



TOWN BOARD REGULAR MEETING
July 25, 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

1. Roll Call
2. 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
4. Board Liaison Reports
 - Mayor Pro Tem Baker – Parks, Recreation & Culture Advisory Board; North Front Range/MPO alternate
 - Town Board Member Morgan – Water & Sewer Board; Clearview Library Board
 - Town Board Member Bennett – Planning Commission; Windsor Housing Authority
 - Town Board Member Rennemeyer – Historic Preservation Commission; Great Western Trail Authority
 - Town Board Member Boudreau – Chamber of Commerce; Planning Commission alternate
 - Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
 - Mayor Melendez – Downtown Development Authority; North Front Range/MPO
5. Invited to be Heard

Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Town Board.

Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Written comments are welcome and should be given to the Deputy Town Clerk prior to the start of the meeting.

B. CONSENT CALENDAR

1. Minutes of the July 11, 2016 Town Board Meeting – K. Eucker
2. Financial Report June 2016 – D. Moyer

C. BOARD ACTION

1. Ordinance No. 2016-1522 - An Ordinance Annexing and Zoning Certain Territory known as the Labue Farm Annexation to the Town of Windsor, Colorado – TROLLCO Inc., VIMA Partners LLC, and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant's representative

Super-majority vote required for adoption on second reading

- Second reading
 - Legislative action
 - Staff presentation: Josh Olhava, Senior Planner
2. Resolution No. 2016-54 – A Resolution Approving an Annexation Agreement between the Town of Windsor and VIMA Partners LLC, TROLLCO Inc, and the Weld RE-4 School District with Respect to the Labue Farm Annexation to the Town of Windsor, Colorado – TROLLCO Inc., VIMA Partners LLC, and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant’s representative
 - Legislative action
 - Staff presentation: Josh Olhava, Senior Planner
 3. Resolution No. 2016-55 – A Resolution Appointing Representatives To The Northern Colorado Regional Tourism Authority Board Of Directors, Recommending Commercial Property Owners For Appointment To Said Board Of Directors By The Colorado Economic Development Commission Pursuant To Section 24-46-306 Of The Colorado Revised Statutes, and Authorizing Further Funding Of The Go NoCo Entity
 - Legislative action
 - Staff presentation: Stacy Johnson, Director of Economic Development
 4. Site Plan Presentation – Jacoby Farm Subdivision 3rd Filing, Lot 7 – Starbucks Drive-thru, 1570 Main Street – J. Clint Jameson, CenterPointe Development Group, applicant/ Jennifer Hippisley, Point Consulting, LLC and Scott Higa, G3 Architecture Inc., applicant’s representatives
 - Staff presentation: Josh Olhava, Senior Planner
 5. Community Development Report
 - Staff presentation: Scott Ballstadt, Director of Planning

D. COMMUNICATIONS

1. Communications from the Town Attorney
2. Communications from Town Staff
3. Communications from the Town Manager
4. Communications from Town Board Members

E. EXECUTIVE SESSION

An executive session pursuant to Colorado Revised Statutes § 24-6-402 (4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to redevelopment of certain downtown property. (K. Arnold)

F. ADJOURN



TOWN BOARD REGULAR MEETING
July 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.

MINUTES

A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:05 p.m.

1. Roll Call

Mayor
Mayor Pro Tem

Kristie Melendez
Myles Baker
Christian Morgan
Paul Rennemeyer
Brenden Boudreau
Ivan Adams

Absent

Ken Bennett

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 Finance
Director of Planning
Senior Planner
Detective
Communications Manager
Senior Planner
Town Prosecutor
Chief Planner
Deputy Town Clerk

Kelly Arnold
Ian McCargar
Kelly Unger
Patti Garcia
John Michaels
Rick Klimek
Eric Lucas
Dean Moyer
Scott Ballstadt
Josh Olhava
Andrew Stanger
Katie Van Meter
Paul Hornbeck
Kim Emil
Carlin Barkeen
Krystal Eucker

2. Pledge of Allegiance

Mayor Pro Tem Baker led the Pledge of Allegiance.

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

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

4. Optimist Club Presentation

Andrew Stanger on behalf of the Optimist Club of Windsor presented Chief John Michaels with a Lifetime Achievement award.

5. Proclamation - National Parks & Recreation Month

Mayor Melendez read the proclamation.

6. Board Liaison Reports

- Mayor Pro Tem Baker – Parks, Recreation & Culture Advisory Board; North Front Range/MPO alternate
Mayor Pro Tem Baker reported Parks, Recreation and Culture met on July 5, 2016 and received a presentation from a recent Windsor High School graduate on the importance of non-competitive activities, specifically intermural sports and the role that they play. Discussion also took place regarding the Cultural Department and programming for the future. The 2017 budget was discussed and the topic of summer camps and additional special events was discussed.
- Town Board Member Morgan – Water & Sewer Board; Clearview Library Board
Town Board Member Morgan reported the Library Board met on June 30, 2016. There are several staff vacancies that need to be filled at the library. The first reading of the proposed bylaws was completed; and amendment of terms limits would extend term limits for board members through the duration of capital improvement projects with a five year cap. Through the month of May the library district has collected 79% of the yearly revenue and has made 36% of their expenditures.
- Town Board Member Bennett – Planning Commission; Windsor Housing Authority
Absent- No Report
- Town Board Member Rennemeyer – Historic Preservation Commission; Great Western Trail Authority
Town Board Member Rennemeyer reported the Great Western Trail Authority discussed the trail manager position; two interviews have been completed and three additional interviews will be conducted.
- 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 Member Adams reported the Tree Board visited approximately 50 sick trees. Mr. Adams reported the Poudre River Trail Board discussed repairs from flooding and the estimated damage repair costs are \$100,000-\$120,000. Discussion took place regarding the Poudre River Trail being rerouted through the Raindance property; a letter was sent to Martin Lind from the Board inquiring on who the responsible entity will be.
- Mayor Melendez – Downtown Development Authority; North Front Range/MPO
Mayor Melendez reported the Downtown Development Authority is moving their regular meeting to July 27, 2016.
Ms. Melendez reported the North Front Range MPO met in Severance and the My Big Blue Sky promotion was introduced; combining car trips for better air. A rotating banner will be displayed in communities in northern Colorado. The Highway 34 Coalition reported the project between Estes and Loveland will create over 34 shutdowns in the fall; the MPO will offer vanpools to help elevate some traffic and congestion. The MPO requested input from

TAC members regarding congestion along the corridors that make up the North Front Range MPO which include I-25, Highway 392 and the Highway 34 corridor; all directly affecting Windsor. The Fastlane Grant for roadway improvements was not granted and it is unknown at this time if Colorado will receive the TIGER Grant.

7. Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the June 27, 2016 Town Board Meeting – K. Eucker
2. Advisory Board Appointments – P. Garcia
3. Resolution No. 2016-50 – A Resolution Approving and Accepting a Deed of Slope Easement for Widening Harmony Road at Weld County Road 13 – D. Wagner
4. Resolution No. 2016-51 – A Resolution Approving and Accepting a Deed of Dedication for Right of Way from Raindance Aquatic Investments, LLC for Street, Road and Utility Purposes for the Extension of New Liberty Road – I. McCargar
5. Report of Bills for June 2016 – D. Moyer

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

C. BOARD ACTION

1. 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

Super-majority vote required for adoption on second reading

- Second reading
- Legislative action
- Staff presentation: Kimberly Emil, Assistant Town Attorney

Per Ms. Emil there is nothing new to report on the ordinance and there have been no changes since the first reading.

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

2. Public Hearing – An Ordinance Annexing and Zoning Certain Territory known as the Labue Farm Annexation to the Town of Windsor, Colorado – TROLLCO Inc., VIMA Partners LLC., and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant’s representative
 - Legislative action
 - Staff presentation: Josh Olhava, Senior Planner

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

Per Mr. Olhava the applicants, represented by Mr. Patrick McMeekin, are requesting to annex approximately 155.4 acres to the Town of Windsor. The property is divided amongst three separate property owners: VIMA Partners, LLC; TROLLCO, Inc.; and the Weld RE-4 School District. The applicants are requesting Recreation and Open Space (O) zoning for the entire property. The property is surrounded by residential uses; both residential mixed use as well as estate zoning.

The Town Board previously approved the applicant’s request to reallocate the majority of the sewer capacity from this property to the adjacent RainDance property to the west. This will allow for increased density of residential and commercial development on the RainDance Property and will limit development of the subject property. Future plans for the subject site include, exploring the potential for a regional park to serve the community, and a future school site on the 50-acre parcel owned by the school district. The northwestern portion of the site includes a large oil and gas pad that has been active for the past few years and may include at least one additional future well.

The applicant’s representative held a neighborhood meeting on November 17, 2015, in the Banquet Room at the Pelican Lakes Golf & Country Club. There were approximately four neighbors from the Hilltop Estates Subdivision present. The few questions and comments by the neighbors pertained to future development plans for the site and the timing of any new development. As no development is currently planned for the site, there were no concerns or additional questions specific to the Labue Farm Annexation from the neighbors. On July 6, 2016, the Planning Commission held a Public Hearing and made a recommendation to the Town Board on the Labue Farm Annexation. There was no public in attendance and the Planning Commission did not have any questions or comments.

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

At their July 6, 2016 regular meeting, the Planning Commission forwarded a recommendation of approval of the Labue Farm Annexation to the Town Board, as presented, and staff concurs with this recommendation.

At this time staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony presented during the presentation

- Recommendation

Mr. Arnold inquired if the annexation will take some of the right of way on Crossroads Boulevard.

Mr. Olhava stated it looks as though the annexation will take the majority of the Crossroads right of way.

Mr. Baker inquired as to what sewer capacity is left on the property.

Mr. Olhava stated there is enough sewer capacity for the school.

The applicant, Mr. McMeekin stated there are enough sewer unit capacity for a school as well as some bathrooms if a park is developed on the property.

Mr. Morgan inquired as to the Town's responsibility to maintain the open space.

Mr. Olhava stated the land is privately owned and the Town would not have any maintenance responsibilities.

Mr. Morgan inquired as to how much dedicated open space the Town has at this time.

Mr. Lucas stated it is currently 66 acres.

Mr. McMeekin stated the site will remain agriculture use and be farmed until the school district commences development.

Mr. Adams inquired as to what the school district is proposing.

Mr. McMeekin stated the school district has discussed a middle school and a high school but no decisions have been finalized. The Raindance project has an elementary school within the boundaries of the project.

Ms. Melendez inquired if the entire site is being used for agricultural use.

Mr. McMeekin stated the entire site will be utilized for agricultural use except for the space containing oil and gas pads.

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

3. Resolution No. 2016-52 – A Resolution Making Certain Findings and Conclusions Pursuant to Section 31-12-110 C.R.S., Concerning the Labue Farm Annexation to the Town of Windsor, Colorado – TROLLCO Inc., VIMA Partners LLC., and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant's representative

- Legislative action
- Staff presentation: Josh Olhava, Senior Planner

Mr. Olhava stated the application is in accordance with 31-12-110 of the Colorado Revised Statutes that requires upon completion of the public hearing and prior to the Town Board making an action on the annexation ordinance for Labue Farm that the Town Board approves a

resolution making certain findings and conclusions concerning the Labue Farm Annexation to the Town of Windsor.

Staff recommends approval of Resolution No. 2016-52.

Town Board Member Adams motioned to approve Resolution No. 2016-52; Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

4. Ordinance No. 2016-1522 - An Ordinance Annexing and Zoning Certain Territory known as the Labue Farm Annexation to the Town of Windsor, Colorado – TROLLCO Inc., VIMA Partners LLC, and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant's representative
 - First reading
 - Legislative action
 - Staff presentation: Josh Olhava, Senior Planner

Mr. Olhava stated second reading will be July 25, 2016 and the Planning Commission recommended approval of the annexation as presented.

Town Board Member Rennemeyer motioned to approve Ordinance No. 2016-1522 - An Ordinance Annexing and Zoning Certain Territory known as the Labue Farm Annexation to the Town of Windsor, Colorado – TROLLCO Inc., VIMA Partners LLC, and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant's representative; Mayor Pro Tem Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

5. Site Plan Presentation – Highlands Industrial Park Subdivision 4th Filing, Lot 1 – Greenfield at Crossroads, 4265 Greenfield Drive – Greenfield at Crossroads LLC, applicant/ John Baker, Baker Western Group LLC., applicant's representative
 - Staff Presentation: Josh Olhava, Senior Planner

Per Mr. Olhava, the applicant, represented by Mr. John Baker, is proposing a new 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 on all sides.

Site characteristics include:

- a new 14,776-square foot building, with approximately 30% office and 70% warehouse space;
- no outdoor storage;
- 27 dedicated, off-street parking spaces, including accessible parking spaces; and
- approximately 26% of the site to be landscaped.

Building and structural details include:

- varying rooflines on the office portion of the structure (abutting Crossroads Boulevard);

- the use of split-faced CMU block, synthetic stucco and vertical board and batten siding to dress up the façades facing or visible from Crossroads Boulevard;
- vertical metal panels on the warehouse portion of the structure; and
- 5 overhead garage doors facing Greenfield Drive with one serving as an elevated loading dock.

The application is within the Highlands Industrial Park Subdivision and part of the design standards require properties abutting Crossroads Boulevard and Highland Meadows Parkway to have improved elevation details for those facades adjacent to or visible from the two arterial roadways.

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 and the Vision 2025 document.

Ms. Melendez inquired if there are potential occupants for the site.

The applicant, Mr. Baker stated there are currently three companies interested in the site; one local company and two are companies outside of Colorado. The intention is to house one company but the building could be split for the use of two different companies.

Ms. Melendez inquired as to the timeline of the site.

Mr. Baker stated they will break ground in the next 45-60 days and completion is estimated to be in December of 2016 or January of 2017.

6. Resolution No. 2016-53 – Ratifying, Approving and Confirming the Terms and Conditions of a Portion of the Windsor Highlands Master Plan – Fossil Ridge Subdivision – Tract W – TC56 LLC, applicant/ Mike Walker, The Birdsall Group, applicant's representative

- Legislative action
- Staff presentation: Paul Hornbeck, Senior Planner

Per Mr. Hornbeck, Mr. Mick Occhiato of TC56 LLC, represented by Mr. Mike Walker of The Birdsall Group, has submitted an amendment to a portion of the Windsor Highlands Master Plan for Tract W of the Fossil Ridge Subdivision 5th Filing.

In February 2016, the Planning Commission recommended denial of an amended master plan which proposed ten (10) lots for this same property. The denial was based largely on the lack of compatibility with the surrounding neighborhood due to the smaller lot sizes proposed. This revised master plan amendment reduces the number of lots from ten (10) to seven (7) and increases lot sizes, making it more compatible with the neighborhood.

This request is to increase the total number of residential lots from 290 to 297 and to increase the number of bonus dwelling units from 58 to 65. The majority of residential lots within the

Master Plan have been built out, but the subject property is a tract that was never developed. The subject property is zoned Estate Residential E-2, which requires a minimum lot area of one acre per unit, but allows for bonus units when open space is provided.

The residential portion of the Windsor Highlands Master Plan consists of 232.69 acres, with 119.54 acres dedicated as parks and open space. In this case, given that the open space provided is approximately 51% of the total land area, the number of bonus units allowed required Planning Commission determination. Through their previous approval of the Master Plan, Planning Commission granted 58 bonus units, which equates to a 25% bonus. The proposed amendment would add seven (7) lots, resulting in a 28% bonus.

The approved Master Plan shows four lots on the subject parcel, and the applicant has requested that number be increased to seven (7) lots. The four (4) lots originally shown were reallocated to other locations within the subdivision during the subdivision platting. The approved plat depicts the area as a location for a clubhouse. The clubhouse has never been built and the parcel has remained undeveloped. The clubhouse would have been an amenity for residents in the Fossil Ridge Subdivision, but it was not proposed in order to meet any Town of Windsor requirements.

A neighborhood meeting is not required with an Amended Master Plan; however, a required neighborhood meeting was held for the Preliminary Major Subdivision proposal for the subject property. The majority of neighbors in attendance at this meeting seemed supportive of the changes made by the applicant from the previous submittal.

The application is consistent with various goals of the Comprehensive Plan.

At their July 6, 2016 meeting the Planning Commission forwarded a recommendation of approval to the Town Board.

At this time staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Recommendation

Mr. Baker inquired as to the average size of the lots in the surrounding area.

Mr. Hornbeck stated the lots immediately surrounding the site range from approximately 10,000-18,000 square feet.

Mr. Morgan inquired if there were any other changes to the amended master plan that the Planning Commission took into consideration.

Mr. Hornbeck there was not.

Mr. Adams inquired if the applicants agreed to the changes that were recommended by the Planning Commission.

Mr. Hornbeck stated the changes were made by the applicant.

Ms. Melendez inquired as to the concerns from the neighborhoods meeting.

Mr. Hornbeck stated some neighborhood concerns included restricted views and one story homes were requested. Another concern was whether this development would join the HOA and therefore be subject to the same rules and architectural standards; the developer has agreed to join the HOA before the homes are sold to homeowners. The applicant, Mr. Occhiato stated the development will join the HOA.

Ms. Melendez inquired as to the open space and if there is a plan in place.

Mr. Hornbeck stated the residential subdivision is largely already built which includes approximately 120 acres of open space so there will be no additional open space.

Mr. Arnold stated the park in the area is the new Coyote Ridge Park.

Mr. Adams inquired as to what school district the lots are in.

Mr. Arnold stated they are in the Loveland School District.

Town Board Member Morgan motioned to approve Resolution No. 2016-53; Mayor Pro Tem Baker seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

7. Financial Report May 2016

- Staff Presentation: Dean Moyer, Director of Finance

Mr. Moyer provided an overview of the May 2016 Financial Report.

- Sales tax collections of the 3.2% sales tax for May was a record at \$600,930
- Construction use tax through May is at 77.73% of the annual budget
- CRC Expansion tax barely missed the monthly budget requirement for May
- Single Family Residential building permits are at 259 through May; up from the May 2015 number of 125
- This time of the year it is ideal to be at 42% of the budget numbers which has been surpassed in three categories

D. COMMUNICATIONS

1. Communications from the Town Attorney

None

2. Communications from Town Staff

Chief Michaels stated a retirement party is scheduled on July 21, 2016 at 4:00 at the Community Recreation Center.

Mr. Lucas clarified the fundraiser for the Poudre River Trail Corridor; Party for the Poudre is scheduled for July 16, 2016.

3. Communications from the Town Manager

Mr. Arnold reported the official Chief of Police swearing in will be July 25, 2016 with a ceremonial swearing in on July 25, 2016 at 11:30 at the police station. A work session with the Weld County Commissioners is scheduled for July 12, 2016, and a work session will be with Larimer County Commissioners is scheduled for July 18, 2016. Excel Energy will be presenting at the work session on July 18, 2016.

4. Communications from Town Board Members

Mr. Adams commented on the citizen activity on the stage during the 4th of July celebration at Boardwalk Park and mentioned working on a plan for next year.

Ms. Melendez reported the North I-25 Collation meeting is hoping for the TYGER grant in lieu of the Fastlane grant. The Fix Colorado Roads Collation is reviewing the trans bonds issue and changing the funding mechanism. A legislative round up has been scheduled for December 7, 2016 to discuss transportation.

The Regional Leadership Breakfast discussed building relationships between municipalities.

Ms. Melendez thanked Chief Michaels for his role in the community and his years of service to Windsor.

E. ADJOURN

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

The meeting was adjourned at 8:23 p.m.

Deputy Town Clerk, Krystal Eucker



Special points of interest:

- CRC expansion sales tax collections met the monthly budget requirement for June.
- Single Family Residential (SFR) building permits total 317 through June 2016. This is up from the June 2015 number of 159.
- 34 business licenses were issued in June, of which 21 were sales tax vendors.



Inside this issue:

Sales, Use and Property Tax	2
Year-to-Date Sales Tax	4
All Fund Expenditures	5
General Fund Expenditures	6
Capital Project Status	7

Highlights and Comments

- * Sales tax collections of the 3.2% sales tax for June were \$639,731, basically even with June 2015 at an increase of .12%. Though ever slightly, it is still the highest June collection on record.
- * Construction use tax through June is at 94.61% of the annual budget at \$1,668,882.



July 4th Concert and Fireworks

The July 4th Celebration was well attended. A concert at Boardwalk Park began at 7 p.m. and fireworks started at 9:30 p.m. The concert band was *The Burroughs*, a soul/R&B band. The fireworks are budgeted at \$25,000.

Items of Interest

- Visit the recreation center to see the progress on the expansion.
- You can see where all of the Town's construction is happening by visiting the Town website and choosing Maps/GIS.
- Visit us at www.windsorgov.com and look for live streaming of Town Board and Planning Commission meetings.

Sales, Use and Property Tax Update

June 2016

Benchmark = 50%	Sales Tax	Construction Use Tax	Property Tax	Combined
Budget 2016	\$7,764,563	\$1,763,109	\$5,089,810	\$14,617,482
Actual 2016	\$4,412,701	\$1,668,062	\$3,659,744	\$9,740,507
% of Budget	56.83%	94.61%	71.90%	66.64%
Actual Through June 2015	\$4,137,075	\$912,431	\$2,994,032	\$8,043,538
Change From Prior Year	6.66%	82.82%	22.23%	21.10%
CRC Expansion Budget 2016	\$1,710,843	\$331,739		\$2,042,582
CRC Expansion Actual 2016	\$1,035,077	\$423,007		\$1,458,084
CRC Expansion % of Budget	60.50%	127.51%		71.38%

Ideally at the end of the sixth month of the year you want to see 50% collection rate on your annual budget number. We have exceeded that benchmark in all three tax categories. We are ahead of the pace of collections as compared to June 2015 in all three categories.

Building Permit Chart

June 2016

	SFR	Commercial	Industrial	Total
Through June 2016	317	0	7	324
Through June 2015	159	1	2	162
% change from prior year				100.00%
2016 Budget Permit Total				262
% of 2016 Budget				123.66%

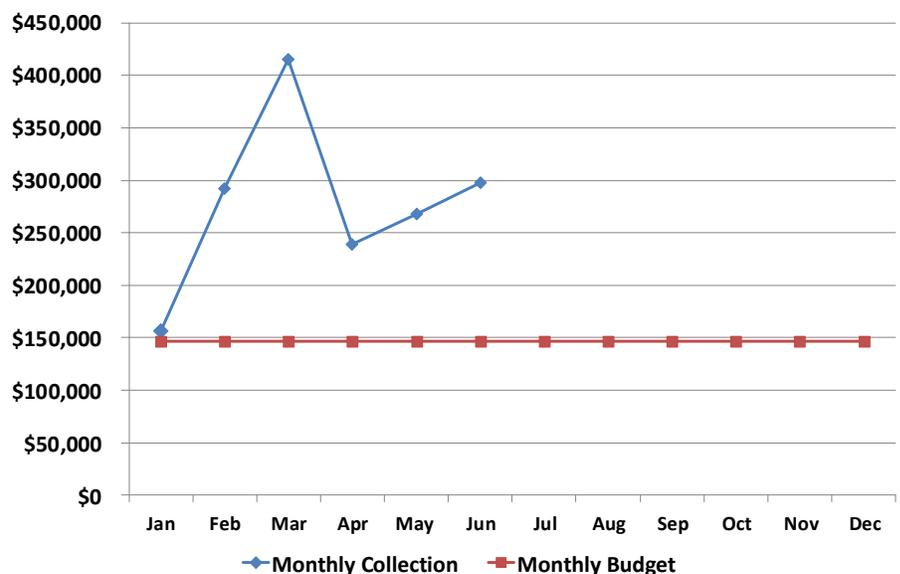
Building Permits and Construction Use Tax

We are showing a 100.00% increase in number of permits as compared to June 2015. We issued 317 SFR permits through June 2016 as compared to 159 through June 2015.

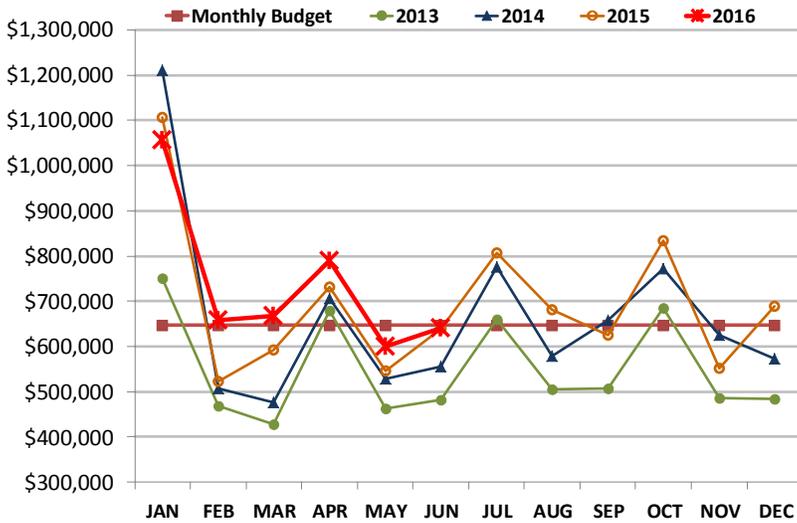
June 2016 construction use tax is above our required monthly collection.

The .75% construction use tax for the CRC expansion is at 127.51% of the annual budget.

Construction Use Tax Collections - 3.2%



Sales Tax Collections in Dollars - 3.2%

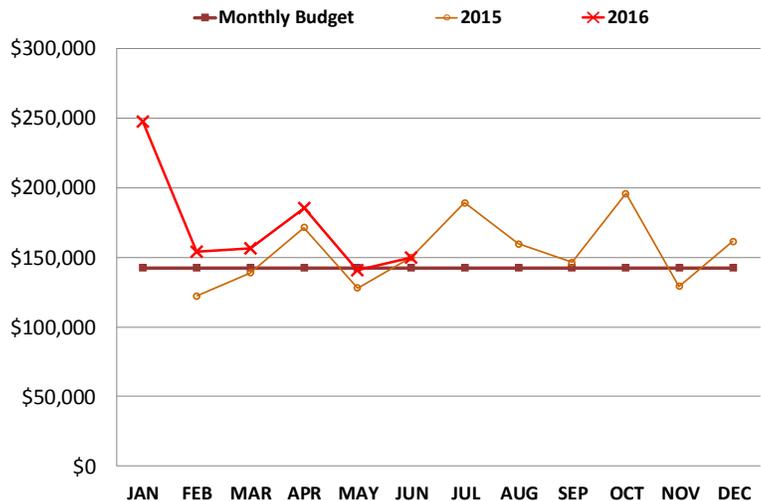


Gross sales tax collections for the month of June 2016 were \$758 or .12% higher than June 2015.

The monthly collection requirement is \$647,047. Collections fell slightly short for June 2016, coming in at \$639,731.

CRC Expansion sales tax collection for June 2016 was \$150,060. The required monthly collection to meet the budgeted projections is \$142,570.

Community Recreation Center Expansion Sales Tax



June Highlights

June is a “single collection” month, meaning that the collections are for sales made in May. June collections were basically flat as compared to collections for June 2015. We missed the monthly collection benchmark of \$647,047 by \$7,316. We did not receive any audit or payments out of the ordinary course of business.

Looking Forward

3.2% Collections

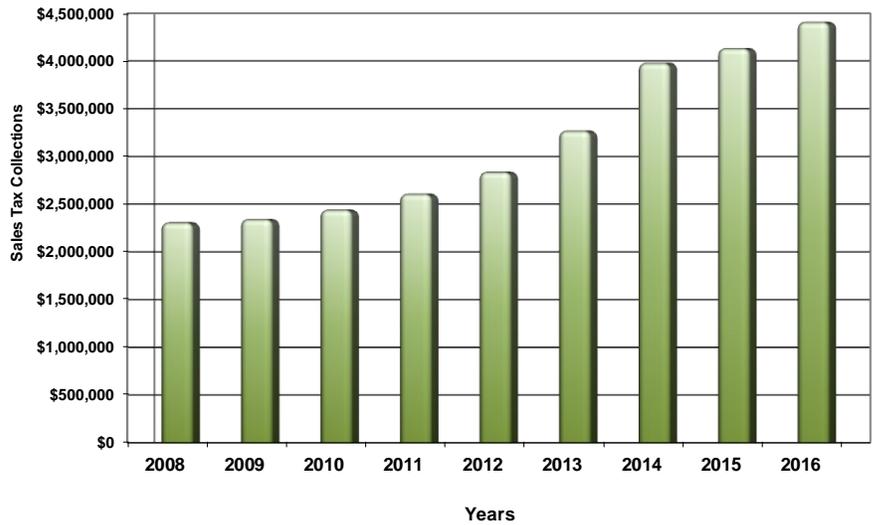
The Town budgeted \$7.7M in sales tax for 2016, making our average monthly collection requirement \$647,047. June collections were below this mark at \$639,731. At our current pace of collections, we would end the year at \$8.8M in sales tax collections.

.75% Collections

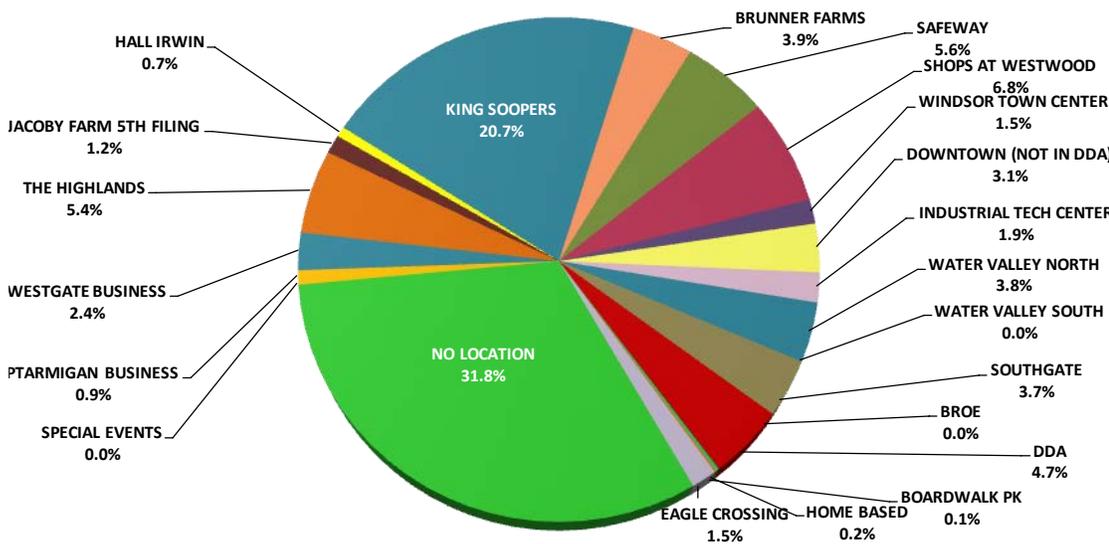
This begins the second year of collecting this portion of the tax. Our monthly budget requirement is \$142,570. We collected \$150,060 in June. We are currently at \$1,035,077 in collections for 2016, equaling 60.50% of our annual budget figure. Since the inception of this tax, only one month has not met the collection requirement.

June year to date collections are up over 2015 collections by 6.66% or \$275,626.

Year-to-Date Sales Tax Collections -3.2% Through June 2008-2016



Sales Tax Revenue by GEO Code June 2016



The King Soopers Center remains the largest local driving force in sales tax collections.

Year-to-Date Sales Tax

Our sales tax base has not changed a great deal over the past decade, with groceries and utilities leading our industry sectors in sales tax collection. Some of this increase can be attributed to an overall increase in prices and cost of living, estimated at 1.2% for the year of 2015 in the Denver/Boulder/Greeley area.

- With the exception of Utilities/Telecom and lodging, all of our sectors are ahead of last year to date collections at the end of June.
- Southgate Business Park, King Soopers Center, Shops at Westwood Downtown and DDA had the largest percentage gain over 2015.
- Between the DDA (4.7%) and the Downtown (3.1%) total of 7.8% surpassed the Safeway complex of 5.6%.

All Funds Expense Chart

June 2016

Benchmark = 50%

Operations expenditures are at 44% of the annual budget, under the budget target.

Sewer Fund operations reflect a loan payment which occurs in February, causing the sewer fund to be ahead of the benchmark 59%.

<u>General Government</u>	<u>Current Month</u>	<u>YTD Actual</u>	<u>2016 Budget</u>	<u>% of Budget</u>
General Fund	\$1,192,063	\$7,280,769	\$15,012,482	48%
Special Revenue (PIF, CTF, CRC, CRCX)	\$114,732	\$976,609	\$3,723,744	26%
Internal Service	\$151,945	\$1,437,808	\$2,970,181	48%
Other Entities (WBA, Ec Dev Inc)	\$12,090	\$72,545	\$145,080	50%
Sub Total Gen Govt Operations	\$1,470,830	\$9,767,731	\$21,851,487	45%
<u>Enterprise Funds</u>				
Water-Operations	\$257,259	\$1,329,336	\$3,739,144	36%
Sewer-Operations	\$111,962	\$1,010,272	\$1,707,267	59%
Drainage-Operations	\$64,014	\$268,978	\$541,574	50%
Sub Total Enterprise Operations	\$433,235	\$2,608,586	\$5,987,985	44%
Operations Total	\$1,904,065	\$12,376,317	\$27,839,472	44%

plus transfers to CIF and Non-Potable for loan

Through June, operating and capital expenditures combined to equal 47% of the 2016 Budget.

<u>General Govt Capital</u>	<u>Current Month</u>	<u>YTD Actual</u>	<u>2016 Budget</u>	<u>% of Budget</u>
Capital Improvement Fund	\$768,073	\$3,482,862	\$11,678,171	30%
CRC Expansion Fund	\$1,240,036	\$6,251,488	\$8,049,363	78%
<u>Enterprise Fund Capital</u>				
Water	\$56,747	\$1,429,392	\$5,269,134	27%
Sewer	\$118,151	\$566,179	\$1,717,982	33%
Drainage	\$568,890	\$2,916,439	\$3,048,595	96%
Sub Total Enterprise Capital	\$743,788	\$4,912,010	\$10,035,711	49%
Capital Total	\$2,751,897	\$14,646,360	\$29,763,245	49%
Total Budget	\$4,655,962	\$27,022,677	\$57,602,717	47%

All Funds Expenditures

The Town is where it should be at this time of year regarding expenditures. Operating expenditures will pick up in the next few months as we move into the busy spring and summer season. Construction on the CRC Expansion continues and will increase the pace of capital spending in addition to our annual street maintenance program.

General Fund Expense Chart

Department	Current Month	YTD Actual	2016 Budget	% of Budget	
410	Town Clerk/Customer Service	\$50,969	\$361,269	\$690,854	52.3%
411	Mayor & Board	\$89,941	\$575,523	\$1,103,343	52.2%
412	Municipal Court	\$1,511	\$7,936	\$19,630	40.4%
413	Town Manager	\$33,729	\$224,798	\$440,163	51.1%
415	Finance	\$52,059	\$353,307	\$659,277	53.6%
416	Human Resources	\$36,858	\$202,657	\$442,405	45.8%
418	Legal Services	\$29,167	\$183,497	\$380,497	48.2%
419	Planning & Zoning	\$44,021	\$287,522	\$701,114	41.0%
420	Economic Development	\$40,554	\$239,805	\$431,868	55.5%
421	Police	\$240,416	\$1,677,225	\$3,273,456	51.2%
428	Recycling	\$1,872	\$15,356	\$50,945	30.1%
429	Streets	\$105,865	\$510,750	\$1,217,066	42.0%
430	Public Works	\$25,526	\$178,915	\$365,326	49.0%
431	Engineering	\$62,572	\$422,523	\$887,113	47.6%
432	Cemetery	\$9,901	\$57,671	\$129,108	44.7%
433	Community Events	\$16,920	\$34,550	\$136,215	25.4%
450	Forestry	\$27,528	\$162,036	\$338,963	47.8%
451	Recreation Programs	\$158,262	\$820,910	\$1,712,976	47.9%
452	Pool/Aquatics	\$35,719	\$66,859	\$186,332	35.9%
454	Parks	\$88,989	\$640,821	\$1,297,222	49.4%
455	Safety/Loss Control	\$731	\$3,045	\$17,460	17.4%
456	Art & Heritage	\$19,805	\$131,882	\$279,437	47.2%
457	Town Hall	\$19,148	\$121,912	\$251,712	48.4%
Total General Fund Operations	\$1,192,063	\$7,280,769	\$15,012,482	48.5%	

General Fund Expenditures

General Fund operating expenditures are slightly below the 50% budget benchmark through June at 48.5%.

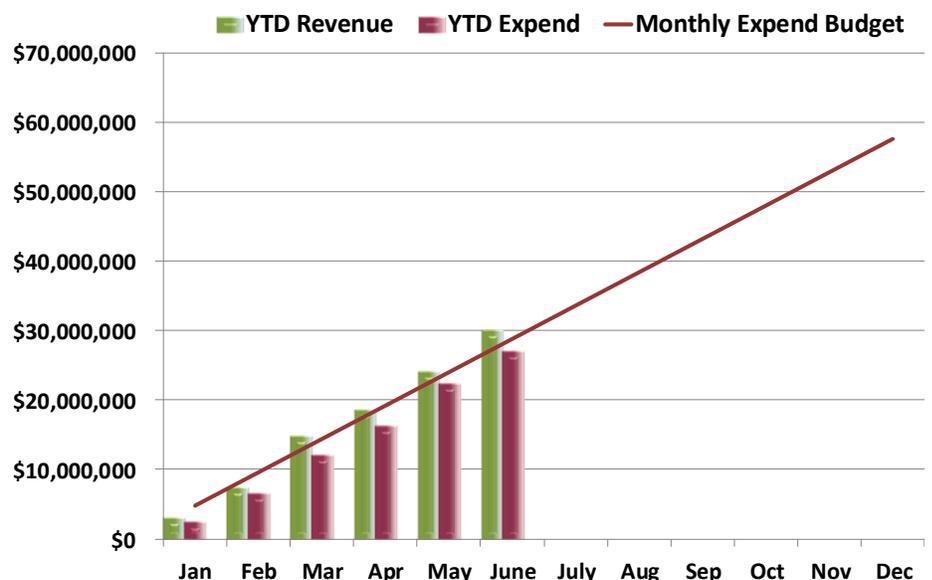
Revenue and Expenditure

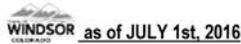
The chart on the right shows monthly revenue compared to monthly expenditure as well as a trend line showing the total 2016 budget expended equally over twelve months.

Our monthly budgeted total expenditures equal \$4,800,226. In June we collected \$5,957,005 in total revenue.

Look for the expenditure bar to get ahead of the budget pace as we near the end of the CRC expansion later this summer.

Combined Revenue and Expenditures





TOWN OF WINDSOR 2016 MAJOR CAPITAL PROJECT STATUS
arranged by reporting department

	2016 Projects	2016 Budget	Spent YTD	Dept.	Multi-Yr	Est. Start Process	Actual Start	% Complete	Est. Complete	Actual Complete
1	PW/Parks Maintenance Facility Design	2,333,000	\$243,412	T Mng	2014-2017	Aug-15		9%	2017	
2	IT - Studio Equipment Upgrade	125,000	\$0	Fin	2016	Apr 1	Apr 1	30%	Sep 1	
3	GIS Asset Management Software	150,000	\$51,554	Fin	2016	Apr 15	Jun-16	20%	mid Dec	
5	Eastman Pk/7th St Roundabout	1,085,320	\$27,835	Eng OH	2015-2016	2015	2015	25%	Sep 1	
6	County Line Road Mitigation design	50,000	\$10,402	Eng OH	2016-2017	mid Feb	May 1	40%	Aug 1	
7	Walnut St / Hwy 257 Turn Lane	55,000	\$0	Eng DB	2015-2016	2015	2015	48%	Sep 1	
8	9th Street Traffic Signal	180,000	\$34,553	Eng DW	2016	Jun 1	Jun-16	20%	Aug 1	
9	Crossroads-CR13 traffic signal	340,000	\$2,686	Eng OH	2016	mid Aug		30%	mid Aug	
10	Harmony Rd-CR15 traffic signal design	16,000	\$8,539	Eng OH	2016-2017	mid Apr	Apr 15	70%	mid Aug	
11	New Liberty Rd Extension	2,000,000	\$79,856	DW/KB	2016	Jun 1		30%	Nov 1	
12	GW Railroad Quiet Zone w/grant	2,200,000	\$1,855,995	Eng DB	2014-2016	2015	2015	80%	Sep 1	
13	Street Maintenance (overlay, crack seal, chip seal)	2,100,000	\$653,464	Eng CT	2016	Jan-15	Mar 1	60%	Oct 1	
14	Poudre River Maintenance	75,000	\$0	Eng DW	2016	May 1		0%	Sep 1	
15	Water Line Replacement 16th S of Riverbend	798,000	\$38,835	Eng CT	2015-2016	Jul 1		35%	Nov 1	
16	Kyger Reservoir Pump Station	2,315,281	\$157,843	Eng OH	2014-2017	Jul 1		40%	Feb 2017	
17	Update Storm Water Study	100,000	\$0	Eng DW	2015-2017	Feb	Feb	7%	Dec	
18	Law Basin Master Plan Channel - construction w/ PDM Grant - 2012-2015	1,998,095	\$1,851,714	Eng DR	2012-2016	2015	2015	85%	end Jun	
19	Law Basin West Tributary Channel - 2013-2015	1,050,500	\$1,064,725	Eng OH	2013-2016	2015	2015	80%	Aug 1	
20	Trail Cross 257/Grasslands; CR19#2 Ditch; CR13	108,107	\$35,698	Eng CT	2016	Apr 1	Apr 1	95%	Jul 1	
21	Main Park Shelter Replacement (2)	53,190	\$10,061	Eng OH	2015-2016	Nov 2015	1-Nov	99%	Jul 1	
22	Chimney Park south parking lot slurry/stripe	15,000	\$0	Eng CT	2016	Aug 1		35%	Oct 1	
23	Chimney Park North Shelter Replacement	27,310	\$4,418	Eng OH	2015-2016	Nov 2015	1-Nov	99%	Jul 1	
24	Cemetery streetscape sidewalk constructions	247,500	\$116,261	Eng CT	2015-2016	Jun 13	Jun 27	65%	Oct 1	
25	Boardwalk Trash Enclosure	40,150	\$0	Pks/WW	2016	Mar 1		0%	Jul 10	2018
26	Poudre Trail From Westwood Village w/grant	250,000	\$2,137	Pks/WW	2015-2016	Feb 1		0%	Aug 1	LT
27	Windsor Tr Jacoby easement 13 to New Cache Ditch	10,000	\$0	Pks/WW	2016	Feb 1		0%	Aug 1	
28	Windsor Tr 392 @ Highlands Design & Underpass	185,000	\$1,813	Pks/WW	2016	Feb 1	Feb 1	10%	mid Nov	LT
29	15th & Walnut Open Space Development	100,000	\$3,976	Pks/WW	2016	Aug 1		10%	mid Nov	
30	Poudre River Diversion Design w/grant	-	\$17,419	Pks/WW	2016	Oct 7	Jun	95%	EOY	
31	Main Park Irrigation design	9,000	\$0	Pks/WW	2016-2017	Mar 1		10%	Nov 1	
32	Main Park Pickle Ball Court	45,100	\$0	Pks/WW	2016	Jul 1		5%	mid Sep	
33	Boardwalk Performance Venue	500,000	\$7,044	Pks/WW	2016	Mar 1	Mar	99%	Jun 1	
34	Eaton House Structural Assess w/grant	15,000	\$5,650	Pks/AD	2015-2016	Jan	Feb	80%	July	
35	Museums-Phase 3 Landscaping documents	37,645	\$0	Pks/AD	2016	Aug 1		0%	Nov 1	2018
36	Museums - Depot siding	45,000	\$0	Pks/AD	2016	Aug 1		0%	Dec 1	
37	Eaton House Master Plan w/grant	25,000	\$11,316	Pks/AD	2016	Jan	Jan	100%	Jul 1	Jul 1
38	Chimney Pk North change to Non-potable	99,000	\$0	Pks/WW	2016	Sep		15%	Nov 1	
39	Automate splitter box E of Chimney Pk design	33,000	\$0	Pks/WW	2016-2017	Aug 1		0%	mid Nov	
40	GRC Expansion	7,215,695	\$6,097,055	Pks/EL	2014-2016	2015	2015	70%	Oct 1	
41	Railroad Impr CR15 Hwy 34	40,000	\$0	P Wks	2016	mid Apr		20%	Sep 1	
42	CR 15 South of Crossroads	130,000	\$0	P Wks	2016	Apr 1		0%	Sep 1	
43	Sewer Line Rehab	83,370	\$0	P Wks	2016	Apr 1		10%	Sep 1	
44	Chemical Treatment Facility	35,000	\$0	P Wks	2016	May 1		50%	Sep 1	
45	Sewer Nutrient Program w/grant	402,000	\$417,439	P Wks	2014-2016	2015	2015	100%	May 2016	Jul 1
46	Lift Station #4 Replacement	515,000	\$19,736	P Wks	2016	Sept		40%	EOY	
47	Repl. #1,12,14,36,70,81,82,83, leasing #35, 94, 52, 19, incl Toro - Chimney Park, incl tow behind broom	560,000	\$224,740	P Wks	2016	Jan-16		95%	Jul	
48	1 New Eng Vehicle/equipped #109	30,000	\$27,159	P Wks	2016	Jan-16		95%	Jul	
	Color key for funds =	PIF	CTF	CIF	WF	NPWF	SF	SDF	FF	ITF



Our Vision:

WINDSOR'S hometown feel fosters an energetic COMMUNITY SPIRIT AND PRIDE that makes our town a special place in Northern Colorado.

WINDSOR has a STRONG LOCAL ECONOMY with diverse business sectors that provide jobs and services for residents.

WINDSOR promotes QUALITY DEVELOPMENT.

WINDSOR residents enjoy a friendly community with a VIBRANT DOWNTOWN, HOUSING OPPORTUNITIES, CHOICES for LEISURE, CULTURAL ACTIVITIES, RECREATION, and MOBILITY for all.

WINDSOR is a GOOD ENVIRONMENTAL STEWARD.



2016 Monthly Financial Report

Town of Windsor
301 Walnut Street
Windsor, CO 80550

Phone: 970-674-2400
Fax: 970-674-2456

The Town of WINDSOR strengthens community through the fiscally responsible and equitable delivery of services, support of hometown pride, and encourages resident involvement.

*The bottom line focus of the 2016 budget allows us to maintain our service levels and fund important long-term capital improvements. The budget also focuses on outcomes related to the Strategic Plan. **The 2016 budget guiding tenets are providing employees fair compensation, the best work tools, and a safe work place within reasonable fiscal responsibility. This along with the resources focused on customer service will continue to make Windsor a premier community not only in Northern Colorado but in all of Colorado.***

We're on the Web

www.windsorgov.com



MEMORANDUM

Date: July 25, 2016
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
Scott Ballstadt, AICP, Director of Planning
From: Josh Olhava, AICP, Senior Planner
Subject: Ordinance No. 2016-1522 – An Ordinance Annexing and Zoning Certain Territory known as the Labue Farm Annexation to the Town of Windsor, Colorado – TROLLCO Inc., VIMA Partners LLC., and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant's representative

Resolution No. 2016-54 – A Resolution Approving an Annexation Agreement between the Town of Windsor and VIMA Partners LLC, TROLLCO Inc., and the Weld RE-4 School District with Respect to the Labue Farm Annexation to the Town of Windsor, Colorado – VIMA Partners LLC, TROLLCO Inc, and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant's representative

Location: North of and adjacent to Crossroads Boulevard; east of the Raindance property; west of the South Hill 2nd Filing Subdivision; and south of the Hilltop Estates Subdivision

Item #: C.1.C.2

Background:

Ordinance No. 2016-1522:

The applicants, represented by Mr. Patrick McMeekin, are requesting to annex approximately 155.4 acres to the Town of Windsor. The property is divided amongst three separate property owners: VIMA Partners, LLC; TROLLCO, Inc.; and the Weld RE-4 School District. As depicted on the enclosed Annexation Plat, the applicants are requesting Recreation and Open Space (O) zoning for the entire property.

The applicant's representative held a neighborhood meeting on November 17, 2015. There were approximately four neighbors from the Hilltop Estates Subdivision present. The few questions and comments by the neighbors pertained to future development plans for the site and the timing of any new development. As no development is currently planned for the site, there were no concerns or additional questions specific to the Labue Farm Annexation from the neighbors. On May 23, 2016, the Town Board adopted Resolution No. 2016-35 Making Certain Findings of Fact and Setting the Public Hearing Dates for the Labue Farm Annexation (Planning Commission on July 6, 2016 and Town Board on July 11, 2016). On July 6, 2016, the Planning Commission held a Public Hearing and made a recommendation of approval to the Town Board on the Labue Farm Annexation. On July 11, 2016, the Town Board held a public hearing on Ordinance No. 2016-1522. There was no public in attendance for either the Planning Commission or Town Board public hearings. The Town Board did have a few questions on the application; an excerpt of the July 11, 2016 minutes is enclosed for reference.

Resolution No. 2016-54:

Following the Town Board’s action on Ordinance No. 2016-1522, the Town Board may review Action Item C.2, which is Resolution No. 2016-54 approving an Annexation Agreement between the Town of Windsor and the applicant’s for the Labue Farm Annexation.

Conformance with Comprehensive Plan: The application is consistent with the following goals and objectives of the 2016 Comprehensive Plan:

Chapter 5a – Land Use Plan

- The proposed zoning designation is consistent with the land use plan which identifies this property as Parks/Open Space.

Chapter 5b - Growth Framework

Goal:

Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.

- Approval of the Labue Farm Annexation with the Recreation and Open Space zoning designation meets the intent of this goal and is consistent with the Growth Strategy Map as this property is designated as a ‘Primary Growth Area’.

Conformance with Vision 2025: The application is consistent with Growth and Land Use Management elements of the Vision 2025 document.

Recommendation:

Ordinance No. 2016-1522

At their July 6, 2016 regular meeting, the Planning Commission forwarded a recommendation of approval of the Labue Farm Annexation and Zoning designation to the Town Board, as presented, and staff concurs with this recommendation. In addition, the Town Board unanimously approved the Labue Farm Annexation and Zoning designation on 1st Reading at their July 11, 2016 meeting.

Resolution No. 2016-54

Staff recommends approval of Resolution No. 2016-54 as presented.

Notification: The following notifications were completed in accordance with the Municipal Code:

Public Hearing notifications for Planning Commission and Town Board public hearings were as follows:

- May 27, 2016 – public hearing notice published on the Town website
- May 27, 2016 – staff submitted legal ad to the Paper to run for 4 consecutive weeks
 - June 3, 2016 – first week legal ad
 - June 10, 2016 – second week legal ad
 - June 17, 2016 – third week legal ad
 - June 24, 2016 – fourth week legal ad

July 25, 2016

Town Board – memo – Labue Farm Annexation and Zoning – 2nd Reading

- May 27, 2016 – large annexation sign posted on the property
- May 27, 2016 – staff mailed Certified Packets to relevant taxing districts
- June 22, 2016 – applicant mailed letters to surrounding property owners

Enclosures: Ordinance No. 2016-1522
Resolution No. 2016-54
Annexation Petition
Labue Farm Annexation Plat
Minutes from the July 11, 2016 Town Board Public Hearing
Aerial Exhibit

pc: Patrick McMeekin, applicant's representative
Dan Seegmiller, Superintendent of Weld RE-4 Schools

TOWN OF WINDSOR

ORDINANCE NO. 2016-1522

AN ORDINANCE ANNEXING AND ZONING CERTAIN TERRITORY KNOWN AS THE “LABUE FARM ANNEXATION” TO THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers and authority attendant thereto; and

WHEREAS, pursuant to the Municipal Annexation Act of 1965 and the *Windsor Municipal Code*, an annexation petition has been filed with the Town Clerk requesting the annexation of certain territory more particularly described herein; and

WHEREAS, the Town Board has found and concluded that the aforementioned annexation petition meets the requirements set forth in § 31-12-104 and § 31-12-105, C.R.S.; and

WHEREAS, pursuant to the requirements of law, public hearings on the aforementioned annexation petition were held before the Windsor Planning Commission on July 6, 2016, and before the Windsor Town Board on July 11, 2016; and

WHEREAS, a community of interest exists between the territory to be annexed and the Town; and

WHEREAS, not less than one-sixth of the perimeter of the area to be annexed is contiguous to the Town’s existing corporate limits; and

WHEREAS, the territory to be annexed is urban or will be urbanized in the near-future, and has been integrated or is capable of being integrated within the Town; and

WHEREAS, the Town Board finds that all requirements of the Municipal Annexation Act of 1965 have been complied with; and

WHEREAS, the petitioner has agreed to comply with all of the ordinances of the Town and to pay all fees set out in those ordinances in connection with this annexation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. The territory to be annexed is located in the County of Weld, State of Colorado, and is precisely described in “Exhibit A” attached hereto and incorporated herein by this reference as if set forth fully.

Section 2. The property described in Exhibit A is hereby annexed to the Town of Windsor, and shall henceforth be referred to as the “Labue Farm Annexation to the Town of Windsor, Colorado”.

Section 3. The annexation of the aforesaid territory shall be deemed complete on the effective date of this Ordinance, except for the purposes of general property taxes pursuant to § 31-12-113, C.R.S.

Section 4. The territory to be annexed shall be zoned with a Recreation and Open Space - ‘O’ zoning district classification, with such zoning classification thereafter being shown on the Official Annexation Map on file in the office of the Director of Planning for the Town.

Section 5. The Town’s Official Zoning District Map shall be changed in accordance with this Ordinance and in accordance with the zoning classification assigned to the subject property following the effective date of this annexation on said Official Annexation Map, and entries shall be made thereon noting the annexation of the aforementioned territory. Such entries, together with a brief description of the nature of the change, shall be signed by the Mayor, attested to by the Town Clerk, and properly filed with the Weld County Clerk and Recorder.

Section 6. The Annexor is directed to comply with the requirements of *Windsor Municipal Code* Section 15-1-60 within 30 days of the effective date of this Ordinance.

Introduced, passed on first reading, and ordered published this 11th day of July, 2016.

TOWN OF WINDSOR, COLORADO

By _____
Kristie Melendez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 25th day of July, 2016.

TOWN OF WINDSOR, COLORADO

By _____
Kristie Melendez, Mayor

ATTEST:

Patti Garcia, Town Clerk

“EXHIBIT A”
Labue Farm Annexation
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN WELD COUNTY, COLORADO; BEING LOT B, RECORDED EXEMPTION RE 1415, A PORTION OF THE SOUTH HALF OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AND A STRIP OF LAND ALONG THE NORTH LINE OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 32 AS RECORDED ON THE PLAT OF SOUTH HILL SUBDIVISION AS RECORDED AT THE WELD COUNTY CLERK AND RECORDER'S OFFICE UNDER RECEPTION NUMBER 3563934, FROM WHENCE THE CENTER QUARTER (1/4) CORNER OF SECTION 32 BEARS N06°07'29"W A DISTANCE OF 2692.30 FEET ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 32; BEING MONUMENTED ON THE SOUTH BY A 3 1/4" ALUMINUM CAP STAMPED LS 23520 AND ON THE NORTH END BY 3 1/4" ALUMINUM CAP STAMPED LS 33642; AND CONSIDERING ALL OTHER BEARINGS RELATIVE THERETO;

THENCE ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 32 S89°23'40"W A DISTANCE OF 114.39 FEET TO THE **POINT OF BEGINNING**;

THENCE S00°36'34"E A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF CROSSROADS BOULEVARD AS DEDICATED IN BOOK 48, PAGE 349;

THENCE ON SAID RIGHT OF WAY LINE S89°23'40"W A DISTANCE OF 2627.17' FEET TO A POINT ON THE WEST LINE OF SECTION 5;

THENCE ON SAID WEST LINE N01°54'17"E A DISTANCE OF 30.03 FEET TO THE SOUTHWEST CORNER OF SECTION 32; THENCE OF THE WEST LINE OF SAID SECTION 32 N04°36'32"W A DISTANCE OF 49.53 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF CROSSROADS BOULEVARD AS DEDICATED IN A DOCUMENT RECORDED AT RECEPTION NUMBER 2856039;

THENCE ON SAID RIGHT OF WAY N88°47'54"E A DISTANCE OF 30.07 FEET;

THENCE CONTINUING ON SAID RIGHT OF WAY S89°38'44"E A DISTANCE OF 1171.99 FEET;

THENCE CONTINUING ON SAID RIGHT OF WAY N89°23'53"E A DISTANCE OF 225.45 FEET TO A POINT ON THE EAST LINE OF LOT A, RECORDED EXEMPTION 3758;

THENCE ON SAID EAST LINE N05°14'32"E A DISTANCE OF 341.44 FEET TO THE NORTHEAST CORNER OF SAID LOT A;

THENCE ON THE NORTH LINE OF SAID LOT A N88°09'44"W A DISTANCE OF 390.76 FEET TO THE NORTHEAST CORNER OF LOT B, RECORDED EXEMPTION 3758;

THENCE ON THE NORTH LINE OF SAID LOT B S89°03'04"W A DISTANCE OF 1074.62 FEET TO THE NORTHWEST CORNER OF SAID LOT;

THENCE ON THE WEST LINE OF SAID LOT S01°33'34"E A DISTANCE OF 330.56 FEET;

THENCE S88°47'54"W A DISTANCE OF 2.63 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 32;

THENCE ON SAID WEST LINE N04°36'31"W A DISTANCE OF 2648.15 FEET TO THE WEST QUARTER CORNER OF SECTION 32;

THENCE ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 32 N89°38'11"E A DISTANCE OF 2669.67 FEET TO THE CENTER QUARTER CORNER OF SECTION 32;

THENCE ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 32 N89°38'11"E A DISTANCE OF 155.98 FEET TO THE NORTHWEST CORNER OF TRACT A, OF SAID SOUTH HILL SUBDIVISION;

THENCE ON THE WEST LINE OF SAID TRACT S00°21'39"E A DISTANCE OF 2679.19 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT CONTAINS 158.423 ACRES (6,900,923 SQUARE FEET) MORE OR LESS AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS NOW IN USE OR OF RECORD.

EXHIBIT A
DATE: MAY 17, 2016
JOB NO. 732.0160.00
SHEET 1 OF 1



748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557
Fax: 970.226.0204

TOWN OF WINDSOR

RESOLUTION NO. 2016-54

A RESOLUTION APPROVING AN ANNEXATION AGREEMENT BETWEEN THE TOWN OF WINDSOR AND VIMA PARTNERS LLC, TROLLCO INC, AND THE WELD RE-4 SCHOOL DISTRICT WITH RESPECT TO THE LABUE FARM ANNEXATION TO THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Windsor Town Board has approved for final adoption Ordinance No. 2016-1522, under which the annexation of certain real property proposed as the “Labue Farm Annexation” has been accomplished; and

WHEREAS, pursuant to longstanding policy, the Town has entered into the attached Labue Farm Annexation Agreement as Applied to Property Held by VIMA Partners, LLC, Trollco Inc, and the Weld RE-4 School District (“Agreement”), the terms of which are incorporated herein by this reference as if set forth fully; and

WHEREAS, the Town Board finds that it has the statutory authority to require the terms set forth in the Agreement as a condition of annexation; and

WHEREAS, the Town Board wishes to approve the Agreement in order that future development of the property is achieved through sound land use planning.

NOW, THEREFORE, IT IS FOUND AND RESOLVED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

1. The attached Labue Farm Annexation Agreement is hereby approved.
2. The Mayor is hereby authorized to execute the said Agreement on the Town’s behalf.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 25th day of July, 2016.

TOWN OF WINDSOR, COLORADO

Kristie Melendez, Mayor

ATTEST:

Patti Garcia, Town Clerk

LABUE FARM ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this 12th day of May, 2016, by and between the TOWN OF WINDSOR, COLORADO, a Colorado home rule municipal corporation (hereinafter referred to as the "Town"), VIMA PARTNERS LLC., a limited liability company organized under the laws of the State of Colorado, TROLLCO Inc. (collectively, "Annexor"), and the Weld County RE-4 School District ("District").

WITNESSETH:

WHEREAS, District and Annexor are the owners of the property more fully described in Exhibit "A", attached hereto and incorporated herein by this reference, which shall henceforth be known as the Labue Farm Annexation to the Town of Windsor, Colorado (hereafter referred to as the "Property"); and

WHEREAS, the District owns a parcel within the Property which is intended for development as a school site; and

WHEREAS, the District's school site parcel will be developed in accordance with the requirements of § 22-32-124, C.R.S., and the Division of Fire Prevention and Control within the Colorado Department of Public Safety ("Public School Development Protocols"); and

WHEREAS, the Town has previously permitted the Annexor to transfer sanitary sewer capacity from the Property to other property owned or controlled by the Annexor, such that the Property has largely been rendered incapable of residential development; and

WHEREAS, notwithstanding the transfer of sanitary sewer capacity from the Property, there remains sufficient sanitary sewer capacity to support development of the District's parcel within the Property as a school site; and

WHEREAS, at the request of the Town, Annexor has filed an annexation petition for the annexation of the Property; and

WHEREAS, the Town has approved and accepted the petition for annexation to annex the Property to the Town; and

WHEREAS, by the terms and conditions of this Annexation Agreement, the parties have provided for zoning of the property consistent with the comprehensive plan of the Town and have provided for certain requirements for the subsequent development of the Property; and

WHEREAS, the parties intend that the Annexor and its successors and assigns shall be exclusively responsible for Annexor's undertakings as set forth herein; and

WHEREAS, the District is a signatory to this Agreement only due to its ownership interest in the Property, and is not undertaking any Annexor responsibilities under this Agreement.

NOW, THEREFORE, for the benefits to be derived by each, and in exchange of the mutual covenants and performances of the parties hereto, it is agreed between the parties as follows:

I. PREAMBLE

The parties agree that the recitals contained in the preamble set forth above are true and correct and that those recitals are hereby incorporated into the body of this Annexation Agreement.

II. ZONING

The Town agrees that upon annexation the Property shall be zoned in conformance with the Town's Recreation and Open Space "O" designation. It is further understood and agreed that the aforesaid zoning designation does not waive the authority of the Annexor, the District or the Town to initiate rezoning of the land in accordance with the ordinances of the Town and the laws of the State of Colorado.

III. PUBLIC IMPROVEMENTS

Prior to the development of its portion of the Property, subject to the provisions of the next paragraphs below, Annexor acknowledges that it will be required to enter into an agreement for the construction and maintenance of public improvements. The terms and conditions of this Annexation Agreement shall not limit the subject matter of any subsequent agreement for public improvements and shall not be construed to prohibit or in any way limit the Town from requiring performance of reasonable requirements by the Annexor prior to approving any development plan.

In the event a third party in writing assumes any or all of the Annexor's obligations under this Section III or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section III with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party. In no event will the Town be responsible for the cost of public improvements within the Property.

In the event the District undertakes development of its portion of the Property, it is understood that neither the Town nor the Annexor will be responsible for the cost of public improvements serving the District's portion of the Property.

IV. STREETS

A. **Street Standards and Improvements.** Annexor understands and agrees that concurrently with any proposal for development of any kind whatsoever of Annexor's portion of the Property, including oil and gas surface activity and/or pipeline installation, the Annexor shall be solely responsible for dedicating to the Town all necessary rights-of-way for the full width of all proposed streets within the Property or on the exterior boundaries of the Property, without cost to the Town. Subject to the provisions of Section D below, the Annexor shall be solely responsible for the cost to install all streets within the Property. The Annexor further understands and agrees to fully construct and improve, at its sole expense, all such streets in conformity with the applicable ordinances, rules, regulations, and engineering specifications of the Town in effect at the time of any development proposal.

B. **Future Access to Crossroads Boulevard.** Concurrently with any proposal for development within the Property which calls for or requires access to Crossroads Boulevard, the Annexor shall present a professional traffic study for the purpose of evaluating roadway improvements necessary to address the impact of such development. The cost of the traffic study required under this sub-section shall be borne entirely by the Annexor, and the cost of any access features recommended in the traffic study shall be likewise borne entirely by the Annexor.

C. **Future Access between RainDance development and District Property.** At such time as the District develops its portion of the Property for one or more school sites, the Annexor shall present a professional traffic study for the purpose of evaluating roadway improvements necessary to provide vehicular connectivity between the proposed RainDance development and the District's school site. The cost of the traffic study required under this sub-section shall be borne entirely by the Annexor, and the cost of any access features recommended in the traffic study shall be likewise borne entirely by the Annexor.

D. In the event a third party in writing assumes any or all of the Annexor's obligations under this Section IV or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section IV with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party. In no event will the Town be responsible for the cost of traffic studies, street dedications and street construction within the Property.

In the event the District undertakes development of its portion of the Property, it is understood that neither the Town nor the Annexor will be responsible for the cost of street dedications and street construction serving the District's portion of the Property.

V. FEES

A. As part of any development proposal for Annexor's portion of the Property, subject to Paragraph B below, Annexor agrees to comply with all of the development requirements of the Town in effect at the time the development proposal is made, including but

not limited to, all applicable land dedication requirements, cash in lieu of land dedication requirements, all building permit fees in effect at the time the building permit application is deemed complete, all impact fees, including but not limited to, fees for schools, parks, roads, storm drainage, and water and sewer plant investment fees. Annexor hereby acknowledges the legality, necessity and validity of the aforesaid development requirements.

B. In the event a third party in writing assumes any or all of the Annexor's obligations under this Section V or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section V, with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party or waived by the Town. In no event will the Town be deemed to have waived applicable land dedication requirements, cash in lieu of land dedication requirements, building permit fees or impact fees assessed in association with development within the Property.

In the event the District undertakes development of its portion of the Property, it is understood that neither the Town nor the Annexor will abide by the Public School Development Protocols with respect to land dedication requirements, cash in lieu of land dedication requirements, building permit fees or impact fees assessed in association with District development within the Property.

VI. WATER SERVICES

A. As part of any development proposal for its portion of the Property, Annexor agrees to install, at its sole expense, such water lines and facilities as may be required by the Town. Additionally, and as agreed to by the parties either through the subdivision platting process or by a separate agreement, Annexor further agrees to obtain and dedicate at its sole expense all necessary unobstructed rights-of-ways for utility easements needed for water lines and facilities to allow service to the Property or for transmission through the Property, in sizes and capacities as prescribed by the Town.

B. Subject to Paragraph C below, upon development, Annexor shall design and install, at its sole expense, water lines, fire hydrants and related appurtenances within the Property in accordance with all of the requirements and specifications of the Windsor-Severance Fire Protection District and the Town, and the Annexor shall provide evidence of compliance to the Town prior to the issuance of any building permits for the Property.

C. In the event a third party in writing assumes any or all of the Annexor's obligations under this Section VI or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section VI with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party. In no event will the Town be responsible for the cost of water lines, rights-of-ways for utility easements or for water transmission within or through the Property.

In the event the District undertakes development of its portion of the Property, it is understood that neither the Town nor the Annexor will be responsible for the cost of water lines, rights-of-ways for utility easements or for water transmission through the District's portion of the Property.

VII. WATER RIGHTS

A. Annexor agrees that subject to the provisions of Paragraph B below, prior to the issuance of any building permits for its portion of the Property and solely at its expense, the Annexor shall dedicate to the Town all such raw water rights as may be required by the Town in effect at the time of application for the first building permit for the Property.

B. In the event a third party in writing assumes any or all of the Annexor's obligations under this Section VII or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section VII with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party. In no event will the Town be responsible for the cost of raw water rights attributable to development within the Property.

In the event the District undertakes development of its portion of the Property, it is understood that the neither the Town nor the Annexor will be responsible for the provision of raw water rights attributable to development of the District's portion of the Property.

VIII. SANITARY SEWER SERVICES

A. As part of any development proposal of any kind whatsoever for its portion of the Property, Annexor agrees, subject to Paragraph B below, to install such sanitary sewer lines and facilities as may be required by the Town, and Annexor further agrees to obtain and dedicate all necessary unobstructed rights-of-way for utility easements needed for sanitary sewer lines and facilities to allow service to the Property or for transmission through the Property, in sizes and capacities as prescribed by the Town. All sanitary sewer improvements and easement/right-of-way dedications shall be at no cost to the Town.

B. In the event a third party in writing assumes any or all of the Annexor's obligations under this Section VIII or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section VIII with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party. In no event will the Town be responsible for the cost of sanitary sewer lines and facilities, nor rights-of-way for sanitary sewer utility easements necessary for development within the Property.

In the event the District undertakes development of its portion of the Property, it is understood that the neither the Town nor the Annexor will not responsible for the cost of sanitary sewer lines and facilities, nor rights-of-way for sanitary sewer utility easements attributable to development of the District's portion of the Property.

IX. STORM DRAINAGE

A. As part of any development proposal of any kind whatsoever for its portion of the Property, including oil and gas activity and/or pipeline installation, subject to Paragraph B below, Annexor agrees to install storm drainage improvements and facilities as may be required by the Town, and further agrees to dedicate all necessary unobstructed rights-of-way and easements for storm sewer to serve the Property or for transmission of water through the Property, in sufficient sizes and widths for such facilities and maintenance as prescribed by the Town. All storm drainage improvements and easement/right-of-way dedications shall be at no cost to the Town.

B. All storm drainage improvements and facilities shall be constructed concurrently with any development of the Property in a manner that shall minimize flooding in developed areas. Upon review and recommendation by the Town Engineer, the Annexor shall participate in and provide for the required improvements and facilities to implement the Town's Drainage Master Plan.

C. As required by § 37-92-602(8), C.R.S., and in accordance with Town development review policy, the Annexor will provide notification to all parties on the substitute water supply plan notification list maintained by the state engineer pursuant to § 37-92-308(6) C.R.S. for Division 1 of the Colorado Division of Water Resources.

D. In the event a third party in writing assumes any or all of the Annexor's obligations under this Section IX or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section IX with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party. In no event will the Town be responsible for the cost of storm drainage facilities, nor rights-of-way for storm water utility easements necessary for development within the Property.

In the event the District undertakes development of its portion of the Property, it is understood that neither the Town nor the Annexor will be responsible for the cost of storm water facilities, nor rights-of-way for storm water utility easements attributable to development of the District's portion of the Property.

X. NON-POTABLE IRRIGATION SYSTEM

The Annexor understands and agrees to all of the following terms and conditions pertaining to the establishment of a non-potable irrigation system for the Property.

A. Prior to the application for any building permits for the Property and if required pursuant to applicable provisions of the *Windsor Municipal Code*, Annexor, subject to Paragraph C below, shall construct a non-potable irrigation system for the Property in accordance with the applicable provisions of the *Windsor Municipal Code*.

B. The non-potable system, to the extent required by the applicable provisions of the *Windsor Municipal Code*, shall be fully operational, capable of serving each developed lot or tract within the Property and unconditionally approved by the Town prior to the issuance of any Town building permits for the Property.

C. In the event a third party in writing assumes any or all of the Annexor's obligations under this Section X or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section X with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party. In no event will the Town be responsible for the cost of required non-potable irrigation facilities, nor rights-of-way for non-potable irrigation system easements necessary for development within the Property.

In the event the District undertakes development of its portion of the Property, it is understood that neither the Town nor the Annexor will be responsible for the cost of non-potable irrigation facilities, nor rights-of-way for non-potable irrigation facility easements attributable to development of the District's portion of the Property.

XI. DREDGING, FILLING AND/OR EXCAVATING

Any work within the Property shall comply with all applicable federal, state and local regulations related to wetlands, floodway, floodplain, excavation or filling. All permits required under such regulations shall be applied for, obtained and complied with at the sole expense of Annexor.

The Annexor further agrees that prior to the commencement of any excavation and/or filling activities, the Annexor or the developer of the Property shall provide the Town Engineer with copies of all such permits and/or information pertaining to any such activities. Where required under the applicable provisions of the *Windsor Municipal Code*, the Annexor must receive written approval from the Town Engineer for commencement of any excavation and/or filling activities.

XII. SCHOOL DISTRICT REQUIREMENTS

A. The parties acknowledge that, under the current status of sanitary sewer treatment capacity available to the Property, it is unlikely that residential development will occur. However, in the event that residential development is made possible through the provision of additional sanitary sewer treatment capacity available to the Property, this Section shall apply. As part of the first residential development proposal for the Property and in accordance with all of the terms and conditions of the Intergovernmental Agreement between the Town and the District, subject to Paragraph B below, the Annexor agrees to provide a written statement from the District to the Town's Director of Planning, in which the District acknowledges that all requirements for dedication of land or payment of cash in lieu thereof have been met for a school site within the Property. Moreover, the size of all such future school sites shall be measured in net acres, with this net acreage being exclusive of any other land to be dedicated for any street

rights-of-way, railroad rights-of-way, detention areas, trail easements, etc., as determined by the District and the Town. Nothing herein shall be deemed to modify or qualify the contents of any agreements between the Annexor and the District.

B. In the event a third party writing assumes in writing any or all of the Annexor's obligations under this Section XII or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section XII with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party. In no event will the Town be responsible for the cost of land dedication or payment of cash in lieu thereof arising out of the Intergovernmental Agreement between the Town and the District.

XIII. PUBLIC PARK SITE REQUIREMENTS

A. The parties acknowledge that, under the current status of sanitary sewer treatment capacity available to the Property, it is unlikely that residential development will occur. However, in the event that residential development is made possible through the provision of additional sanitary sewer treatment capacity available to the Property, this Section shall apply. As part of any residential development proposal within the Property, subject to Paragraph C below, the Annexor agrees to donate at its sole expense one or more public park sites, the sizes and locations of which shall be determined based upon (a) the amount of residential lots, sites and housing types that will be platted on the preliminary plat for the proposed development, (b) the usability of all such park land, and (c) the Annexor's compliance with all park land dedication criteria, ordinances and land use requirements in effect at the time the proposal for development is submitted for the Property. The size of all such future park sites shall be measured in net acres, with this net acreage being exclusive of any other land to be dedicated for any street rights-of-way, railroad rights-of-way, detention areas, trail easements, community garden space, etc., as determined by the Town.

B. The Annexor further understands and agrees that as a condition of approval of the first residential development proposal for the Property, the Annexor shall enter into an agreement with the Town concerning the delivery of non-potable water to all public park sites for the irrigation of grass and all other vegetation on all public park sites. The Annexor shall be responsible for all costs associated with the provision of and delivery of non-potable water to the Town's park sites within the Property. Under no circumstances will the Town be required to pay any cost associated with irrigation water delivered to its public park sites, nor any systems through which irrigation water is delivered to its public park sites.

C. In the event a third party in writing assumes any or all of the Annexor's obligations under this Section XIII or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section XIII with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party. In no event will the Town be responsible for the cost of public park land dedication or payment of cash in lieu thereof required within the Property, nor

required non-potable irrigation facilities serving same, nor rights-of-way for non-potable irrigation system easements necessary for park site development within the Property.

XIV. PUBLIC TRAIL REQUIREMENTS

A. In conjunction with the District's development of one or more school sites within the Property, Annexor agrees to dedicate to the Town all easements necessary for one or more public trails within Annexor's portion of the Property to serve the said school site(s), with the scope and location of any such public trails being guided by the Town's Trails Master Plan. Trails identified on the Trails Master Plan as "proposed" are generally major corridors which shall be developed and used to determine further development of trails within subdivisions. The scope and location of any such public trails shall be determined by the Town's Parks, Recreation and Culture Department in coordination with the Annexor and the District. The size, location, scope, and dedication of any such public trail easements shall be exclusive of any of the land being dedicated for either any of the School District Requirements in Article XII above or for any of the Public Park Site Requirements in Article XIII above.

B. In the event a third party in writing assumes any or all of the Annexor's obligations under this Section XIV or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section XIV with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party. In no event will the Town be responsible for the cost of required trails, nor rights-of-way for trail system easements necessary for development within the Property.

In the event the District undertakes development of its portion of the Property, it is understood that neither the Town nor the Annexor will be responsible for the cost of trail construction and maintenance, nor rights-of-way for trail system easements within the District's portion of the Property.

XV. OTHER PUBLIC LAND DEDICATIONS

As part of any development proposal of any kind whatsoever within the Property or within property immediately adjacent to the Property from which stormwater drainage flows into the Property, the Annexor agrees, subject to the Paragraphs below, to dedicate to the Town such right-of-ways/easements or conveyances for storm water drainage ways and facilities.

In the event a third party in writing assumes any or all of the Annexor's obligations under this Section XV or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section XV with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party. In no event will the Town be responsible for the cost of required stormwater facilities not dedicated to the Town, nor rights-of-way for stormwater system easements necessary for development within the Property or property immediately adjacent thereto.

In the event the District undertakes development of its portion of the Property, it is understood that neither the Town nor the Annexor will be responsible for the cost of stormwater facilities not dedicated to the Town, nor rights-of-way for stormwater facility easements attributable to development of the District's portion of the Property.

XVI. NOTICE TO MINERAL ESTATE OWNERS AND CERTIFICATION THEREOF

A. Subject to Paragraph B below, Annexor acknowledges that as a condition of approval of any application for development, Annexor must comply with the notification requirements of §10-11-123, C.R.S., as amended, by providing notification to mineral estate owners, and by thereafter certifying to the Town, pursuant to § 24-65.5-103, C.R.S., as amended, that such notice has been provided.

B. In the event a third party in writing assumes any or all of the Annexor's obligations under this Section XVI or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section XV with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party. In no event will the Town be responsible for the cost of or effort associated with mineral owner notification or surface owner statutory compliance within the Property.

XVII. MYLAR DRAWINGS AND ELECTRONIC COPY OF DRAWINGS

Prior to the Annexation Ordinance for the Property being placed on a Town Board agenda for consideration of approval on second reading, the Annexor shall comply in full with both of the following conditions:

a. Mylar Drawings: The Annexor shall provide to the Director of Planning the required number of copies of the translucent original mylar drawings of both the Annexation map and the Master Plan pursuant to the Windsor Municipal Code to be recorded in the office of the County Clerk and Recorder as well as the complete set of translucent original mylar utility and drainage plan drawings. The mylars shall include signatures as required. Reproduction mylars, dark-colored or tinted mylars and sepias will not be accepted.

b. Electronic Copy of Drawings: The Developer shall provide to the Director of Planning a certified copy of a compact disc (CD) or other electronic data storage format as approved by the Town which shall contain the information exactly as is contained within the Annexation map as finally approved by the Town. The CD shall be (1) formatted and certified in accordance with the Town's requirements, and (2) first approved by the Town's Geographic Information Systems (GIS) technician. Any Compact Disc (CD) or other approved digital media submitted pursuant to this Article shall conform to all requirements of the Town's then-current Electronic Document Submittal Standards, a copy of which are maintained by the Director of Planning. Incomplete or inaccurate CDs and CDs that are not certified will not be accepted.

XVIII. AGRICULTURAL USE, OIL AND GAS USE

The parties recognize that portions of the Property are currently being used for agricultural purposes. The Town agrees that Annexors may continue the agricultural activities which are presently being conducted on the Property. The size and scope of these agricultural activities may not be enlarged, expanded or supplemented in any manner which is not in compliance with the ordinances, rules, regulations, and other applicable codes of the Town in effect at the time of the Annexation. It is further understood that upon issuance of the first building permit for the Property, including any equivalent permits issued under the Public School Development Code, Annexor shall no longer be entitled to raise any livestock or keep barbed wire and/or electric fences within a one-quarter (1/4) mile radius of the perimeter of the lot upon which any such building permit or equivalent permit is issued. All such livestock and/or barbed wire and/or electric fences shall be removed from the respective portion of the Property within six (6) months of the date of issuance of the first building permit or equivalent permit for the portion of the Property.

In the event a third party in writing assumes any or all of the Annexor's obligations under this Section XVIII or by deed receives title to all or any portion of the Property, the Annexor shall be deemed released from performance of any obligations under this Section XVII with respect to the portion of the Property to which title has been transferred or which are expressly assumed by the third party. In no event will the Town be responsible for the cost of required action on the part of Annexor under this Section.

XIX. JUDICIAL REVIEW

In the event any persons or entities seek judicial review of the annexation of the Property pursuant to § 31-12-116, C.R.S., as amended, Annexor agrees that it shall assume, pay and be responsible for all of the Town's costs in connection with the defense of such petition including, but not limited to, attorney fees and costs.

XX. BINDING EFFECT

This Annexation Agreement shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs, and assigns. This Annexation Agreement shall be deemed a covenant running with the land.

XXI. GOVERNING LAW

This Annexation Agreement shall be interpreted in accordance with Colorado Law.

IN WITNESS WHEREOF, the parties hereto have executed this Annexation Agreement the day and year first written above.

TOWN OF WINDSOR, COLORADO

By: _____
Kristie Melendez, Mayor

ATTEST:

Patti Garcia, Town Clerk

ANNEXOR: VIMA PARTNERS, LLC
By: _____
Martin Lind, Manager

ANNEXOR: TROLLCO, INC
By: _____
Martin Lind, Manager

DISTRICT: WELD COUNTY RE-4 SCHOOL
DISTRICT
By: _____
Dan Seegmiller, Superintendent

“EXHIBIT A”

TO LABUE FARM ANNEXATION AGREEMENT

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN WELD COUNTY, COLORADO; BEING LOT B, RECORDED EXEMPTION RE 1415, A PORTION OF THE SOUTH HALF OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AND A STRIP OF LAND ALONG THE NORTH LINE OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 32 AS RECORDED ON THE PLAT OF SOUTH HILL SUBDIVISION AS RECORDED AT THE WELD COUNTY CLERK AND RECORDER'S OFFICE UNDER RECEPTION NUMBER 3563934, FROM WHENCE THE CENTER QUARTER (1/4) CORNER OF SECTION 32 BEARS N06°07'29"W A DISTANCE OF 2692.30 FEET ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 32; BEING MONUMENTED ON THE SOUTH BY A 3 1/4" ALUMINUM CAP STAMPED LS 23520 AND ON THE NORTH END BY 3 1/4" ALUMINUM CAP STAMPED LS 33642; AND CONSIDERING ALL OTHER BEARINGS RELATIVE THERETO;

THENCE ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 32 S89°23'40"W A DISTANCE OF 114.39 FEET TO THE **POINT OF BEGINNING**;

THENCE S00°36'34"E A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF CROSSROADS BOULEVARD AS DEDICATED IN BOOK 48, PAGE 349;

THENCE ON SAID RIGHT OF WAY LINE S89°23'40"W A DISTANCE OF 2627.17' FEET TO A POINT ON THE WEST LINE OF SECTION 5;

THENCE ON SAID WEST LINE N01°54'17"E A DISTANCE OF 30.03 FEET TO THE SOUTHWEST CORNER OF SECTION 32; THENCE OF THE WEST LINE OF SAID SECTION 32 N04°36'32"W A DISTANCE OF 49.53 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF CROSSROADS BOULEVARD AS DEDICATED IN A DOCUMENT RECORDED AT RECEPTION NUMBER 2856039;

THENCE ON SAID RIGHT OF WAY N88°47'54"E A DISTANCE OF 30.07 FEET;

THENCE CONTINUING ON SAID RIGHT OF WAY S89°38'44"E A DISTANCE OF 1171.99 FEET;

THENCE CONTINUING ON SAID RIGHT OF WAY N89°23'53"E A DISTANCE OF 225.45 FEET TO A POINT ON THE EAST LINE OF LOT A, RECORDED EXEMPTION 3758;

THENCE ON SAID EAST LINE N05°14'32"E A DISTANCE OF 341.44 FEET TO THE NORTHEAST CORNER OF SAID LOT A;

THENCE ON THE NORTH LINE OF SAID LOT A N88°09'44"W A DISTANCE OF 390.76 FEET TO THE NORTHEAST CORNER OF LOT B, RECORDED EXEMPTION 3758;

THENCE ON THE NORTH LINE OF SAID LOT B S89°03'04"W A DISTANCE OF 1074.62 FEET TO THE NORTHWEST CORNER OF SAID LOT;

THENCE ON THE WEST LINE OF SAID LOT S01°33'34"E A DISTANCE OF 330.56 FEET;

THENCE S88°47'54"W A DISTANCE OF 2.63 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 32;

THENCE ON SAID WEST LINE N04°36'31"W A DISTANCE OF 2648.15 FEET TO THE WEST QUARTER CORNER OF SECTION 32;

THENCE ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 32 N89°38'11"E A DISTANCE OF 2669.67 FEET TO THE CENTER QUARTER CORNER OF SECTION 32;

THENCE ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 32 N89°38'11"E A DISTANCE OF 155.98 FEET TO THE NORTHWEST CORNER OF TRACT A, OF SAID SOUTH HILL SUBDIVISION;

THENCE ON THE WEST LINE OF SAID TRACT S00°21'39"E A DISTANCE OF 2679.19 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT CONTAINS 158.423 ACRES (6,900,923 SQUARE FEET) MORE OR LESS AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS NOW IN USE OR OF RECORD.

EXHIBIT A
DATE: MAY 17, 2016
JOB NO. 732.0160.00
SHEET 1 OF 1

 TST, INC. CONSULTING ENGINEERS


748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.228.0557
Fax: 970.228.0204

ANNEXATION PETITION
C.R.S. 31-12-107(1)

We the landowners of more than 50% of the territory, excluding public streets and alleys, in the south half of Section 32 , Township 6 North, Range 67 West of the Sixth Principal Meridian; in Weld County, Colorado; said parcel being more particularly described as follows:

Lot B, Recorded Exemption number 1415, and the remaining portion of the southwest quarter of said section, except Lot A of Recorded Exemption number 1415; and except that portion of said quarter section conveyed by bargain and sale deed recorded at reception number 3067075, and including that portion of the southeast quarter of said section conveyed by bargain and sale deed recorded at reception number 3067076;
said territory containing 155.4 acres more or less; allege the following to be true and correct:

The perimeter of the proposed annexation has a distance of 11,624.7 feet, of which 8,127.3 feet are contiguous to the existing TOWN limits of the TOWN OF WINDSOR. A minimum of 1/6 of the perimeter of the proposed annexation is contiguous to the TOWN OF WINDSOR.

We further allege:

1. It is desirable and necessary that said territory be annexed to the TOWN OF WINDSOR.
2. A community of interest exists between the said territory and the TOWN OF WINDSOR.
3. Said territory is urban or will be urbanized in the near future.
4. Said territory is integrated or capable of being integrated with the TOWN OF WINDSOR.
5. No land held in identical ownership is divided into separate parcels unless the owner of said tract has consented in writing or joins in this Petition.
6. No land held in identical ownership comprises 20 acres and together with improvements had an assessed valuation in excess of \$200,000.00 in the year preceding the filing of this Petition.
7. No proceedings for annexation of the territory have been commenced for annexation to another municipality.
8. The signers hereof comprise the landowners of more than 50% of the territory proposed to be annexed exclusive of streets and alleys, and are in fact owners of 100% of the hereinafter described property.

Therefore, the undersigned hereby request that the TOWN OF WINDSOR approve the annexation of the area described above and do herewith pay the required fees.

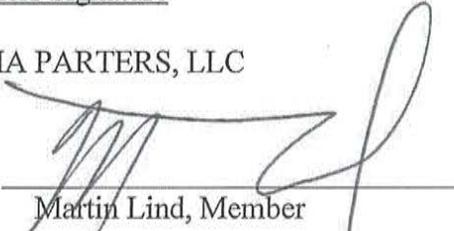
In addition to the annexation, the undersigned request the zoning of O for the above described property.

Date

January 8, 2016

Owners Signature

VIMA PARTERS, LLC

By: 

Martin Lind, Member

Mailing Address

1625 Pelican Lakes Point, Suite 201
Windsor, CO 80550

TROLLCO, INC.

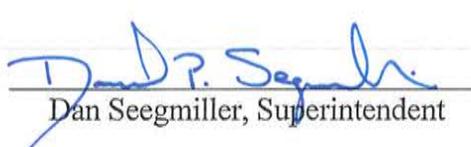
By: 

Martin Lind, President

Mailing Address

1625 Pelican Lakes Point, Suite 201
Windsor, CO 80550

WELD COUNTY SCHOOL DISTRICT RE-4

By: 

Dan Seegmiller, Superintendent

Mailing Address

1020 Main Street
Windsor, CO 80550

SEE SHEET 2

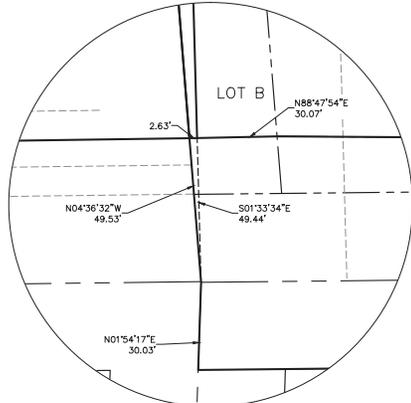
LOT B
RECORDED EXEMPTION # 1415

SEE SHEET 2

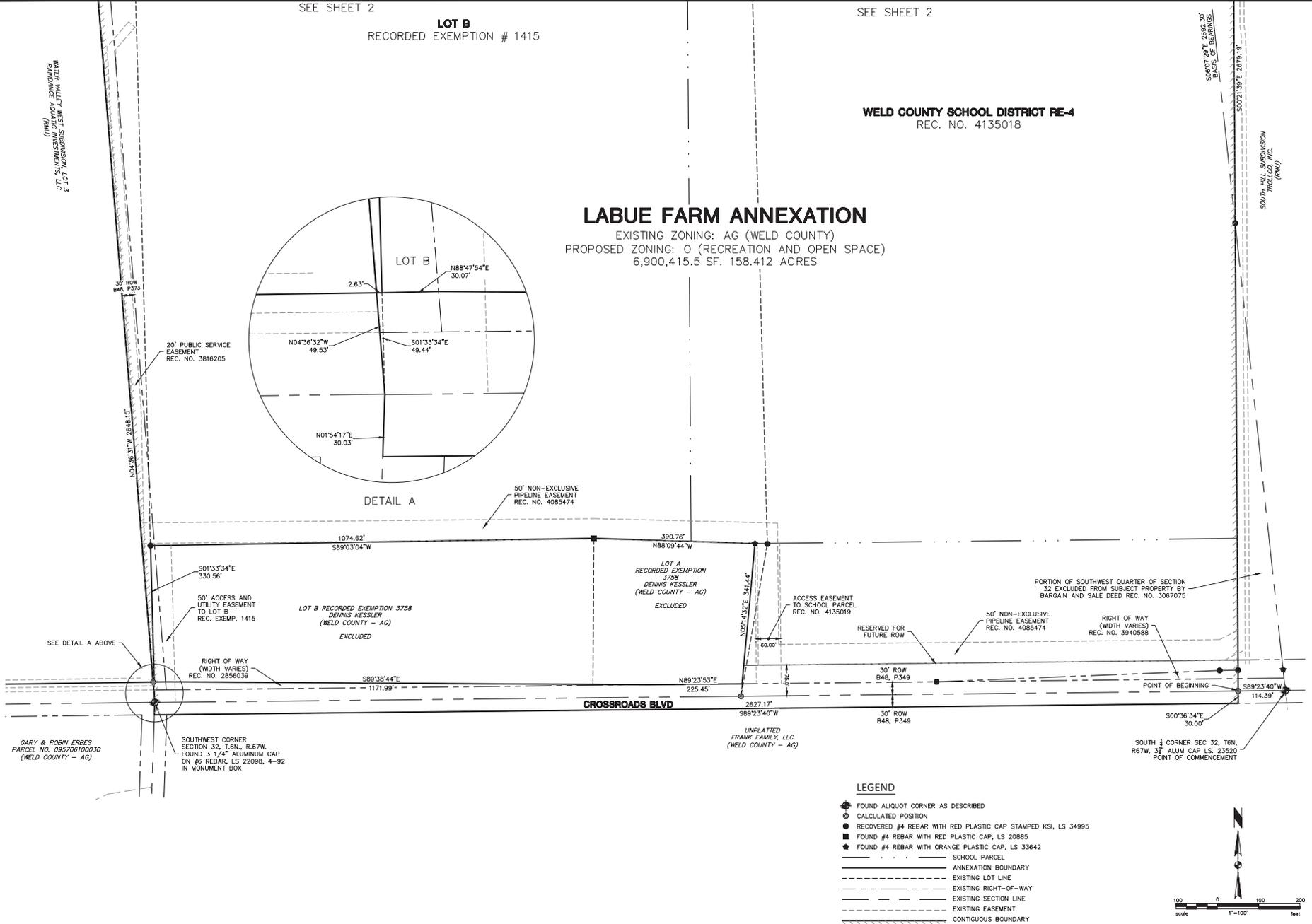
WELD COUNTY SCHOOL DISTRICT RE-4
REC. NO. 4135018

LABUE FARM ANNEXATION

EXISTING ZONING: AG (WELD COUNTY)
PROPOSED ZONING: O (RECREATION AND OPEN SPACE)
6,900,415.5 SF. 158.412 ACRES



DETAIL A



LEGEND

- FOUND ALIQUOT CORNER AS DESCRIBED
- CALCULATED POSITION
- RECOVERED #4 REBAR WITH RED PLASTIC CAP STAMPED KSI, LS 34995
- FOUND #4 REBAR WITH RED PLASTIC CAP, LS 20885
- FOUND #4 REBAR WITH ORANGE PLASTIC CAP, LS 33642
- SCHOOL PARCEL
- ANNEXATION BOUNDARY
- EXISTING LOT LINE
- EXISTING RIGHT-OF-WAY
- EXISTING SECTION LINE
- EXISTING EASEMENT
- CONTIGUOUS BOUNDARY



REVISIONS	DESCRIPTION	BY	DATE

DRAWN: JMJ
 CHECKED: CRW
 DESIGNED: JMJ
 FILENAME: 0160_Annex

LABUE FARM ANNEXATION

TST
TST, INC.
 CONSULTING ENGINEERS
 760 Whalers Way
 Building C, Suite 200
 Fort Collins, Colorado
 Phone: 970.228.0257
 Fax: 970.228.0254

JOB NO. 732.0160.00
 SCALE 1"=100'
 DATE JANUARY 5, 2016

2. **Public Hearing – An Ordinance Annexing and Zoning Certain Territory known as the Labue Farm Annexation to the Town of Windsor, Colorado – TROLLCO Inc., VIMA Partners LLC., and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant’s representative**

- Legislative action
- Staff presentation: Josh Olhava, Senior Planner

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

Per Mr. Olhava the applicants, represented by Mr. Patrick McMeekin, are requesting to annex approximately 155.4 acres to the Town of Windsor. The property is divided amongst three separate property owners: VIMA Partners, LLC; TROLLCO, Inc.; and the Weld RE-4 School District. The applicants are requesting Recreation and Open Space (O) zoning for the entire property. The property is surrounded by residential uses; both residential mixed use as well as estate zoning.

The Town Board previously approved the applicant’s request to reallocate the majority of the sewer capacity from this property to the adjacent RainDance property to the west. This will allow for increased density of residential and commercial development on the RainDance Property and will limit development of the subject property. Future plans for the subject site include, exploring the potential for a regional park to serve the community, and a future school site on the 50-acre parcel owned by the school district. The northwestern portion of the site includes a large oil and gas pad that has been active for the past few years and may include at least one additional future well.

The applicant’s representative held a neighborhood meeting on November 17, 2015, in the Banquet Room at the Pelican Lakes Golf & Country Club. There were approximately four neighbors from the Hilltop Estates Subdivision present. The few questions and comments by the neighbors pertained to future development plans for the site and the timing of any new development. As no development is currently planned for the site, there were no concerns or additional questions specific to the Labue Farm Annexation from the neighbors. On July 6, 2016, the Planning Commission held a Public Hearing and made a recommendation to the Town Board on the Labue Farm Annexation. There was no public in attendance and the Planning Commission did not have any questions or comments.

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

At their July 6, 2016 regular meeting, the Planning Commission forwarded a recommendation of approval of the Labue Farm Annexation to the Town Board, as presented, and staff concurs with this recommendation.

At this time staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony presented during the presentation

- Recommendation

Mr. Arnold inquired if the annexation will take some of the right of way on Crossroads Boulevard.

Mr. Olhava stated it looks as though the annexation will take the majority of the Crossroads right of way.

Mr. Baker inquired as to what sewer capacity is left on the property.

Mr. Olhava stated there is enough sewer capacity for the school.

The applicant, Mr. McMeekin stated there are enough sewer unit capacity for a school as well as some bathrooms if a park is developed on the property.

Mr. Morgan inquired as to the Town's responsibility to maintain the open space.

Mr. Olhava stated the land is privately owned and the Town would not have any maintenance responsibilities.

Mr. Morgan inquired as to how much dedicated open space the Town has at this time.

Mr. Lucas stated it is currently 66 acres.

Mr. McMeekin stated the site will remain agriculture use and be farmed until the school district commences development.

Mr. Adams inquired as to what the school district is proposing.

Mr. McMeekin stated the school district has discussed a middle school and a high school but no decisions have been finalized. The Raindance project has an elementary school within the boundaries of the project.

Ms. Melendez inquired if the entire site is being used for agricultural use.

Mr. McMeekin stated the entire site will be utilized for agricultural use except for the space containing oil and gas pads.

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

3. **Resolution No. 2016-52 – A Resolution Making Certain Findings and Conclusions Pursuant to Section 31-12-110 C.R.S., Concerning the Labue Farm Annexation to the Town of Windsor, Colorado – TROLLCO Inc., VIMA Partners LLC., and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant's representative**

- Legislative action
- Staff presentation: Josh Olhava, Senior Planner

Mr. Olhava stated the application is in accordance with 31-12-110 of the Colorado Revised Statutes that requires upon completion of the public hearing and prior to the Town Board making an action on the annexation ordinance for Labue Farm that the Town Board approves a

resolution making certain findings and conclusions concerning the Labue Farm Annexation to the Town of Windsor.

Staff recommends approval of Resolution No. 2016-52.

Town Board Member Adams motioned to approve Resolution No. 2016-52; Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

4. Ordinance No. 2016-1522 - An Ordinance Annexing and Zoning Certain Territory known as the Labue Farm Annexation to the Town of Windsor, Colorado – TROLLCO Inc., VIMA Partners LLC, and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant's representative

- First reading
- Legislative action
- Staff presentation: Josh Olhava, Senior Planner

Mr. Olhava stated second reading will be July 25, 2016 and the Planning Commission recommended approval of the annexation as presented.

Town Board Member Rennemeyer motioned to approve Ordinance No. 2016-1522 - An Ordinance Annexing and Zoning Certain Territory known as the Labue Farm Annexation to the Town of Windsor, Colorado – TROLLCO Inc., VIMA Partners LLC, and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant's representative; Mayor Pro Tem Baker seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

5. Site Plan Presentation – Highlands Industrial Park Subdivision 4th Filing, Lot 1 – Greenfield at Crossroads, 4265 Greenfield Drive – Greenfield at Crossroads LLC, applicant/ John Baker, Baker Western Group LLC., applicant's representative

- Staff Presentation: Josh Olhava, Senior Planner

Per Mr. Olhava, the applicant, represented by Mr. John Baker, is proposing a new 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 on all sides.

Site characteristics include:

- a new 14,776-square foot building, with approximately 30% office and 70% warehouse space;
- no outdoor storage;
- 27 dedicated, off-street parking spaces, including accessible parking spaces; and
- approximately 26% of the site to be landscaped.

Building and structural details include:

- varying rooflines on the office portion of the structure (abutting Crossroads Boulevard);

LABUE FARM – AERIAL EXHIBIT





MEMORANDUM

Date: July 25, 2016
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Stacy Johnson, Director of Economic Development
Re: Northern Colorado Regional Tourism Authority & RTA Funding
Item: C.3

Background / Discussion:

The GO NOCO Board is in a dissolution phase and has begun the creation process of the Northern Colorado Regional Tourism Authority (NCRTA). Corporate documents for the NCRTA have been filed with the Secretary of State. Go NoCO has already opened a bank account on behalf of the authority so it can start receiving state funds once we meet the base line growth rate. Board members of the Authority will need to be set by September 1, 2016.

The State Statute for the Regional Tourism Act (RTA) dictates Windsor will have the following 4 appointees to the NCRTA Board:

- One elected official
- One community member at large
- Two commercial real estate owners in the Windsor zone

The Town Board met on July 20, 2016 and identified the NCRTA Board member elected official is Mayor Kristie Melendez and Mayor Pro-Tem Myles Baker will serve as our community member at large. The Town was asked to submit three commercial real estate owners for the two Windsor NCRTA Board seats to Go NoCO. The three commercial board seats are in the process of being finalized and will be submitted to the state economic development commission for their approval later this year.

The Go NoCO Board will need also need to be funded until it dissolves, current projection is September of 2016. The City of Loveland, Larimer County, and the developer for the Stanley Film Center have already put in funds for a portion of 2016. Per our discussion on July 20, 2016 economic development staff is making a final financial request to pay our portion of the cost share of the RTA. Funding would be initial payment of \$15,000 with a not to exceed amount of \$29,000 for 2016. Town Board will be notified of any and all additional payments after the initial payment made to Go NoCO.

Recommendation: Approval of Resolution 2016-55 appointing NCRTA Board members and final funding for Go NoCO RTA with an initial payment of \$15,000 with a not to exceed total of \$29,000. Simple majority required.

Relationship to Strategic Plan: Diversify, Grow & Strengthen the Local Retail and Industrial Economy

Attachments: Resolution 2016-55

TOWN OF WINDSOR

RESOLUTION NO. 2016-55

A RESOLUTION APPOINTING REPRESENTATIVES TO THE NORTHERN COLORADO REGIONAL TOURISM AUTHORITY BOARD OF DIRECTORS, RECOMMENDING COMMERCIAL PROPERTY OWNERS FOR APPOINTMENT TO SAID BOARD OF DIRECTORS BY THE COLORADO ECONOMIC DEVELOPMENT COMMISSION PURSUANT TO SECTION 24-46-306 OF THE COLORADO REVISED STATUTES, AND AUTHORIZING FURTHER FUNDING OF THE GO NOCO ENTITY

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality with all powers and authority provided by Colorado law; and

WHEREAS, the Town is a co-applicant for an approved Regional Tourism Act economic development package involving tourism projects proposed for Windsor, Loveland and Estes Park; and

WHEREAS, the Northern Colorado Regional Tourism Authority (“NCRTA”) has been duly incorporated, and must now populate its Board of Directors as provided by law; and

WHEREAS, as a co-applicant, the Town is statutorily-authorized to make certain appointments to the NCRTA Board of Directors; and

WHEREAS, as a co-applicant, the Town is statutorily-authorized to recommend certain appointments to the NCRTA Board of Directors by the Colorado Economic Development Commission; and

WHEREAS, the Town Board has given due consideration to the appointments and recommendations available to it under Colorado law, and is prepared to take official action confirming its choices; and

WHEREAS, the Town Board wishes to authorize financial support for the Go NoCo entity through the date of its anticipate dissolution; and

WHEREAS, this Resolution is intended to stand as the Town’s official declaration with respect to NCRTA Board composition.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

1. Pursuant to § 24-46-306 (2) (c), C.R.S., the Town of Windsor appoints Mayor Kristie Melendez to serve on the NCRTA Board of Directors as the Town’s appointed elected official.

2. Pursuant to § 24-46-306 (2) (c), C.R.S., the Town of Windsor appoints Myles Baker to serve on the NCRTA Board of Directors as the Town's member at-large.
3. Pursuant to § 24-46-306 (2) (c), C.R.S., the Town recommends that any two of the following three persons be appointed by the Colorado Economic Development Commission to serve on the NCRTA Board of Directors as commercial property owners:

Chris Ruff; and

_____ ; and

_____.

4. The Town Manager is hereby authorized to continue financial support for the Go NoCo organization through the date of its dissolution, payable from the Town's 2016 Economic Development appropriation as follows:
 - a. No more than \$15,000.00, payable immediately; and
 - b. Additional incremental payments during the remainder of 2016, the aggregate amount of which shall not exceed \$14,000.00.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 25th day of July, 2016.

TOWN OF WINDSOR, COLORADO

By: _____
Kristie Melendez, Mayor

ATTEST:

Patti Garcia, Town Clerk



MEMORANDUM

Date: July 25, 2016
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
Scott Ballstadt, AICP, Director of Planning
From: Josh Olhava, AICP, Senior Planner
Subject: Site Plan Presentation – Jacoby Farm Subdivision 3rd Filing, Lot 7 – Starbucks,
– J. Clint Jameson, CenterPointe Development Group, applicant/ Jennifer
Hippisley, Point Consulting, LLC and Scott Higa, G3 Architecture Inc.,
applicant’s representatives
Location: 1570 Main Street
Item #: C.4

Background:

The applicant, represented by Ms. Jennifer Hippisley and Mr. Scott Higa, is proposing a new site development in the Jacoby Farm Subdivision. The site is zoned General Commercial (GC) and surrounded by other commercial users and commercial zoned property. In addition, the site is located within the Commercial Corridor Plan area.

Site characteristics include:

- 1 new 2,200-square foot Starbucks with drive-thru;
- 21 dedicated, off-street parking spaces, including an accessible parking space;
- a dedicated drive-thru aisle that can accommodate approximately 10 cars; and
- approximately 23% of the site to be landscaped.

Building details include:

- wall and parapet articulation;
- the use of exterior insulation and finishing system (EIFS), wall cladding, aluminum framed windows, and stone veneer on the facades; and
- metal louvered sunshades.

Additional site details can be seen in the enclosed staff PowerPoint.

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 site plan will be reviewed and approved administratively by staff; however, if the projects review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Planning Commission and Town Board for review.

Conformance with Comprehensive Plan: The application is consistent with the following goals and objectives of the 2016 Comprehensive Plan:

Chapter 5d - Commercial & Industrial Areas Framework Plan
Goal:

Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.

Objective:

1. *Prioritize new growth in areas currently served by town infrastructure and services.*

Conformance with Vision 2025: The proposed application is consistent with various elements of the Vision 2025 document, particularly the chapter on Economic Vitality.

Recommendation: No recommendation, as this item is for presentation purposes.

Notification: The Municipal Code does not require notifications for items that are for presentation purposes only.

Enclosures: Application materials
Staff PowerPoint

pc: J. Clint Jameson, CenterPointe Development Group, applicant
Jennifer Hippiisley, Point Consulting, LLC, applicant's representative
Scott Higa, G3 Architecture Inc., applicant's representative



LAND USE APPLICATION

1 Land use applications shall include all items listed in the application submittal checklist and the Town of Windsor Municipal Code. The Town of Windsor Planning Department reserves the right to reject incomplete submittals. The application fee and all associated materials are to be provided with this form. Staff will review the submittal and advise you of its completeness for processing.

2 **APPLICATION TYPE:**

Annexation
 Master Plan
 Rezoning
 Minor Subdivision
 Lot Line Adjustment
 Major Subdivision
 Site Plan
 Administrative Site Plan

SUBTYPE:
 (for Major Subdivisions and Site Plans only)
 Preliminary
 Final
 Qualified Commercial/Industrial

Project Name*: Starbucks - Windsor
 Legal Description*: Lot 7, Jacoby Farm subdivision 3rd Filing
 Address/Location*: E/NEC 16th Street & H 392
 Existing Zoning: General commercial Proposed Zoning:

3 **OWNER:**

Name(s)*: New Windsor Market Place, LLC
 Company:
 Address*: 1 Independent Drive, # 114, Jacksonville, FL
 Phone #: Email:

APPLICANT (Owner or Owner's Representative):

Name*: J. Clint Jameson
 Company: Center Pointe Development Group
 Address*: 4014 N. Goldwater Blvd, # 204, Scottsdale, AZ
 Phone #: 602 538 3637 Email: clint@centerpointedev.com

AUTHORIZED REPRESENTATIVE:

Name:
 Company:
 Address:
 Phone #: Email:

4 All correspondence will only be sent to those listed above. It is the sole responsibility of those listed to distribute correspondence to other applicable parties.

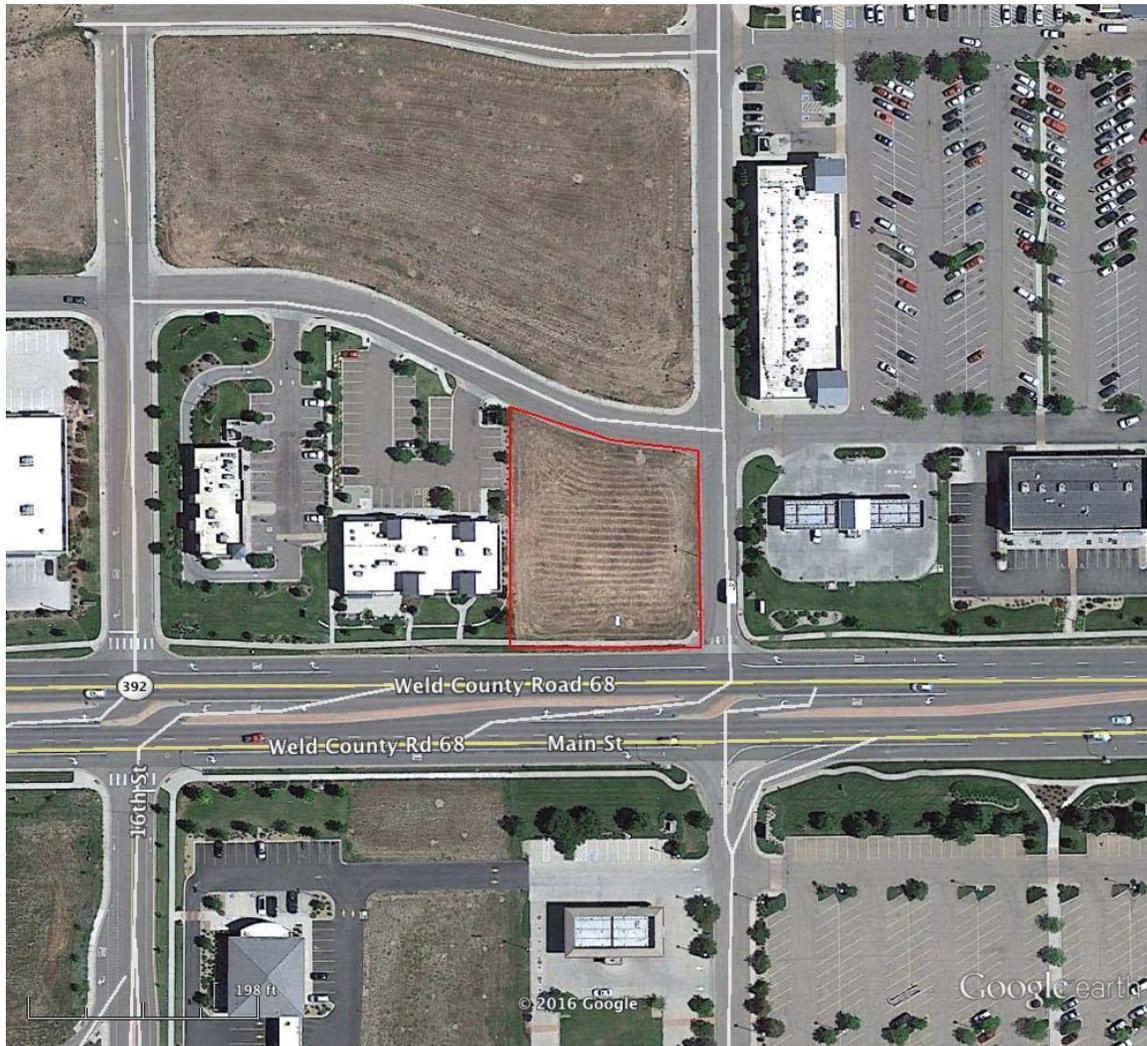
I hereby depose and state under the penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my knowledge.

Signature: Date: 4/28/16
 (Proof of owner's authorization is required with submittal if signed by Applicant)
 Print Name: J. Clint Jameson *Required fields

**Proposed Development – Starbucks
E/NEC 16th Street & H 392,
Windsor, CO**

Legal Description:

Lot 7 of Jacoby Farm Subdivision Third Filing, located in the southeast quarter of Section 18,
Township 6 North, Range 67 West of the 6th P.M, City of Windsor, County of Weld, State of Colorado



Applicant/Developer:

CenterPointe Development Group
4014 N. Goldwater Blvd, Suite 204
Scottsdale, AZ 85251
J. Clint Jameson
602-538-3637
clint@centerpointe-dev.com

Architect:

G3 Architecture
5150 E. Yale Circle, Suite 301
Denver, CO 80222
Scott Higa
720-548-3426
shiga@g3architecture.com

Description of Proposal

Overview

Our plan is to develop the Property for a 2,200 square foot Starbucks and associated parking area improvements. Upon completion, the new project expects to employ 7-8 full time and part time employees.

Zoning/Use

The subject site is zoned commercial and according to the City of Windsor's Zoning Ordinance, restaurants with drive-thru facilities are permitted.

Construction Type/Color Palette

The building height will range from 17'-22' and was designed to provide architectural features on all sides sharing the same level of design. Materials found on the building are EIFS and composite wood siding. These materials will be applied using a variety of finishes to allow the building to articulate at the plan and elevation level. The articulation of building faces and materials helps avoid having long expanses of wall at a single height or in one plane. The large tower feature along H 392 on the east of the site has been provided to help activate the building and building use.

The project will be constructed in one phase and will also include, new storm, sanitary, and domestic water utilities shall be connected to the development's existing utility infrastructure. A drive-through lane, trash enclosure, parking field and landscape architecture shall also be designed to support the Starbucks's development. The proposed Starbucks building is anticipated to be a non-sprinklered, type-VB occupancy building. The roofing material is single ply TPO and the main proposed exterior materials include EIFS and Fiber Cement Board.

Hours

Regarding store hours, they have not been determined at this time, but a typical Starbucks is open anywhere from 5:00 AM to 10 PM. We expect that the store hours will be comparable to their other stores' operating hours.

Project Benefits

Our proposed project will benefit the community and surrounding area in multiple ways. First of all, we will provide a much needed service to surrounding area on a highly trafficked road. Secondly, Starbucks is one of the best retailers in the world that runs a first class operation and provides a much needed use to the area. Right now, there are no freestanding Starbucks with drive-thru's in Windsor and this will "capture" many customers as they drive into work every day.

8480 East Orchard Road
Suite 6900
Greenwood Village, CO 80111

P 303 300 5300
F 303 691 6905
RegencyCenters.com

Regency Centers.

April 27, 2016

Mr. Josh Olhava
Town of Windsor - Planning
301 Walnut Street
Windsor, CO 80550

RE: Lot 7, Jacoby Form Subdivision, 3rd Filing
Proposed Starbucks

Dear Mr. Olhava,

Regency Centers has entered into a contract to sell the above referenced parcel to CenterPointe Development Group. CenterPointe is proposing to develop a new Starbucks on this property and will be making various submittals related to this end.

Please accept this letter as the property owner's formal authorization for CenterPointe to submit planning and construction documents for the proposed development.

Please let me know if you have any questions or need further assistance. You may reach me at 303.300.5335.

Sincerely,



Thomas Metzger
Senior Project Manager

Site Plan Presentation

Jacoby Farm 3rd Filing, Lot 7

(Starbucks – 1570 Main Street)

Josh Olhava, AICP, Senior Planner
July 25, 2016
Town Board



Qualified Commercial & Industrial Site Plan

Article IX of Chapter 17 of the Municipal Code outlines the purpose and procedures of the Qualified Commercial & Industrial Site Plan process, including:

Sec. 17-9-10. Purpose.

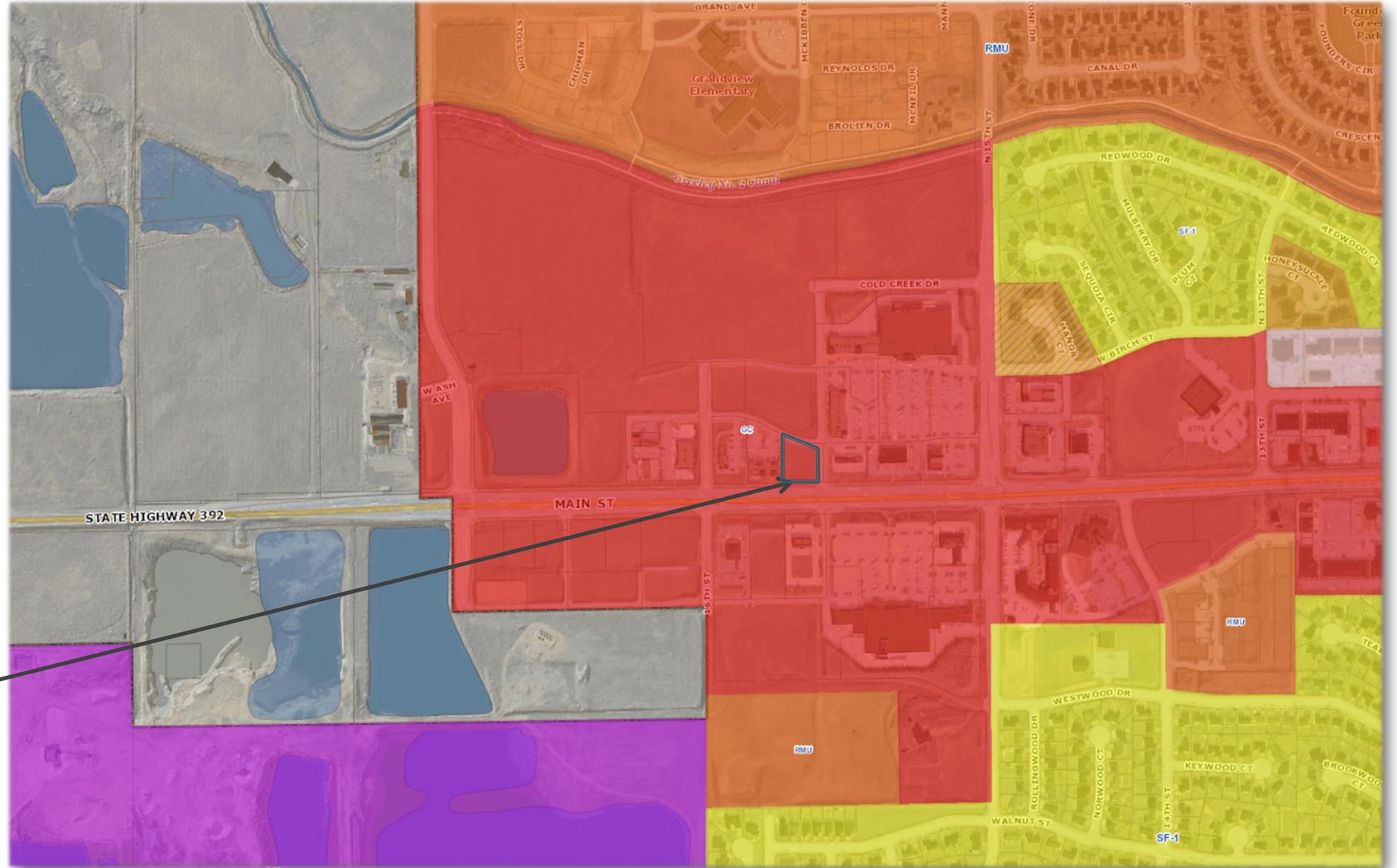
“Commercial and industrial site plans proposed to be developed on lots that have either previously been subdivided or are presently being subdivided as part of a minor subdivision shall qualify for administrative site plan review in accordance with the requirements of this Section.”

Site Vicinity Map



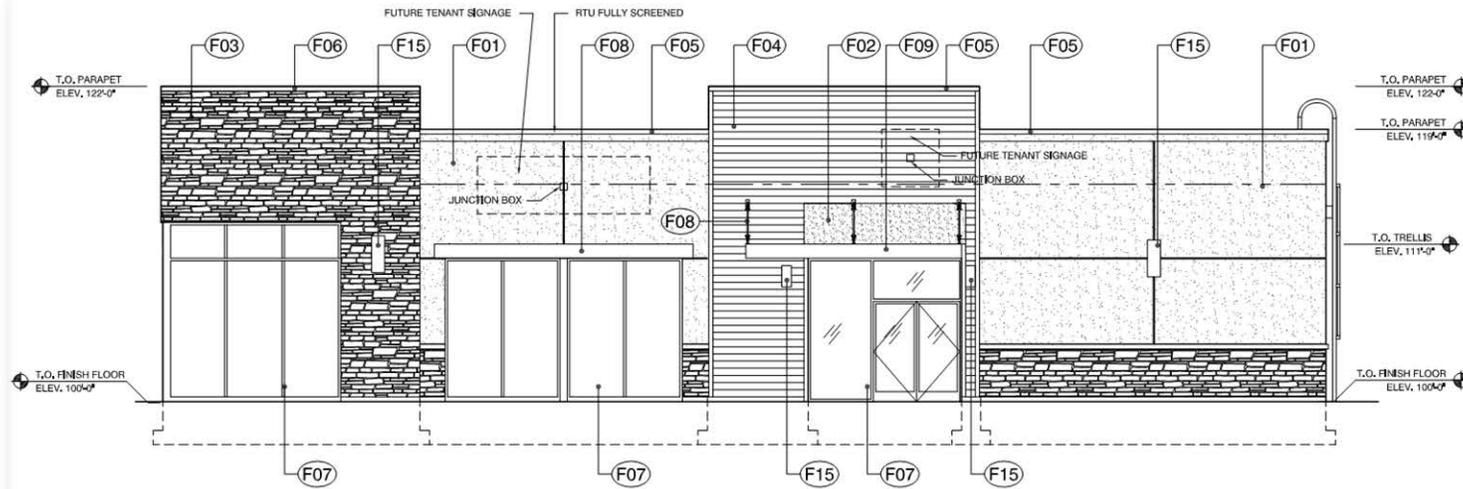
Site Location

Regional Zoning Map

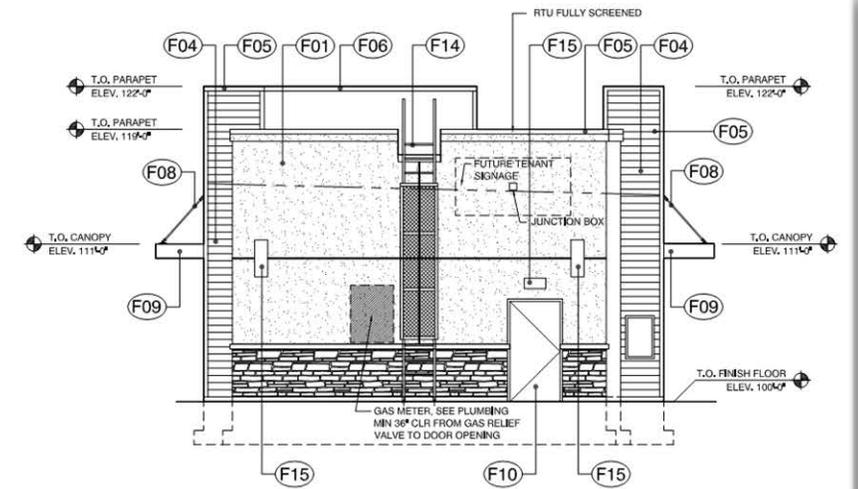


Site Location -
Zoned General
Commercial
(GC)

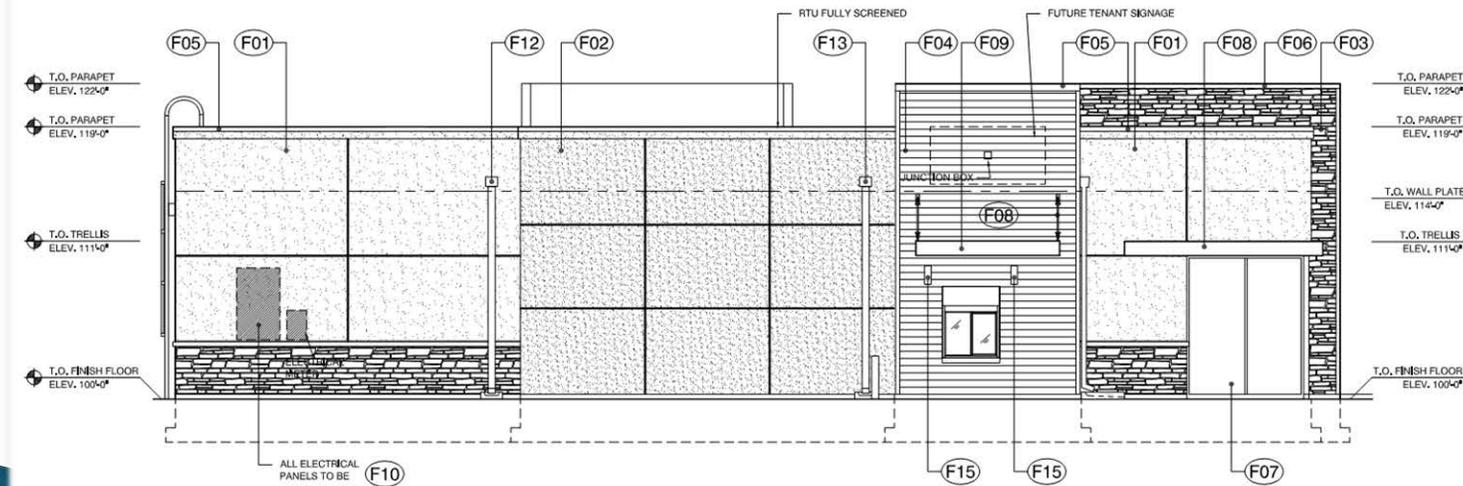
Elevations



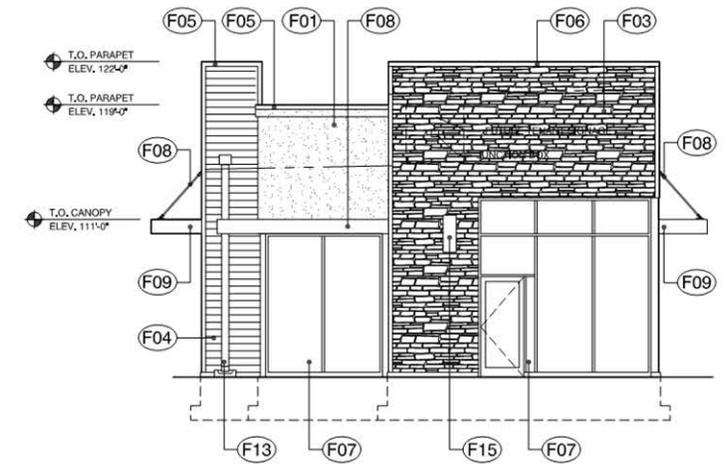
1 NORTH ELEVATION
SCALE: 3/16" = 1'-0"



2 WEST ELEVATION
SCALE: 3/16" = 1'-0"



3 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



4 EAST ELEVATION
SCALE: 3/16" = 1'-0"

Renderings (1 of 3)



View looking South

Renderings (2 of 3)



View looking Northwest

Renderings (3 of 3)



View looking Northeast

COMMUNITY DEVELOPMENT REPORT – JULY, 2016

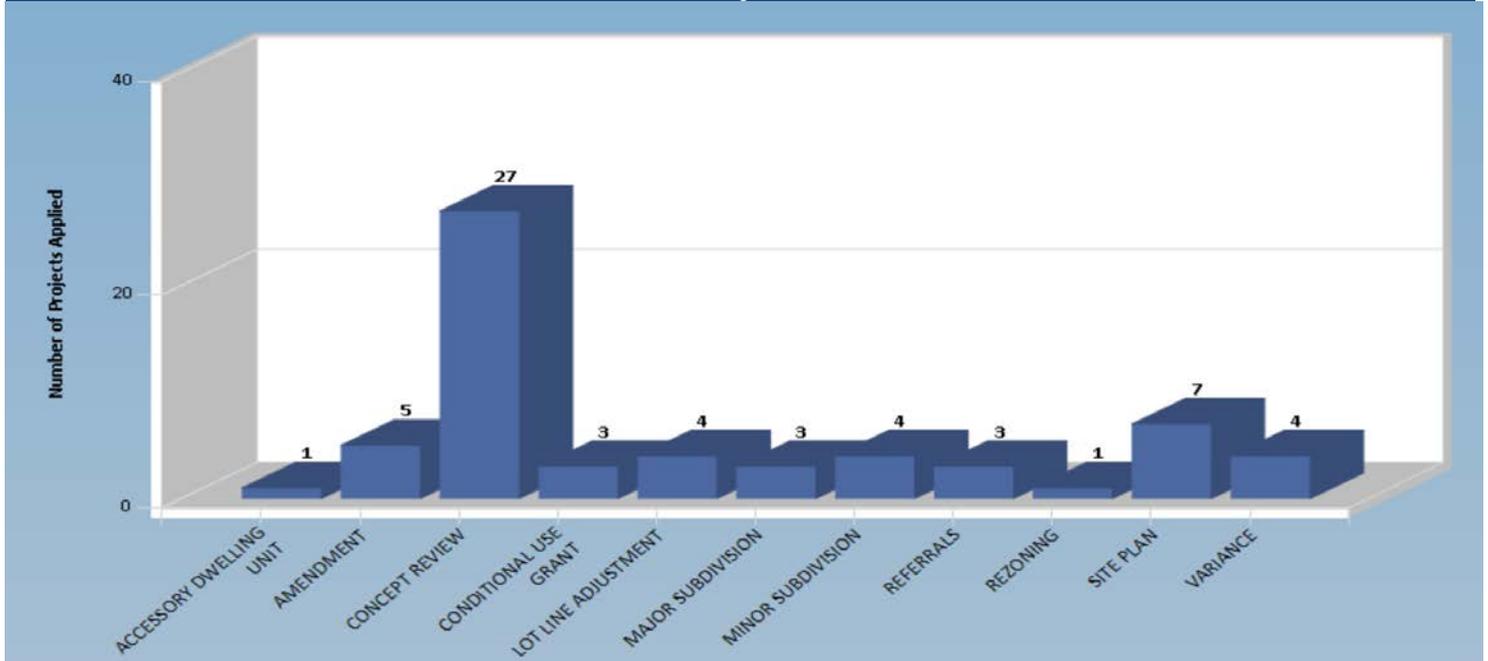
POLICIES, PROCEDURES, & STANDARDS

Staff and the Planning Commission Chairman will be conducting interviews in August to select the consultant for the planned rewrite of Chapters 15, 16, and 17 of the Municipal Code. These chapters cover Annexation & Master Planning, Zoning, and Subdivisions. The code rewrite is expected to be a multi-year project involving community outreach and multiple work sessions.

Staff will be preparing an amendment to the Municipal Code to eliminate the need for mylar record drawings upon approval of certain land use projects. Currently, applicants are required to submit approved record drawings on mylar (a polyester film or plastic sheet).

PROJECTS & PERMIT SUMMARY

Year-to-Date Projects Reviewed



Total Projects: 62

Glossary of Project Types

Amendment – Used to make modifications to an approved project, typically master plans or site plans

Annexation – Process by which property is brought under the jurisdiction of the Town

Concept Review – An optional meeting and review process that provides early feedback on projects prior to formal submittal

Conditional Use Grant – Consideration of uses which are unique in nature or character that are not included as uses by right

Land Use Map Amendment – Changes to the Town’s Land Use Map, which guides zoning decisions

Lot Line Adjustment – Minor changes to the location of a lot property line

Major Subdivision – The division or reconfiguration of parcels of land into six or more parcels

Minor Subdivision – The division or reconfiguration of parcels of land into two to five parcels when single-family dwelling units are permitted

Public Improvement Plans – Public improvements, such as streets, that are required to be built by developers as a part of site development

Referrals – Town review of certain projects in adjacent jurisdictions, as mandated by state statute or inter-governmental agreement

Rezoning – The changing of existing zone classification of a parcel of land

Site Plan – Development of land for multifamily, commercial, or industrial uses

Vacation – Process in which the Town’s ownership or interest in a right-of-way or easement is abandoned

Waiver – Request for specific Commercial Corridor Plan standards to be waived on a site plan

Major Development Projects Currently Under Review

Note: For more detailed review timeframes please see: <http://windsorgov.com/DocumentCenter/View/15715>

Project	Description	Status
15th Street Park Annexation		
Conditional Use Grant & Site Plan	New Town Public Works facility	Planning Commission 8/3/16, Town Board 8/8/16
Diamond Valley 3rd Lot 9		
Site Plan – Windsor Charter Academy	Addition to the Windsor Charter Academy	Reviewing 3 rd submittal
East Pointe Subdivision (Southeast corner of SH 392 & SH 257)		
Preliminary Major Subdivision	8 lot commercial subdivision	Awaiting 2 nd submittal from applicant
Falcon Point Subdivision - Lot 1		
Site Plan – Kraft Kurbing	6 unit industrial office/warehouse building	Awaiting 3 rd submittal from applicant
Fossil Creek Meadows (Northwest of WCR 5 & WCR 32E)		
Amended Master Plan & Preliminary Major Subdivision	Platting of 292 single family lots	Reviewing 2 nd submittal from applicant
Fossil Ridge Subdivision		
5 th Filing Final Plat	7 lot subdivision	Reviewing 1 st submittal
Great Western Industrial Park 2nd Annexation (East of HWY 257)		
Amended Master Plan, Land Use Map Amendment & Rezoning to PUD	Proposal of mixed industrial, commercial, and residential development on 745 acres	Reviewing 3 rd submittal
Great Western Industrial Park 3rd - Lot 1, Block 1 (11140 Eastman Park Dr)		
Vestas Site Plan – Phase X	Approximately 40,000 s.f. in various additions	Reviewing 6 th submittal
Highlands Industrial Park 4th – Lot 1(Northwest corner of Crossroads Blvd & Greenfield Dr)		
Site Plan – Greenfield at Crossroads	Approximately 6,000 s.f. new building	Reviewing 2 nd submittal
Jacoby Farm Subdivision 3rd – Lo t7 (1570 Main Street)		
Site Plan – Starbucks	Approximately 2,200 s.f. new building	Reviewing 2 nd submittal
Labue Farm (North of Crossroads Blvd at WCR 15)		
Annexation	Annexation of 155 acres	Town Board 2 nd reading 7/25/16
Poudre Heights Subdivision 3rd (Northwest of 7th St & New Liberty Rd)		
Preliminary Plat & Preliminary Site Plan	Platting of 392 residential lots including site planning of 125 townhome units	Reviewing 3 rd submittal
Ptarmigan Business Park & Lutheran Church (Northwest corner of SH 392 & LCR 5)		
Rezoning & Master Plan Amendment	Rezoning of 62 acres from GC to RMU	Awaiting 3 rd submittal from applicant
Shutts Subdivision 3rd (Fairgrounds Ave & LCR 30)		
Preliminary Major Subdivision & Preliminary Site Plan	66 condominiums, 32 townhomes, 37 single family lots, and up to 11,000 s.f. of commercial	Awaiting 3 rd submittal from applicant
Weakland Annexation – (6461 HWY 392)		
Annexation	Annexation of approximately 10 acres	Planning Commission 8/3; Town Board 8/6 & 8/22
Site Plan	Construction of new greenhouse & brewing facility	Reviewing 3 rd submittal
Windshire Park Annexation (15th St & Windshire Dr)		
Amended Master Plan	Amendment to change Parcel E designation from Church to Townhomes	Awaiting 3 rd submittal from applicant
Preliminary Major Subdivision & Preliminary Site Plan	58 Townhomes on 8.5 acre tract	Awaiting 2 nd submittal from applicant
Windsor Commons Subdivision 2nd - Lot 2 (1101 Automation Drive)		
Windsor Commons Self-Storage Site Plan	New 70,000 s.f. building	Awaiting building permit

Building Permit Summary for June, 2016

	Monthly Total	Monthly Valuation	Year-to-Date Total	Year-to-Date Valuation
New Single Family	58	\$15,815,075	317	\$86,397,228
New Multi-Family	0	--	11 (30 units)	\$8,347,785
New Commercial/Industrial	0	--	7	\$6,702,045

Construction Status Update



A
Jacoby Farm 2nd Filing (154 sf lots) Phase 1-4 complete; Phase 5-6 improvements under construction



E
South Hill Subdivision (210 sf lots) Improvements under construction



B
The Ridge at Harmony Road (418 sf lots) Improvements under construction for phases 1-2.



F
Village East Subdivision (191 SF lots) Phase 2 improvements complete, homes under construction



C
Highland Meadows Golf Course 11th Filing – Infrastructure improvements for 68 townhomes complete



G
Westwood Village 6th Filing – Columbine Health 34 age restricted units under construction.

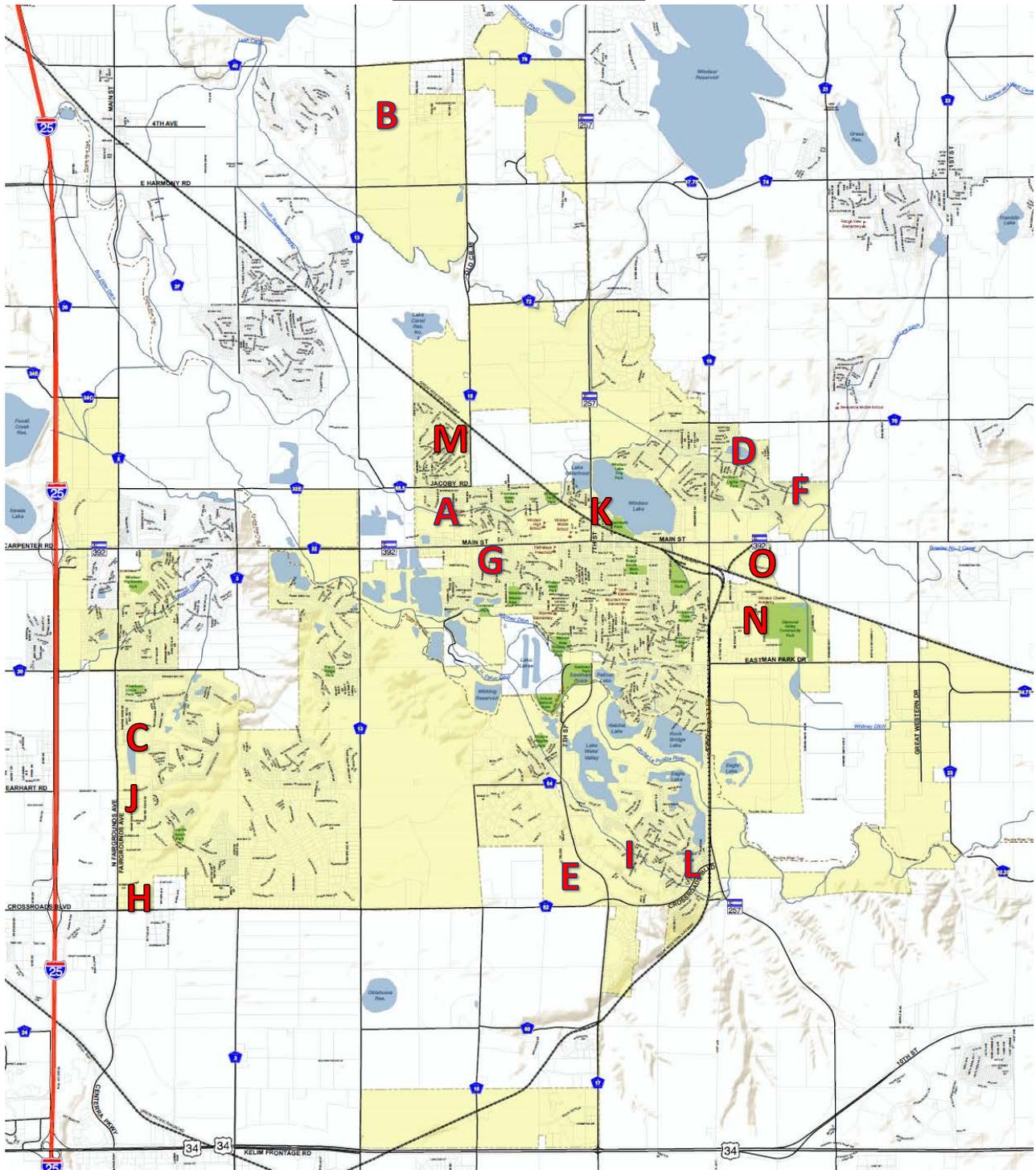


D
Winter Farm 3rd Filing (241 sf lots) Phase 1-2 improvements complete; phase 3 improvements under construction

Other Projects Under Construction

- H - Highlands Industrial Park 6th Filing** – Concrete Equipment Supply - 10,000 square foot building under construction
- I - Water Valley South 18th Filing** (117 sf lots) Phase 2 improvements complete, ready for building permits
- J - Highland Meadows Golf Course 13th Filing** – Power to Play sports – 52,000 square foot building under construction
- K - Lakeview Addition 7th** – 4 unit multifamily building awaiting building permit
- L - Lighthouse Point** – Multifamily building(s) under construction
- M - Windshire Park 3rd Filing** - 292 SF lots - Phase 1 improvements under construction
- N - Windsor Commons Subdivision 2nd** – Windsor Commons Self Storage – Construction of 70,000 s.f. self-storage facility
- O - Falcon Point Subdivision** – Kraft Kurbing – Two 9,000 s.f. buildings under construction

Construction Status Map



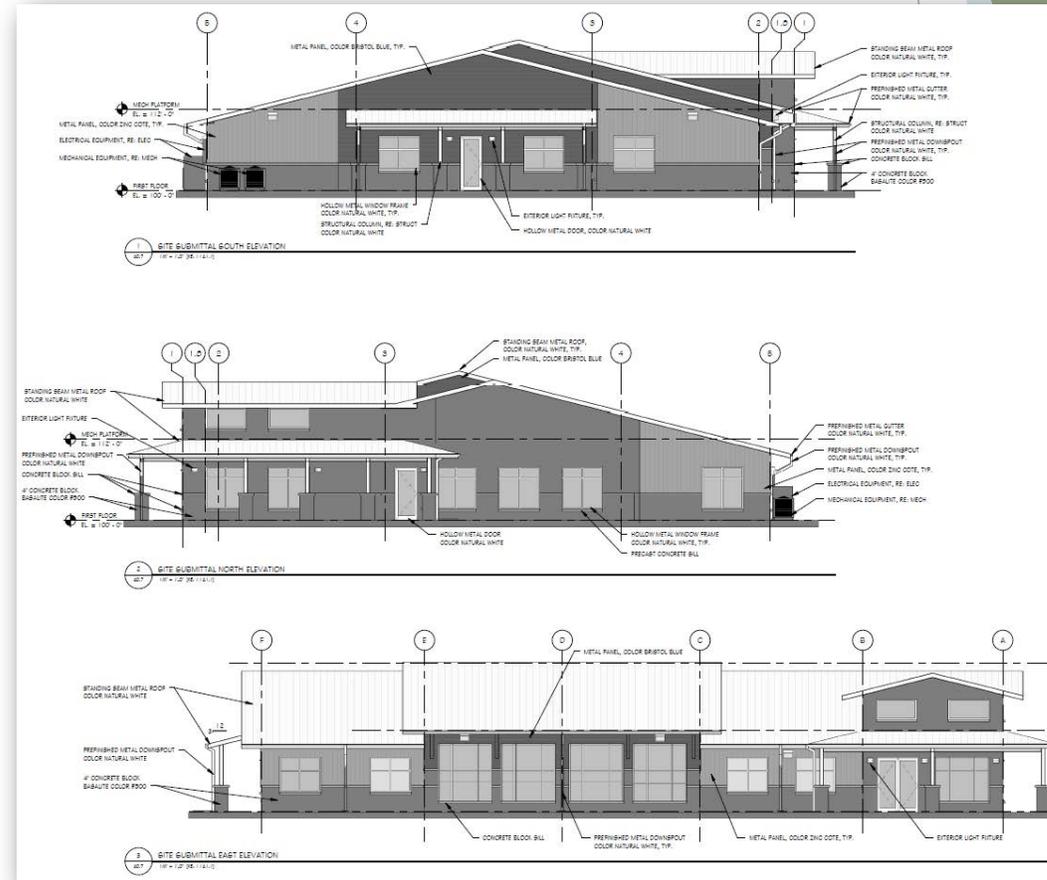
Community Development Report

July 25, 2016



Projects Under Review

- ▶ Greenfield at Crossroads site plan
- ▶ Public Works Facility site plan
- ▶ Starbucks site plan
- ▶ Weakland site plan
- ▶ East Pointe major subdivision
- ▶ Tolmar site plan



Projects Under Construction

- ▶ Concrete Equipment & Supply
- ▶ Westwood Patio Homes
- ▶ Windsor Meadows
- ▶ Silverline Services
- ▶ Advanced Roofing
- ▶ Kraft Kurbing
- ▶ Windsor Commons Self Storage
- ▶ Windsor Charter Academy



Infrastructure Under Construction

Single Family:

- ▶ South Hill 2nd Filing (210 lots)
- ▶ The Ridge at Harmony Road Phase 1 (416 lots)
- ▶ Windshire Park 3rd Filing (292 lots)
- ▶ Water Valley South 18th Filing (117 lots)

Multi-family:

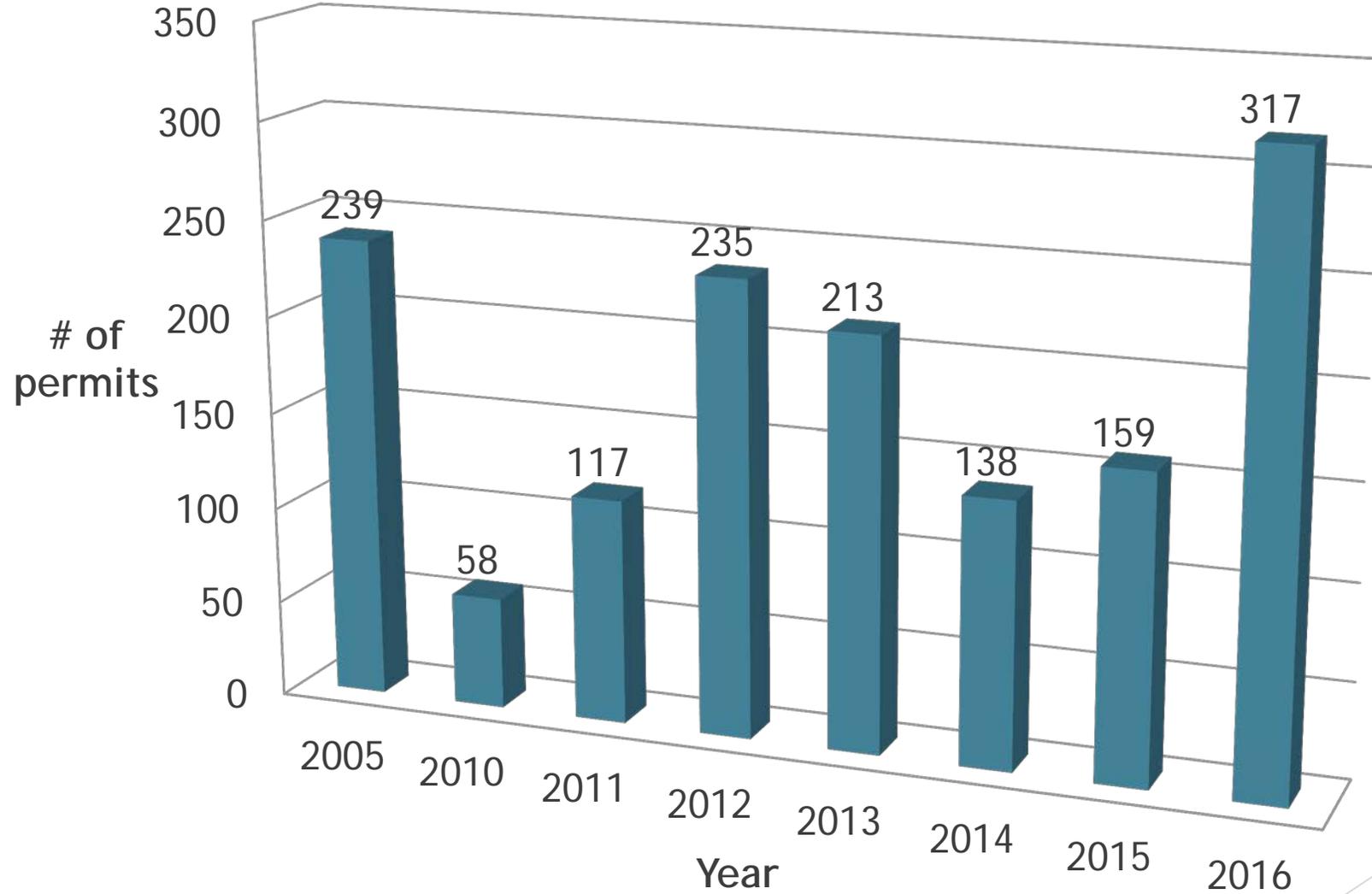
- ▶ Highland Meadows Golf Course 11th Filing (68 units)



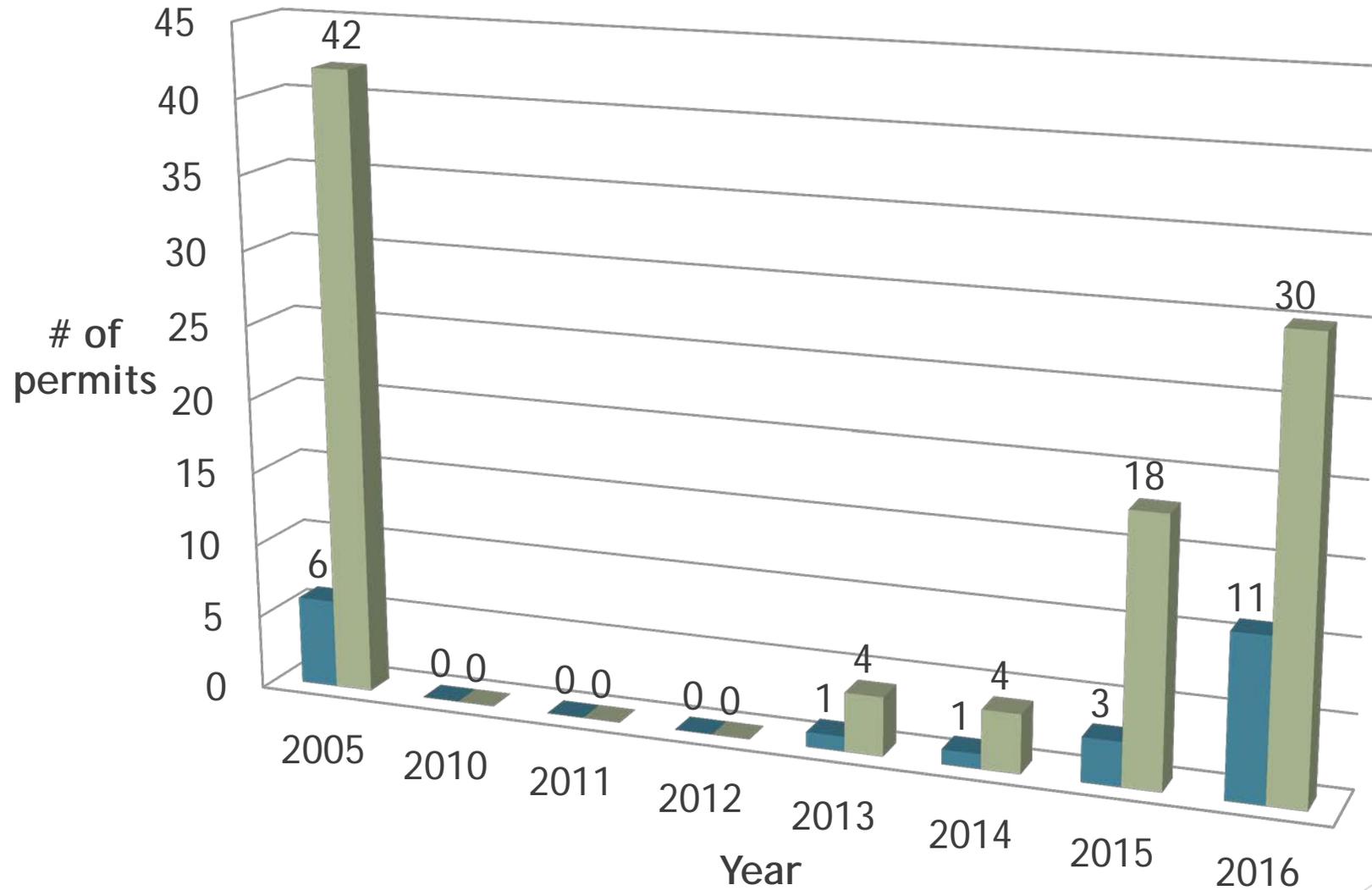
Residential Building Permit Activity

- ▶ 317 Single Family detached residential home permits through June 2016 is on pace for an all-time high
- ▶ Highest June volumes were: Village East (34), Jacoby Farm 2nd Filing (9), Highpointe (5) and Winter Farm 3rd Filing (4)
- ▶ Multi-family permits include Lighthouse (Water Valley South), Windsor Meadows (Windsor Housing Authority) and Westwood Patio Homes (Columbine Health Systems)

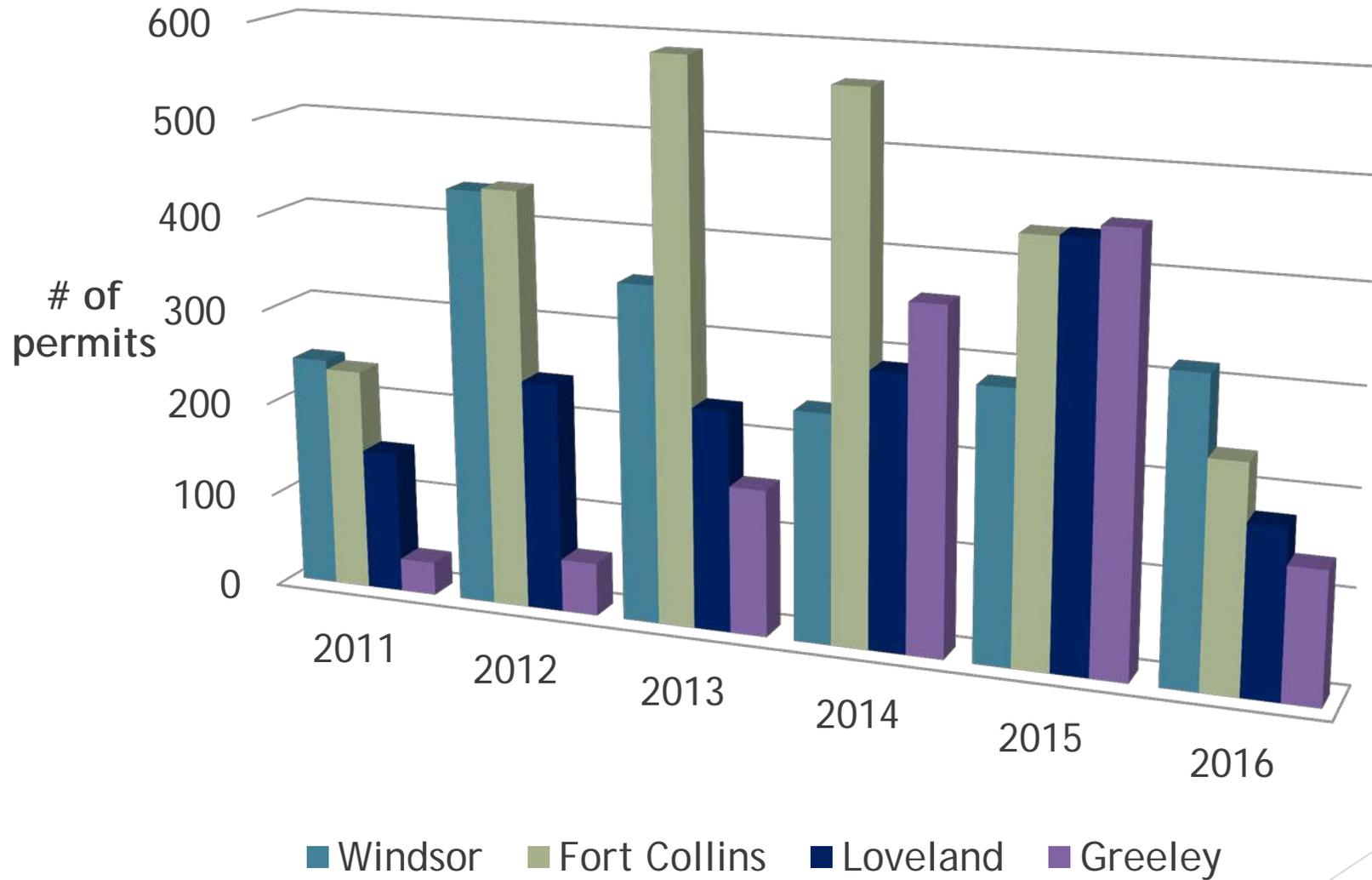
Single Family Building Permits (through June)



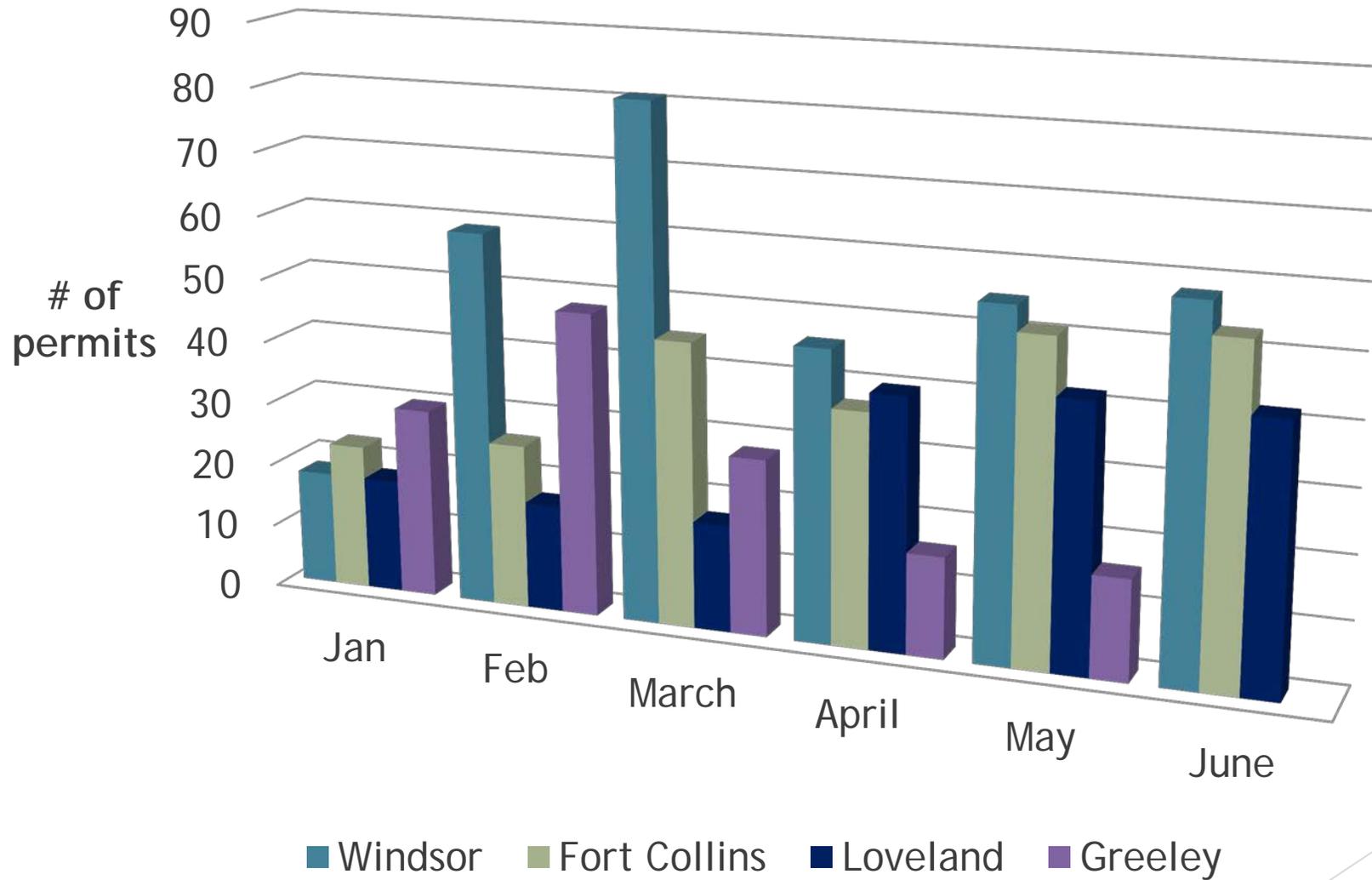
Multi-Family Building Permits/Housing Units (through June)



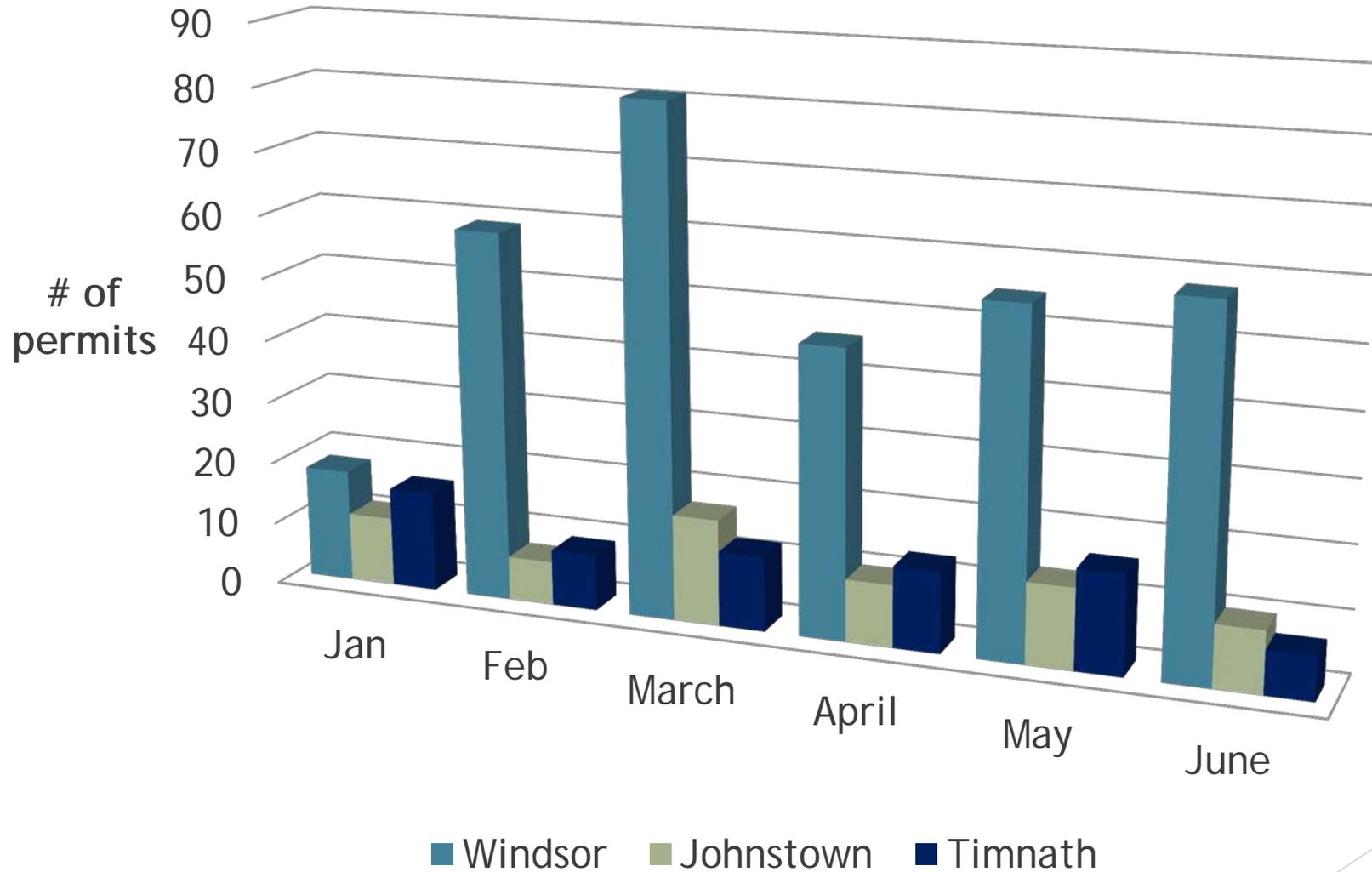
Regional Comparison of Single Family Building Permits Issued



Regional Comparison of 2016 Single Family Building Permits Issued



Regional Comparison of 2016 Single Family Building Permits Issued



Mr. Josh Olhava, AICP
Senior Planner
Town of Windsor | Planning
301 Walnut Street | Windsor, CO 80550

Re: Global Asset Recovery, through its representatives, is requesting a variance to the Cooperative Planning Area and the Commercial Corridor Area defined in the Intergovernmental Agreement, IGA, dated December 11, 2000 and modified on January 12, 2004 and again on May 12, 2014 between the town of Windsor, Colorado and Severance, Colorado for the project know as Village East.

Dear Josh,

Global Asset Recovery, through its representatives, has now submitted a new concept plan taking into consideration staffs' comments pertaining to water mitigation on the site. Based on that submittal, and new comments from staff, it has been determined that a variance to the Intergovernmental Agreement between the towns of Windsor and Severance Colorado, as it relates to the Cooperative Planning Area and the Commercial Corridor Area will be required for this concept to be acceptable to the Town of Windsor. We are requesting that we be placed on the first available work session of the town board to discuss the validity of our request for this variance.

The variance we are requesting will allow residential building to take place in both the Cooperative Planning Area and the Commercial Corridor Area as defined in the IGA between the municipalities of Windsor, Colorado and Severance, Colorado in our project.

Those areas are defined in the original IGA agreement under Section 2, Definitions,

(b) Cooperative Planning Area. Cooperative Planning Area (CPA) is a portion of Exhibit A and is specifically depicted thereon. The Cooperative Planning Area is a corridor defined as one-quarter (1/4) mile north and south of Colorado State Highway 392, bound on the west by Colorado State Highway 257 / Weld County Road 19, on the east by Weld County Road 23.

(d) Commercial Corridor Area. Commercial Corridor Area is a portion of the Cooperative Planning Area and is specifically depicted within the Cooperative Planning Area on Exhibit A. The Commercial Corridor Area is a corridor defined as one-eighth (1/8) mile north and south of Colorado State Highway 392, bound on the west by Colorado State Highway 257/Weld County Road 19" and on the east by Weld County Road 23.

We have provided an exhibit that reflects these defined areas and how they relate to our proposed concept plan.

The IGA goes on to state under Section 3 of the original agreement that residential zoning is only allowed if both municipalities specifically agree it to:

3. Comprehensive Development Plan for the Cooperative Planning Area

3.(a).2 Land use restrictions in the CPA, specifically including the prohibition of residential zoning within the CPA, unless such residential zoning is specifically agreed upon by both municipalities.

Additionally, if both municipalities agree to allow residential zoning, Section 3 of the IGA states that it must be in writing and the review period can be shortened by agreement.

(b) Upon the adoption of the Corridor Development Plan, in whole or in part, no development proposals, which for purposes of this Agreement shall include conditional use grants, shall be approved by either of the parties which are inconsistent with the plan adopted by the municipalities without the specific written consent of the board of trustees of each of the municipalities. It is understood and agreed that upon the adoption of this Intergovernmental Agreement, all plans and specifications for any development proposal within the boundaries of the CPA, received by either of the parties after the effective date of this Agreement, shall be forwarded to the other party for review and comment at least thirty (30) days prior to any action being taken on said development proposal. The review and comment period provided for herein may be shortened or extended by the parties by mutual agreement.

In Section 4 of the original IGA agreement Windsor and Severance anticipated that some developments would have cause that would necessitate the need for a variance to their IGA so they agreed to cooperate with each other to adopt such amendments.

4. Amendment of the Cooperative Planning Area Boundaries. The parties recognize that the boundaries of the CPA as established by this Agreement are reflective of current and projected land uses within the Geographic Area. The parties intend that the area to be contained within the CPA be limited to commercial and industrial development and that such development not be divided by the artificial boundaries established by this Agreement. The parties recognize that as annexations occur, and developments are proposed within the Geographic Area, it may be necessary to amend this Agreement to modify the boundaries of the CPA to include additional land that may be developed as commercial or industrial or to exclude land which will not be so developed. The parties agree that they shall fully cooperate with one another in adopting such amendments to this Agreement as may be necessary to effectuate the intentions of the parties as expressed in this paragraph.

Village East has become one of those developments that require such a variance. Staff is aware of the limiting factors to the site that have necessitated this request for a variance

to the IGA agreement between Windsor and Severance. However, I believe it would be beneficial to those not as familiar with the challenges associated with this site for us to give some historical background on the revisions to the John Law Drainage Basin imposed by FEMA that have impacted the site, curtailing development opportunities.

Our site became more challenging, as a direct result of the hydrologic and hydraulic study that was conducted by FEMA, for the Law Basin, that calculated up basin reservoirs would be operating at full capacity with no availability for additional water storage during a major event. When that criteria was applied to our site, the calculations of water flow on our site during a major event totaled 4400 cfs, a similar amount of water volume as the Poudre River above flood stage!!

The Towns of Windsor and Severance, to their credit, understood that the likelihood of challenging FEMA's new Flood Insurance Rate Map (FIRM) for the Law Basin with the new water flow calculations was unlikely, and that these changes would have a direct impact on development within their municipalities.

As a result in November 2012 the Draft Environmental Assessment of the John Law Ditch Flood Mitigation Project associated with the Town of Windsor, Colorado was released and determined;

“Historic drainage patterns in the vicinity of Windsor, including what is known as Law Basin, have been altered by the construction of the Greeley Number 2 Canal and two major roads: Weld County Road 21 (WCR 21) and Colorado State Highway 392 (SH 392), which cross the basin. Irrigation water is routed through the John Law Ditch, which flows through the middle of Law Basin. The John Law Ditch is approximately 20 feet wide and 4 feet deep and does not have the capacity to convey the 2-year storm event (Town of Windsor 2011)”.

Each construction alteration defined in that assessment, Weld County Road 21, Colorado State Highway 392 and the Greeley Number 2 Canal all come together to impact our site.

The report goes on to say;

“The floodplain associated with Law Basin was first delineated on a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Weld County dated March 18, 1980 (Town of Windsor 2011). Since that time, a hydrologic and hydraulic study was completed for Law Basin as part of Letter of Map Revision (LOMR) Case No. 08-08-0233P. An updated FEMA FIRM is available for the project area (Weld County, Colorado, Unincorporated Areas; Panel Number 0802660605D, Revised September 27, 1991). The revised floodplain was determined to be more extensive than that shown on the 1991 FIRM and includes 10 residential structures and two roads at risk of flooding during low 2-year to 10-year events (50- to 10-percent-annual-risk of flooding, respectively). SH 392 has traffic counts of approximately 8,200 vehicles per day and is at risk of overtopping during relatively minor events (less than a 10-year

event). SH 392 is a vital road in the project area and a major connector route between Greeley and Fort Collins. WCR 21 has traffic counts of 1,650 vehicles per day and is also at risk of overtopping during minor events (less than a 10-year event) (Town of Windsor 2011)".

We realize that a 128-page report has a lot more to say, but the underlining conclusion of that draft assessment was that the Town of Windsor decided;

"Based on the continuing risk of flooding, the Town of Windsor has identified the need to mitigate future flood events associated with the John Law Ditch east of Windsor near the intersection of WCR 21 and SH 392 by conveying stormwater runoff and flood flows without flooding residential properties and two roadways during floods up to and including a 10-year flood event. The primary need for the project is to reduce the flood risk to 10 residential properties and protect/maintain traffic flows on WCR 21 and SH 392 up to the 10-year storm event".

It should be noted that we participated in working with the Town of Windsor to help facilitate the mitigation of Law Basin and were willing participants in this capital project.

We could spend more time on the impact the Law Basin water mitigation project has had on our site, but I believe we all understand the scope of this project, along with, the amount of time, money, and energy that has gone into preparing this location in Windsor for future storm events.

Our request for the variance of the Cooperative Planning Area and the Commercial Corridor Area associated with our project is based on what is now the highest and best use for the property now that the mitigation of water flows have been addressed through the John Law capital project undertaken by the Town of Windsor.

Our concept plan for Village East Phase 2 presented to staff for comment provides a solution to mitigation of 4400 cfs, with zero rise on the site. We believe that our concept provides a solution that improves the water mitigation at this difficult location where Weld County Road 21, Colorado State Highway 392 and the Greeley Number 2 Canal all come together.

We are now asking that the Towns of Windsor and Severance to agree to allow residential building in Cooperative Planning Area and the Commercial Corridor Area for our property for the following reasons.

1. The amount of land remaining in the Commercial Corridor Area of our project is only 3.98 acres with limited access.
2. The amount of ground remaining in the Cooperative Planning Area of the project is 29.74 acres. This ground is surrounded by residential zoning and with the amount of open space created by channels associated with the Law Project, or new detention and channeling created by our project, along with bordering the

Great Western Trail System the continuation of the Village East residential neighborhood looks is the highest and best use for the land.

3. Access off SH 392 at best is a right in, right out scenario, if access off SH 392 is viable at all to the project, making it impractical for Windsor residents traveling east bound on SH 392 to access the property for commercial purposes.
4. Water in the Law Basin flows at this location to the southwest and the practical location for future commercial development would be the northeast corner of Weld County Road 21 and SH 392. Both the access issues and additional water mitigation can be accomplished at that location with excellent SH 392 visibility.
5. The estimated assessed valuation for residential property tax on an additional 135 residential homes in this location would be \$3,223,800 based on the current average sale price of Homes in Village East.

We ask that you approve our request for this variance to the IGA and allow residential building to occur at this location within the Cooperative Planning Area and the Commercial Corridor Area for the site.

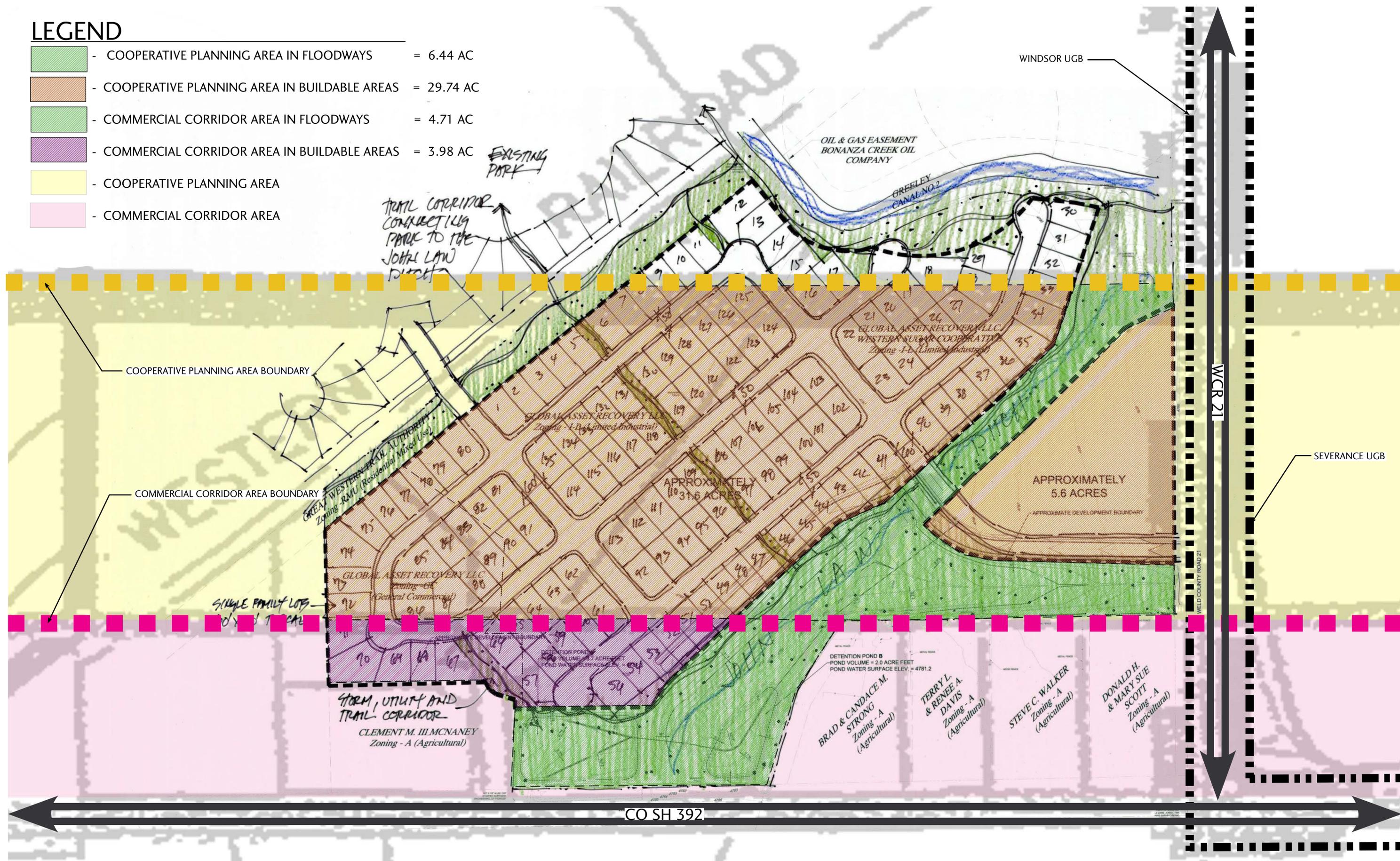
Thank you for your consideration on this issue.



David Tschetter
Global Asset Recovery, as agent

LEGEND

- COOPERATIVE PLANNING AREA IN FLOODWAYS = 6.44 AC
- COOPERATIVE PLANNING AREA IN BUILDABLE AREAS = 29.74 AC
- COMMERCIAL CORRIDOR AREA IN FLOODWAYS = 4.71 AC
- COMMERCIAL CORRIDOR AREA IN BUILDABLE AREAS = 3.98 AC
- COOPERATIVE PLANNING AREA
- COMMERCIAL CORRIDOR AREA



VILLAGE EAST - Cooperative Planning Area and Commercial Corridor Area

DATE: 7.15.2016





MEMORANDUM

Date: June 21, 2016
To: Madam Mayor and Town Board
CC: Patti Garcia, Town Clerk
Ian McCargar, Town Attorney
Kelly Arnold, Town Administrator
From: Teresa Ablao, Associate Town Judge
Re: Windsor Local Liquor Licensing Authority report – 2nd Quarter 2016

This quarter we had a fairly light amount of activity with respect to Liquor Licensing. The Authority met on April 18, May 16, and June 15. Below is a brief summary of what has occurred since my last report.

Renewals:

This quarter, 7 licenses were approved on consent.

- *Roma Restaurant* (Hotel/Restaurant license)
- *Hearth Restaurant and Pub* (Hotel/Restaurant license)
- *Sol De Jalisco* (Hotel/Restaurant license)
- *Pelican Lakes* (Hotel/Restaurant w/ Optional Premises license)
- *Corner Liquor* (Tavern license)
- *Wing Shack* (Beer/Wine license)
- *Sports Center Discount Liquor* (Tasting Permit)

One licensee was required to appear on its license renewal.

- *Backdraft, Inc. dba as Fire Station Restaurant* (Tavern license) to address failure to obtain current sales tax license. Current at time of appearance, license renewed.

Special Event Permits granted:

There were 3 Special Event Permits granted this quarter.

- *Windsor Parks and Recreation for Special Events at the Art and Heritage Center*
- *Athletes in Tandem*

Transfer Applications granted:

- *The Border* (Hotel/Restaurant License) was transferred to Familia Foods, LLC.

As always, please feel free to contact me anytime if you have any questions or concerns or if you wish additional information included in these reports.

Respectfully submitted,

Teresa Ablao

			MARCH 2016			
	<u>Previous Month</u>	<u>Previous Month's Year to Date</u>	<u>Current Month</u>	<u>Year To Date</u>	<u>Y.T.D. 2015</u>	
Misdemeanor Complaints						
911 Hang up Calls	40	56	6	62	38	
Animal	27	49	21	70	75	
Arson	0	0	0	0	0	
Assault	3	7	4	11	12	
Assist Other Department	10	14	12	26	30	
Attempted Suicide	1	2	0	2	2	
Checks	0	0	0	0	1	
Child Abuse	0	2	3	5	6	
Citizen Service	73	177	65	242	205	
Civil Complaints	7	20	13	33	25	
Contributing Delinq./ Minor	0	0	0	0	0	
Crime Against At-Risk Adult	0	0	1	1	0	
Criminal Mischief	9	18	11	29	31	
Criminal Trespass Premises	1	2	3	5	11	
Death	1	3	0	3	3	
Drugs	1	2	0	2	7	
DUI's	8	13	4	17	24	
False Burglar Alarm	16	42	21	63	75	
False Imprisonment	0	0	0	0	1	
False Reporting	0	0	2	2	1	
Found Property	10	18	8	26	31	
Harassment	10	25	9	34	28	
Indecent Exposure	0	0	0	0	3	
A. Curfew	0	0	0	0	0	
B. Runaway	4	4	1	5	8	
C. Other	4	7	7	14	13	
Juvenile Problems (total)	8	11	8	19	21	
Liquor Violations	0	0	0	0	0	
Lost Property	4	6	1	7	14	
Menacing	0	1	0	1	2	
MIC / MIP	0	0	0	0	5	
Missing Persons	3	4	0	4	1	
Obstructing Police	0	1	1	2	0	
Obstructing Telephone Service	0	1	1	2	0	
Open door	2	4	4	8	24	
Ordinance Violations	39	92	25	117	87	
Reckless Endangerment	0	0	0	0	0	
Repossession	0	0	0	0	0	
Sexual Assault	2	5	4	9	2	
Sex Offender Violation	0	0	1	1	1	
Soliciting	0	1	0	1	3	
Suspicious Activity	53	100	58	158	126	

			MARCH 2016			
	<u>Previous Month</u>	<u>Previous Month's Year to Date</u>	<u>Current Month</u>	<u>Year To Date</u>	<u>Y.T.D. 2015</u>	
Misdemeanor Complaints Cont'd						
Theft	13	23	14	37	50	
Theft By Receiving	0	0	0	0	0	
Towed - Abandoned	0	1	1	2	2	
Towed - Traffic	13	19	8	27	27	
Towed (Total)	13	20	9	29	32	
Traffic Accidents (total)	42	75	26	101	89	
A. Non-injury/Property damage	36	66	24	90	76	
B. Injury	4	7	1	8	6	
C. Fatal	0	0	0	0	0	
D. DUI Accidents	2	2	1	3	7	
Underage Possession Marijuana	1	2	1	3	7	
Vehicle Laws	167	382	160	542	552	
Violation of Restraining Order	1	4	4	8	12	
Warrants - WPD	2	2	0	2	1	
Warrants - Other Department	5	15	9	24	28	
Warrants (Total)	7	17	9	26	29	
Weapon Violation	0	0	1	1	1	
Felony Complaints						
Armed Robbery	0	0	0	0	2	
Arrests	2	11	8	19	27	
Arson	0	0	0	0	0	
Assault	1	2	1	3	7	
Attempted Burglary	0	0	0	0	0	
Auto Theft	0	2	1	3	1	
Burglary	2	3	2	5	5	
Checks	0	0	0	0	0	
Child abuse	0	0	3	3	0	
Child Neglect	0	0	0	0	0	
Contrib./Delinq. of Minor	0	0	0	0	0	
Criminal Impersonation	0	2	0	2	0	
Criminal Mischief	1	2	2	4	2	
Criminal Trespass - Dwelling	0	0	0	0	1	
Criminal Trespass - Vehicle	1	6	1	7	26	
Drugs	0	0	1	1	3	
Forgery	0	3	0	3	1	
Fraud	2	9	5	14	48	
Homicide	0	0	0	0	0	
Identity Theft	0	2	3	5	20	
Intimidating Witness/Victim	0	0	0	0	0	
Menacing	0	1	0	1	3	
Recovery of Stolen Vehicle (ALL)	0	1	1	2	0	
Robbery	0	0	0	0	0	
Sexual Assault	0	0	0	0	1	
Tampering with Evidence	0	0	0	0	1	
Theft by Receiving	0	0	0	0	0	

			MARCH 2016			
	<u>Previous Month</u>	<u>Previous Month's Year to Date</u>	<u>Current Month</u>	<u>Year To Date</u>	<u>Y.T.D. 2015</u>	
Theft	1	7	2	9	24	
Warrant (Other Department)	1	3	2	5	6	
Weapon Violation	0	0	1	1	0	
Adult Arrest	26	47	26	73	83	
Juvenile Detentions	2	4	4	8	12	
Total Calls for Service	544	1150	519	1669	1592	
A. Criminal	295	645	298	943	930	
B. Non-Criminal	249	505	221	726	662	
Cases Filed (County Penal)	18	29	19	48	52	
County Traffic Citations	46	108	40	148	145	
Municipal Citation	134	308	125	433	444	
A. Traffic	110	258	104	362	395	
B. Ordinances	24	50	21	71	49	
Warnings	328	742	297	1039	804	
Juvenile Filings	2	5	2	7	1	
Parking Tickets	48	89	52	141	134	
Juvenile Notification Forms	13	30	12	42	46	
M-1 Holds	6	7	2	9	22	
Misdemeanor Complaints Cleared by Arrest	26	46	22	68	68	
Monetary Loss Misdemeanor Complaints	\$5,858	\$7,923	\$5,457	\$13,380	\$15,536	
Monetary Recovery Misdemeanor Complaints	\$1,032	\$1,032	\$125	\$1,157	\$521	
Felony Complaints Cleared by Arrest	2	6	8	14	27	
Monetary Loss Felony Complaints	\$2,000	\$128,125	\$50,200	\$178,325	\$54,457	
Monetary Recovery Felony Complaints	\$0	\$49,942	\$42,000	\$91,942	\$10,640	