facility and paving of the parking lot.

Mr. Boudreau inquired as to the costs to expand if the property stayed in Weld County.

Dr. Weakland stated it would be approximately \$1.8 million.

Mr. Boudreau inquired about the \$350,000 reimbursement.

Ms. Johnson stated annual appropriations are giving back the three forms of sales tax not to exceed \$350,000.

Mr. Morgan inquired as to where the effluent is being disposed of.

Dr. Weakland stated it is being hauled to a City of Fort Collins waste facility.

Mr. Morgan inquired if there is regular BOD testing.

Dr. Weakland stated there is regular testing by state certified testers.

Mr. Morgan inquired about providing proof of the testing

Mr. McCargar stated the annexation agreement will contain requirements for the effluent.

Dr. Weakland stated the effluent is not hazardous material.

Mr. Baker inquired if the Town is reimbursing sales and property tax annually until the \$350,000 is reached.

Ms. Johnson stated that is corrected except the .95% Community Recreation Center sale tax.

Mr. Baker inquired if there is a requirement for the construction of a new facility.

Mr. McCargar stated the language in the agreement states if the new building is not constructed then the incentives are not necessarily triggered either. The agreement assumes that the facility will be expanded which is not built specifically into the agreement. It does assume that in order to construct the facility the existing septic system needs to be shut down by the time a certificate of occupancy is issued for that property. In order to get to the incentives the facility has to be expanded to the point where they need to sanitary sewer lines and the parking lot repairs and the other stuff that is built into the estimated \$610,000.

Mr. Boudreau inquired as to part of the annexation will not be required to upgrade or connect to the Town's sewer system but will need to when they start the construction of the expansion.

Mr. McCargar stated that is correct.

Mr. Boudreau inquired if as a condition of annexation will there be any infrastructural improvements that are required in order to be annexed into Windsor.

Mr. McCargar stated they are requirements prior to annexation including the parking lot, curb, gutter and sidewalks in certain areas, the sanitary sewer connection lift station and industrial pretreatment.

Mr. Boudreau inquired if the economic incentive kicks in at the point of annexation or with the expansion.

Mr. McCargar stated the mechanics of the incentive agreement are that Dr. Weakland has to submit an application for reimbursement, show what he has paid that is eligible for reimbursement and then the Town will see what has been collected in terms of those categories of taxes that the Town will reimburse under the agreement. If Dr. Weakland asks for \$100,000 and his tax generation is only \$60,000 in the first year, the Town will reimburse the \$60,000 and carry forward the \$40,000. In future years the Town will continue to pay what the tax generation is until the balance of the \$350,000 is paid off.

Mr. Adams inquired as to the brewery being open on Sundays.

Ms. Johnson stated the business has the ability to set their own hours.

Mr. Adams inquired as to a study for the parking area.

Mr. McCargar stated as part of the expansion of the brewery, the Town will require site plan approval. During the site plan process the adequacy of the parking will be evaluated.

Mr. Boudreau inquired if the use of the land is being grandfathered in.

Dr. Weakland stated that is correct.

Ms. Johnson stated the agricultural use is maintained without the typical commercial zoning.

Mr. Rennemeyer inquired about the increase in production with a 10,000 square foot expansion.

Dr. Weakland stated the brewery will be much more competitive with more product output and purchasing materials in bulk will be a cost saving.

Town Board Member Morgan motioned to approve Resolution 2016-45; Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Adams, Melendez; Nays- Boudreau; Motion passed.

9. Resolution No. 2016-46 - A Resolution Accepting Deed of Conservation Easement for Cottonwood Bend
 - Legislative Action

- Staff presentation: Wade Willis, Parks & Open Space Manager

Per Mr. Willis the Poudre River Initiative project started in 2013 with partnerships between Greeley, Windsor, Fort Collins and Larimer County. The purpose of the initiative was to focus on the Poudre River corridor; conserve corridor land, create critical trail linkages and construct trail and other recreational amenities. That initiative applied for a grant through Great Outdoors Colorado which was awarded in the amount of \$5.1 million. Land that is acquired through Great Colorado Outdoor funding must have a conservation easement. A Conservation easement is a legal document that contains permanent restrictions so that the owner of the land cannot develop the property.

The conservation easements must be held by a qualifying agency. Great Outdoors Colorado requires that the easement holder is certified by the Department of Regulatory Affairs, Real Estate Division. Windsor received conditional approval to hold conservation easements in 2015. Windsor is required to co-hold the conservation easements under the experience of a certified entity, such as Larimer County Open Lands. Through an existing IGA with Larimer County, Windsor and Larimer County will jointly hold the Cottonwood Bend conservation easements which include Tennyson Meadows, Bauer Grove, Brown Oxbow and Steven's Pasture.

The ability to hold conservation easements is an important option to preserve lands in and around Windsor. In 2014 the Town Board adopted the Conservation Easement Stewardship Level of Service Standards that outlines Windsor's process for consideration, evaluation and acquisition of any conservation easement.

Town Board Member Adams motioned to approve Resolution No. 2016-46; 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.

10. Resolution No. 2016-47 - A Resolution Approving the Accessioning of Items to the Town of Windsor Museum Collection

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

Per Mr. Lucas the Parks, Recreation, and Culture Advisory Board will occasionally have the opportunity to review recommended accessions and deaccessions to the permanent collection of the Town of Windsor Museum. Museum collection items are only accessioned into the collection when they fit certain criteria. After the Parks, Recreation, and Culture Advisory Board has reviewed the items a recommendation is then made to the Town Board.

Mr. Morgan inquired as to how items being accessioned are valued and reported to the insurance company.

Mr. Lucas stated the museum curator would have more information on the specific items and the value but each time items are taken into the museum collection the insurance company is notified.

Mr. Bennett inquired as to what the current status of storage capacity.

Mr. Lucas stated capacity is pretty full however there are few items displayed for public view which should be changing soon.

Town Board Member Boudreau motioned to approve Resolution No. 2016-47; 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.

11. Resolution No. 2016-48 - A Resolution Approving a Lease Purchase Agreement Between the Town of Windsor and KS Bank for the Acquisition of Fitness Equipment Intended for the use in the Windsor Community Recreation Center, and Authorizing the Town's Parks, Recreation and Culture Director to Execute Documents.

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

Per Mr. Lucas the completion of the recreation center expansion is quickly approaching and it is to the point of purchasing and leasing fitness equipment. The wellness center will include two different types of equipment including free weights and weight machines which the Town intends to purchase and cardio equipment that the Town intends to lease. The Town intends to purchase the free weights and weight machines because the life span of that type of equipment is significantly longer (10-15 years) than cardio equipment (2-5 years). The leasing of the fitness equipment includes 43 pieces of cardio equipment, wireless audio receivers and warranties on all of the equipment. The equipment will be leased for 3 years. At the end of the 3 year lease the Town will have the option to buy out the equipment for \$1 per piece or renew the lease. The advantages and benefits of lease end agreement are the possible off balance sheet financing, eliminates "down time", vendor forced to provide quality service, keeps equipment state of the art, easy trade-in process, refreshes equipment on a 3 year basis, no capital expenditures, the lease includes a preventative maintenance contract valued at \$6,500 per year plus up to \$450 for additional visits.

Mr. Baker inquired as to how often the leased equipment can be mixed and matched based off the needs of the facility.

Mr. Lucas stated it would be at the end of the three year contract.

Mr. Baker inquired as to what fund the payment of leasing equipment will not come from.

Mr. Lucas stated it will come from the operating budget of the recreation center.

Mr. Bennett inquired if a piece of equipment malfunctions and someone is injured, who would be the responsible party.

Mr. Arnold stated the Town has limited liability insurance and it depends on the circumstances of the incident.

Mr. Boudreau inquired as to if there was a study completed to get to the number of the pieces of equipment.

Mr. Lucas stated it was based off what will fit in the wellness room.

Mr. Boudreau inquired if there is an option in the lease plan to decrease the number of machines.

Mr. Lucas stated that choice could be made at the end of the 3 year lease.

Mr. Rennemeyer inquired if the need for specific cardio equipment is known.

Mr. Lucas stated the need is based on industry standards; 7-10 treadmills, 4-5 recumbent bikes, 1-2 stair steppers and 20 spin bikes.

Ms. Melendez inquired as to the lease fees.

Mr. Lucas stated it would be 3 annual payments of \$57,528.95.

Ms. Melendez inquired if there are other companies that the Town could work with as well.

Mr. Lucas stated other equipment could be looked at in 3 years but in staff's opinion the Cybex equipment is top of the line but if there are pieces that other manufactures produce that are of interest to the community those could be considered. It is preferred not to mix and match equipment but it could be done.

Mr. Rennemeyer inquired if there is a maintenance contract with the lease.

Mr. Lucas stated there is a maintenance contract built into the lease that provides quarterly maintenance and a repair response time within 48 hours.

Town Board Member motioned to approve Resolution No. 2016-48; Town Board Member seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

12. Resolution No. 2016-49 - A Resolution Adopting the Eaton House Master Plan

- Legislative Action
- Staff Presentation: Eric Lucas, Director of Parks, Recreation & Culture

Per Mr. Lucas in March 2016, the Parks, Recreation & Culture Department entered into a contract with Robert Peccia & Associates to complete a master plan associated with the Town's museum property known as the Eaton House. The contract was for an amount not to exceed \$20,000 and was approved in the 2016 budget. This property is located at Boardwalk Park just south of Windsor Lake.

The master plan sets the course for the historic home and its place amongst other buildings within the Boardwalk Museum by providing plans for restoration of the home to its original historic context. The historic representation is being verified by a concurrent Historical Structure Assessment (HSA). Additionally, the master plan provides interpretive plans for use of the property which integrate with the current museum landscaping plan. When completed, the entire Boardwalk Park Museum will provide a cultural gathering place for residents and visitors of Windsor to engage in educational interactive cultural learning.

The Parks, Recreation & Culture Advisory Board reviewed the proposed master plan at their June meeting and recommended approval by the Town Board.

Ms. Melendez inquired as to locking in costs or compensating for inflation of the plans since they are years away.

Mr. Lucas stated there is no way to lock in the costs. The projects are reviewed annually. Since the Eaton House is a historical landmark grants will be sought out for the project.

Mr. Bennett inquired as to the difference between option A and B.

Mr. Lucas stated option A did not have as much interpretive area on the outside.

Ms. Melendez inquired as to the project being presented to the Board before any work commences.

Mr. Lucas stated at this point it is just a plan and there will be opportunities for the Board to have input on the project in the future.

Town Board Member Morgan motioned to approve Resolution No. 2016-49; 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.

13. Economic Development Report

- Staff presentation: Stacy Johnson, Director of Economic Development

Per Ms. Johnson the Windsor Chamber of Commerce is in attendance to provide a short presentation to the Board. Windsor invests approximately \$25,000 annually to the Chamber of Commerce.

Chamber of Commerce Director Michal Connors and Chairman of the Board of Directors Jim Bowman introduced themselves to the Town Board. Mr. Bowman stated a brochure was developed and depicts what the Chamber of Commerce's current vision is. Mr. Bowman stated the Chamber of Commerce is appreciative of the support it receives from the Town of Windsor that assists with many events being held in town.

Ms. Connors stated communication was an item that was discussed during strategic planning and there will be efforts placed on achieving better communication with the town. A weekly email will begin in July on what is happening in Windsor and an update of existing social media and communication tools will take place. The new teachers' breakfast is scheduled for August 9, 2016.

Ms. Johnson provided an overview of current economic development projects. Solix was interested in locating to Diamond Valley and was in the process of developing an algae that would have been produced on the 12 acres but unfortunately the Chinese have overtaken the market quicker than anticipated.

All Phase Restoration was nominated and a winner of Colorado Companies to Watch for 2016. All Phase Restoration is located in Highlands Industrial Park on Greenridge Road.

A delay has taken place on the retail report as the gentleman working on the report has health concerns but a draft report has been received.

The GO NoCO Board is in the dissolution phase so they are closing the non-profit and transitioning into a local authority. A letter was received from the Go NoCO Chair regarding filling the Board vacancies with Windsor's share of seats.

Mr. Arnold informed the Board that the Weld County Commissioners declined incentives for the Peligrande Resort as it does not fit their criteria.

Mr. Baker inquired if Windsor will have any input on the design or traffic for the projects happening in Loveland since they will affect Windsor.

Mr. Arnold stated Windsor would be able to do so during the referral process.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Mr. McCargar thanked the citizens for allowing him to attend CML.

2. Communications from Town Staff

Mr. Lucas reminded of the Town of the July 4th festivities including the band Burroughs starting at 7 :30 p.m. and the fireworks will follow beginning at 9:30 p.m. The 4-Legged race will begin at 8:00 a.m. around the lake.

3. Communications from the Town Manager

Mr. Arnold stated 2:00 p.m. on June 29, 2016 at Embassy Suites dialog will continue on the Strategic Plan. Also the Windsor Municipal Judge will not be renewing his contract which expires December 31, 2016 so discussion on how to fill that position will need to take place.

4. Communications from Town Board Members

Ms. Melendez also thanked the citizen of Windsor for allowing the Board to attend the CML conference.

E. ADJOURN

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



Deputy Town Clerk, Krystal Eucker