



TOWN BOARD REGULAR MEETING
August 22, 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 7:03 p.m.

- | | | |
|--------------|------------------------|---|
| 1. Roll Call | Mayor
Mayor Pro Tem | Kristie Melendez
Myles Baker
Christian Morgan
Ken Bennett
Paul Rennemeyer
Brenden Boudreau
Ivan Adams |
|--------------|------------------------|---|

Also Present:	Town Manager Town Attorney Communications/Assistant to Town Manager Town Clerk/Assistant to Town Manager Chief of Police Director of Planning Communications Manager Director of Economic Development Director of Engineering Senior Planner Open Space Manager Director of Public Works Director of Parks, Recreation and Culture Director of Finance Town Prosecutor Deputy Town Clerk	Kelly Arnold Ian McCargar Kelly Unger Patti Garcia Rick Klimek Scott Ballstadt Katie Van Meter Stacy Johnson Dennis Wagner Paul Hornbeck Wade Willis Terry Walker Eric Lucas Dean Moyer Kim Emil Krystal Eucker
---------------	---	--

1. Pledge of Allegiance

Mayor Pro Tem Baker led the Pledge of Allegiance.

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

Town Board Member Rennemeyer moved to amend the agenda by removing agenda item C.6 for an indefinite period of time; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

3. Board Liaison Reports

- Mayor Pro Tem Baker – Parks, Recreation & Culture Advisory Board; North Front Range/MPO alternate
Mayor Pro Tem Baker had no report.
- Town Board Member Morgan – Water & Sewer Board; Clearview Library Board
Town Board Member Morgan reported the Water and Sewer board heard the presentation on the Greeley Loveland Irrigation Company water delivery which has also been heard by the Town Board.
Mr. Morgan reported the Library Board will be meeting this Thursday.
- Town Board Member Bennett – Planning Commission; Windsor Housing Authority
Town Board Member Bennett reported the Planning Commission discussed items C.7 and C.8 that are on the current agenda.
Mr. Bennett reported the Windsor Housing Authority met and discussed private activity bonds. Windsor has qualified to receive the private activity bonds by reaching a certain number in population. The bonds can be transferred to be used for affordable housing and the Windsor Housing Authority will be requesting the Town's private activity bonds be transferred to them again this year. The bonds are to be used or they will be lost. The Windsor Housing Authority is in the process of planning another project but it they will not be ready in time to spend that money. The Town of Windsor transfers the private activity bonds to the Windsor Housing Authority and they can in turn transfer them to the State of Colorado through CHFA which can hold them in an account for up to three years then come back to the Windsor Housing Authority for the project they are currently planning.
- Town Board Member Rennemeyer – Historic Preservation Commission; Great Western Trail Authority.
Town Board Member Rennemeyer reported Mr. Olhava has met with a professor regarding a class at CSU that will be researching the eight historic churches in the downtown area.
- Town Board Member Boudreau – Chamber of Commerce; Planning Commission alternate
Town Board Member Boudreau reported Leaders Night is scheduled for 5:30 p.m. October 4, 2016 at the Community Recreation Center. The Annual Dinner is scheduled for 5:00 on October 19, 2016 at the Community Recreation Center. Discussion took place regarding an election forum in September to discuss various bond issues.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
Town Board Member Adams had no report.
- Mayor Melendez – Downtown Development Authority; North Front Range/MPO
Mayor Melendez reported the Downtown Development Authority discussed the cost analysis of the Mill project that the Town has requested. The Downtown Development Authority is planning a downtown appreciation night scheduled for September 28, 2016 from 5:30-7:30 in the back lots.

4. Public Invited to be Heard

Mayor Melendez opened the meeting up for public comment.

Bill Edwards, 1125 Crescent Drive, Windsor, CO inquired if the agenda item that was removed will come up in the future.

Ms. Melendez stated it has been removed indefinitely.

Mr. Bennett stated he will inform Mr. Edwards if it should come up again.

Brian Comiskey, 570 Moonglow Drive, Windsor, CO commented that he resides in the Greenspire Subdivision and the rocks along the shoreline are sharp and jagged. Residents have a hard time launching paddle boards and kayaks with those rocks and wondered if there was any way to clear some rocks around the lake for easier access.

Mr. Arnold stated the rip rap on the shoreline is for stabilization and all boat access is on the west side of the lake. Permits are required for vessels on the lake which can be acquired at the Community Recreation Center.

B. CONSENT CALENDAR

1. Minutes of the August 8, 2016 Town Board Meeting – K. Eucker
2. Resolution No. 2016-57 - A Resolution Approving an Intergovernmental Agreement for Assistance with Great Outdoors Colorado Funding between the Town of Windsor, Colorado and Weld County School District Re-4 – W. Willis
Town Board Member Bennett moved to approve the consent calendar as presented; Mayor Pro Tem Baker seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

C. BOARD ACTION

1. Review and Confirm Water Rights Requirement for Windsor Charter Academy at 680 Academy Court – Leonard Wiest representing Windsor Charter Academy
 - Staff presentation: Dennis Wagner, Director of Engineering

Per Mr. Wagner, the original Windsor Charter Academy (WCA) was established in 2001 at 680 Academy Court in a Limited Industrial (IL) zoned area. Because the lots were zoned IL, and a school was not yet proposed, the raw water dedication was set at 0.385 acre-feet per lot based on actual water usage data in the Windsor Tech Business Center development to the northwest of Academy Court. The developer of the lots satisfied the original raw water dedication.

WCA was expanded in 2011 and again in 2016. In conjunction with the expansion in 2016 Windsor staff looked back at actual water usage for the school to determine if the original water dedication was sufficient to service the current and projected student population. The raw water deficiency with the 17% shrinkage of 0.73 acre-feet which is a cash value of \$27,740.

The current expansion was evaluated in two separate parts; the current deficiency of the students that the school had last year and then how much more raw water will the 58 new students use. It was determined the new students would use .11 acre-feet which is a cash value of \$4,180 and that has recently been paid by the project contractor although the \$27,740 is still due.

Section 13-2-80 of Windsor’s Municipal Code addressed raw water dedication or cash-in-lieu (subsection b and c) which is pertinent to this issue.

- b) The water requirements for all zoning districts other than those listed in the paragraph above shall be reviewed and determined by the Town Board as specific development

plans are proposed. The basis of water requirements shall be the anticipated annual water usage of the development.

- c) The foregoing water rights requirements shall be based upon their initial intended use and shall be required to be satisfied one (1) time only for each annexation, subdivision, subdevelopment and parcel of land. If the initial intended use is altered or changed, the owner of such tract shall furnish such additional water as shall be determined by the Town to be due on account of such different use.

Mr. Leonard Wiest, representing the project contractor, sent an email and has requested the \$27,740 be waived.

Ms. Melendez inquired if there were incentives provided to Windsor charter Academy for the expansion.

Mr. Arnold stated the Town did not provide incentives for the expansion but have in the past for the high school.

Mr. Baker inquired if the proper dedication has been done for the high school

Mr. Wagner stated it was known from the beginning that it would be a high school, so existing school date was used for the raw water calculation. The school has only been operational for one year and their usage has not been reviewed.

Mr. Baker inquired if there is way for the Town to go back in time to review water usage and how far back can the Town go.

Mr. McCargar stated the code contemplates that if the Town estimates usage for one use, then if the use changes and results in higher water demand, the Town has the ability to require more water. The code does not say when that analysis has to be completed.

Mr. Adams recited Article 12, Town Owned Utilities:

- A. The Town Board shall from time to time fix, establish, maintain, and provide for the collection of rates, fees, and charges for water, sewer, and other utility services furnished by the Town.
- B. Such rates, fees, and charges shall be sufficient in the Town Board's judgment to provide good service to the customers, pay all bonded indebtedness, pay legally required refunds, cover the cost of operation, maintenance, additions, extensions, betterments, and improvements, provide a reasonable return on the Town's investment in utility properties and capital investments, and reimburse the general fund for administrative services and overhead provided and incurred by the Town on behalf of each utility, as allowed by the Colorado Constitution and other applicable laws.

Mr. Adams also commented that the Town knew that there would be an addition to that building when it was first built and the Town should have known that and planned for it.

Ms. Melendez stated she did not think it was up to the Board to make conclusions for individuals that they would complete future expansions.

Mr. Baker inquired if the Board decides to waive the fees for the school, will the funds need to be reimbursed from the general fund.

Per Mr. Arnold; no.

Ms. Melendez inquired as to creating a payment plan for the fees.

Mr. Arnold stated there has not been much exploration of a payment plan but if that is what the Board wishes to do, discussions can take place with Mr. Wiest.

Mr. Bennett inquired if there is a precedent for waiving fees in situations like this.

Mr. Arnold stated it depends; it would be understandable if the Board chooses to waive the fees based on the use being a school.

Ms. Melendez inquired if the Town has required water dedication when there has been a change of use.

Mr. Wagner stated it has been done. When Vestas expanded, their water usage was reviewed also High Hops water usage is reviewed periodically for initial raw water dedication which has resulted in additional fees being paid twice because of their increased in usage.

Mr. Morgan inquired as if the additional water dedication is for the expansion of the facility and the addition of the new students.

Mr. Arnold stated the fees for the expansion and additional students have been paid. When this was zoned and brought to the Town there was water brought for the uses there according to the use so Windsor took that water and counted it towards the school use. Windsor never did an analysis of how many students were going to be there.

Mr. Wagner stated it was unknown how many students were expected initially.

Mr. Morgan inquired if the school crossed a threshold on the number of students that triggered a new water requirement.

Mr. Wagner stated it wasn't anything related to the number of students. In the 2016 expansion, the site plan and traffic were reviewed as well as raw water.

Mr. Morgan inquired if the additional raw water dedication is in the site plan agreement.

Mr. McCargar stated the proposed site plan agreement that has been approved by the Town and the Charter Academy, it's not certain that the building ownership entity that is part of this arraignment has signed off on the site plan agreement but the site plan agreement requires what raw water dedication in accordance with the code language.

Mr. Morgan inquired if a site plan agreement has been received.

Mr. McCargar stated he has not received the signed site plan agreement but the water dedication for the expansion has been completed. The issue is the under-dedication of raw water for the existing property.

Mr. Boudreau inquired if the school is using more than what was predicted and the \$27,000 is essentially back owed fees.

Mr. Wagner stated if the charter school was not expanding this year and the Town simply looked at the water usage at the end of last year, this would be due to the Town because of the students that were there last year.

Mr. Arnold stated is it not an accumulation over the years but it is actual use.

Ms. Melendez inquired as to how a future expansion would work.

Mr. Wagner stated the Town of Windsor has to have raw water rights so that water can be treated and delivered to citizens as potable water. If the Town runs in deficit of raw water, there is a risk of deficit in potable water. Mr. Wagner stated the Town should be keeping up with raw water dedication versus water usage.

Mr. Arnold commented the ordinance recommends imposing the raw water fee.

Ms. Melendez inquired if there are options in terms of collecting the fees.

Mr. Arnold stated there are if that is the wish of the Board.

Mr. Adams stated Mr. Wiest has asked on a formal appeal procedure to present his case and the Board approved a delay to allow Mr. Wiest to be able to attend the meeting and make his appeal.

Mr. Bennett inquired if there are any other situations in which the Town has underestimated raw water usage.

Mr. Wagner stated he is not aware of any other situations at this point. The best time to review raw water usage is during expansion plans as there are a number of items being reviewed.

Mr. McCargar commented the word appeal has been used but there is no formal appeal process in the code.

Mr. Bennett stated he would like to hear more about a payment plan or discount option for the fees owed.

Mr. Wiest stated the topics mentioned in the memo to Mr. Arnold have been discussed. The initial use in 2001 was a school and the expansion in 2011 was also a school. The raw water for the expansion has been paid and no additional tap or water service has been added. The school and contractor decided to go through the local process instead of the state process and have paid over \$20,000 in fees to the Town. Mr. Wiest is requesting the additional raw water fee be waived.

Ms. Melendez inquired about the 2001 use that has not changed.

Mr. Arnold stated in 2001 the area was a limited industrial zoned area and the developer at that time brought water to the development. At that time, the Town made the choice to take that water and when the use came in, the Town allowed the school to use the water that the developer brought in for that development. There was not an analysis done at that time regarding school and how much was used at that time and that is why there was less water brought forward at that time.

Ms. Melendez inquired as to what happens when a situation is over estimated.

Mr. Arnold stated that issue has not been raised.

Mr. Wagner stated he has not had that situation previously.

Ms. Melendez inquired if a motion is needed from the Board.

Mr. Arnold stated a confirmation acknowledging the fees are owed is needed.

Mr. McCargar stated the staff determination is consistent with the code. That is why the language was to determine and confirm. If a motion to confirm what staff has

determined, a vote would be taken on that. Depending on the outcome of that, if someone wishes to propose something else, that would be done in the form of a motion as well.

Mr. Bennett commented that he is in favor of collecting the fees on a payment plan.

Mr. Baker commented that half of the fees should be waived and the other half resolved on a generous payment plan.

Mr. Morgan agreed with Mr. Baker.

Mr. Adams commented that the overage for the previous two years would actually be an operating cost of the school and not part of the expansion and feels the fees that are owed could be put to a better use for the students.

Town Board Member Morgan moved to confirm that \$27,740 is due to the Town based on the calculation submitted by staff; Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Melendez; Nays- Adams; Motion passed.

Mayor Pro Tem Baker moved to waive 50% of the raw water dedication as determined by the Town Engineer, with a payment plan to be established by the Town Manager or his designee; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

2. Ordinance No. 2016-1523 – An Ordinance Annexing and Zoning Certain Territory known as the Weakland Annexation to the Town of Windsor, Colorado – Pat and Amanda Weakland, Windsor Gardener/High Hops Brewery, applicants

Super-majority vote required for adoption on second reading

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

Per Mr. Hornbeck, the proposed annexation is requesting General Commercial (GC) zoning for the property which is what is designated on the land use plan. The proposal also includes a site plan that has previously been presented to the Town Board. Should the ordinance be approved, the following agenda item is Resolution 2016-58, Approving the Annexation Agreement with the applicant.

At their August 3, 2016 regular meeting, the Planning Commission forwarded a recommendation of approval of the Weakland Annexation and zoning designation.

Ms. Melendez inquired if the applicant is in agreement with the conditions of the annexation agreement.

Per Mr. Hornbeck, the applicant has signed the agreement.

Ms. Melendez provided the opportunity for public comment to which there was none.

Town Board Member Boudreau moved to approve Ordinance No 2016-1523 Annexing and Zoning Certain Territory known as the Weakland Annexation to the Town of Windsor, Colorado; Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

3. Resolution No. 2016-58 - A Resolution Approving an Annexation Agreement between the Town of Windsor and Pat and Amanda Weakland with Respect to the Weakland Annexation to the Town of Windsor, Colorado – Pat and Amanda Weakland, Windsor Gardener/High Hops Brewery, applicants
 - Legislative action
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

Town Board Member Rennemeyer moved to approve Resolution No. 2016-58; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

4. Ordinance No. 2016-1524 - An Ordinance Repealing, Amending and Readopting Portions of Chapter 6, Article I of the Windsor Municipal Code Authorizing the Local Licensing Authority to Assign Administrative Functions and Approvals to the Town Clerk
 - First reading
 - Legislative action
 - Staff presentation: Patti Garcia, Town Clerk

Per Ms. Garcia, the proposed ordinance is the concept of authorizing administrative processing and issuance of liquor licensing to the Town Clerk. Currently, liquor license applications are reviewed by the Town Clerk's office, Police Department, and Finance Department and then it is sent to the Liquor Licensing Authority who then reviews the application as well.

The proposed ordinance would allow the Town Clerk's office to review the regular applications such as renewals and repeat special event permits and administratively approve those applications. If there are any concerns by the departments reviewing the applications or new applications would still go before the Liquor Licensing Authority.

The purpose of the ordinance is to allow the applicants to get their licensing completed in a much more efficient manner as opposed to waiting for the next Liquor License Authority Meeting.

Ms. Melendez inquired if the Town Board will be involved in the liquor licensing process.

Ms. Garcia stated the Board will be notified when the Liquor License Authority completes the routine report; the administrative approvals would be added to that report and provided to the Town Board.

Ms. Melendez inquired as to when the report will be received.

Ms. Garcia stated the report is usually done quarterly.

Ms. Melendez inquired if the Town Board will be notified if there are any problems with an application.

Mr. Garcia stated if there are major issues the Town Manager is notified.

Town Board Member Adams moved to approve Ordinance No. 2016-1524 Repealing, Amending and Readopting Portions of Chapter 6, Article I of the Windsor Municipal Code Authorizing the Local Licensing Authority to Assign Administrative Functions and Approvals to the Town Clerk; Town Board Member Boudreau seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

5. Ordinance No. 2016-1525 - An Ordinance Repealing Sections 8-2-20 and 8-2-40, and Repealing, Amending and Re-Adopting Section 8-2-30 of the Windsor Municipal Code Concerning Parking Regulations

- First reading
- Legislative action
- Staff presentation: Rick Klimek, Chief of Police

Per Mr. Klimek, this ordinance is intended to clean up existing parking regulations and make parking easier in the downtown area.

Mr. Boudreau stated he appreciates the work being put in to cleaning up outdated regulations.

Ms. Melendez inquired if public works is in agreement with the change.

Mr. Klimek stated the ordinance was a group effort between Kim Emil, Terry Walker, Dennis Wagner and me.

Mr. Arnold stated the proposed change was also presented to the DDA.

Town Board Member Boudreau to approve Ordinance No. 2016-1525 Repealing Sections 8-2-20 and 8-2-40, and Repealing, Amending and Re-Adopting Section 8-2-30 of the Windsor Municipal Code Concerning Parking Regulations; Mayor Pro Tem Baker seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

7. Public Hearing – Final Major Subdivision Plat for Fossil Ridge Subdivision 5th Filing; Mick Occhiato, TC 56 LLC, applicant/Mike Walker, The Birdsall Group, applicant’s representative

- Staff Presentation: Paul Hornbeck, Senior Planner

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

Per Mr. Hornbeck, what is being presented is a final major subdivision for the Fossil Ridge 5th Filing also known as Belmont Ridge.

The proposal is summarized as follows:

- 7 single-family residential lots totaling approximately 2.25 acres;
- Lots range in size from approximately 10,820 to 18,466 square feet;
- Approximately 0.31 acres of public right-of-way dedication

The subject property was originally platted in 2004 as Tract W and at that time it was depicted as a clubhouse. The clubhouse has never been built and the parcel has remained undeveloped. The clubhouse would have been an amenity for residents but it was not a requirement of Windsor. The existing plat also indicates the parcel as a pedestrian access, utility, and drainage easement.

The applicant held a neighborhood meeting on May 17, 2016, in accordance with the Municipal Code. There were approximately 20 neighbors in attendance and the notes from that meeting are included in the packet materials.

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

At their August 17, 2016 regular meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of the final major subdivision with the following conditions:

1. All remaining Planning Commission and staff comments shall be addressed prior to recordation of the plat and development agreement; and
2. All development requirements shall continue to be met.
3. Prior to recording the subdivision plat, the applicant shall undertake the necessary steps in accordance with Colorado Revised Statutes to include the new lots in the existing homeowner's association. This condition in no way requires the association to approve the applicant's proposed inclusion in the association.

Staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony presented during the public hearing
- Recommendation

Mr. Bennett inquired if the original plat that was approved by the Planning Commission is no longer valid.

Mr. Hornbeck stated the developer went bankrupt and the property has changed hands.

Ms. Melendez inquired if there will be a clubhouse built.

Mr. Hornbeck stated as far as he knows there will not be one built.

Ms. Melendez inquired if the Planning Commission had any other conditions other than joining the HOA.

Mr. Hornbeck stated joining the HOA was the only additional recommendation; the applicant is required to apply to be accepted to the HOA but beyond that it is an issue between the developer and the HOA.

Ms. McCargar stated at some point it was intended that the parcel was going to join the HOA and the applicant has indicated a willingness to try to join the HOA. Beyond that, the applicant does not have control over whether they are accepted or not.

Mr. Baker inquired if the HOA could reject the request to join the HOA.

Mr. McCargar stated acceptance into the HOA is between the two parties and if the HOA is not willing to entertain the application because of its form, there is nothing the Town neither should nor can do to resolve that issue.

Mr. Adams inquired if the recession was the delay in the development.

Mr. Hornbeck stated that is his understanding.

Jeff Tiffan, 5215 Kempton Drive, Windsor, CO stated the previous proposal was to develop 10 lots in the space with the spaces being 2/3 the size of the surrounding lots which were opposed. Mr. Tiffan stated he believes these lots should be part of the HOA and the HOA wants the builder to join as the goal for the area is consistency in the neighborhood.

Ms. Melendez inquired if the applicant could speak during the public hearing.

Applicant's representative, Mick Occhiato stated several discussions have taken place with the HOA and a letter of intent was signed in June of 2016. It is every intention to join the HOA.

Mr. Baker inquired if there would be any reason the developer and HOA may not be in agreement.

Mr. Occhiato stated he didn't see any reason and there has been dialogue with the HOA from the beginning.

Mr. Adams inquired as to why the HOA would request the developer and not the homeowner to join the HOA.

Mr. Occhiato stated the HOA would like to make certain that the product complies with their architectural guidelines; the intent is to create a product that fits into the neighborhood.

Ms. Melendez inquired if the developer intends to comply with the HOA regulations.

Mr. Occhiato stated that is the intent.

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

8. Resolution 2016-59 - A Resolution Approving the Final Major Subdivision Plat for Fossil Ridge Subdivision 5th Filing; Mick Occhiato, TC 56 LLC, applicant/Mike Walker, The Birdsell Group, applicant's representative
 - Quasi-judicial action

- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

Per Mr. Bennett, "Madam Mayor, for the record, I would like to point out that in my capacity as Town Board liaison to the Planning Commission, I was present at the Planning Commission meeting during which this matter was previously presented. I wish to state that my participation in the Planning Commission proceedings has in no way influenced me in my capacity as a Town Board Member this evening. I will make my decision and cast my vote this evening based solely on the evidence presented during this public hearing."

Town Board Member Adams moved to approve Resolution No. 2016-59; Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

9. Resolution No. 2016-60 - A Resolution Approving an IGA for Larimer County and Windsor to Jointly Hold the Conservation Easements That Make Up the Poudre River Initiative

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

Per Mr. Willis, a partnership was developed with Larimer County to co-hold the easements that Greeley has acquired through the Great Outdoors Poudre River Initiative Grant. The Poudre River Initiative was a \$5.1 million grant that was awarded to Larimer County, Fort Collins, Timnath, Greeley and Windsor to facilitate land acquisition and trail development. Greeley purchased 366 acres of land and one of GoCO's requirements is that all of that land must be under a conservation easement. Larimer County and Windsor have agreed to co-hold the conservation easements as stated in an intergovernmental agreement.

Ms. Melendez inquired if these need to be co-held because Windsor is not a qualified agency.

Mr. Willis stated a qualified agency is required to hold the easement and Larimer County is a qualified agency with many years of experience. Windsor will act as the lead on holding the easements and Larimer County will oversee the easements.

Mr. Melendez inquired if Windsor has held easements with Larimer County in the past.

Mr. Willis stated this is the beginning of the Poudre River Initiative process.

Town Board Member Morgan moved to approve Resolution No. 2016-60; Mayor Pro Tem Baker seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

10. Resolution No. 2016-61 - A Resolution Accepting Deed of Conservation Easement for Signature Bluffs

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

Per Mr. Willis the Signature Bluff conservation easement is in relation to the Poudre River Initiative.

Mayor Pro Tem Baker moved to approve Resolution No. 2016-61; Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

11. Resolution No. 2016-62 - A Resolution of the Windsor Town Board Approving the Adopting the 2016-2018 Town of Windsor Strategic Plan

- Legislative action
- Staff presentation: Kelly Unger, Communications/Assistant to the Town Manager

Per Ms. Unger, in May of 2016 the Town Board met with department heads to establish the initial framework of the strategic plan. The framework was made available to the community and feedback was received from approximately 45 citizens. As a group, the public comments were incorporated into the strategic plan and since that time staff has been working to establish a work plan and action items.

The vision was revised and stated, “The Town of Windsor promotes community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner.”

The top 10 initiatives were broken down into four categories.

Thoughtful Framework and Supportive Infrastructure

- Establish a water plan
- Traffic and roadways
- Municipal broadband
- Prioritize the future design and development of Crossroads Boulevard
- Establish standards, criteria, etc., for crosswalk markings, signage and flashing lights

Prosperous Local Economy

- Partner with developer to renovate and establish a commercially viable entity at The Mill
- Explore options for retiring existing debt
- Reevaluate and compare Windsor’s incentive program with our competitors

Diverse, Desirable Recreation and Cultural Opportunities

- Establish a viable downtown Farmer’s Market in Windsor

Safe, Well-Planned Community with Spirit and Pride

- Review current housing policies and most recent information in order to understand gaps and needs in existing housing options

Staff recommends adopting Resolution No. 2016-61.

Ms. Melendez inquired if the farmer's market position will be a town position or a contract position.

Mr. Lucas stated at this point it is a contract position.

Ms. Melendez inquired if the Board will be updated on the progress.

Ms. Unger stated a tracking sheet will be provided to the Town Board on a quarterly basis.

Ms. Melendez inquired if they will have handouts to summarize the strategic plan.

Ms. Unger stated handouts are being planned and will be folded to the size of a business card.

Town Board Member Rennemeyer motioned to approve Resolution No. 2016-62; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

12. Economic Development Report

- Staff presentation: Stacy Johnson, Director of Economic Development

Ms. Johnson introduced Richard Pickett and Lisa Hudson from East Colorado Small Business Development Center (SBDC).

Mr. Pickett reported the SBDC focuses on three areas; one-on-one consulting with small businesses, providing education through seminars and webinars and help small businesses with funding options.

Mr. Pickett stated the BizHub provides similar services as the SBDC but they are more enhanced. BizHub is a fee based program but provides a much bigger return then what the SBDC provides. One of the services that have been added this year is partnering with students at the University of Northern Colorado to work with BizHub clients to build a business plan and that service alone ranges from \$1,500-\$3,000; the cost to become a BizHub client is \$1,500 per year.

The SBDC program is run by grants and fundraising that is done throughout the year. Each of the communities that the SBDC services have agreed to help fund the DBDC.

The SBDC has spoken with 40 businesses with interest in Windsor; nine jobs have been retained, \$331,000 in increased sales and \$1.4 million in capital formation.

Per Ms. Johnson, the Economic Development Department has received 57 prospect requests between January 1, 2016-June 30, 2016 and has 49 active prospects. There have been 11 prospect site visits through June 2016. Prospect leads did shift with 31% coming from Upstate Colorado. The businesses that have settled or expanded in Windsor over the last few years have or will add over 1,100 new jobs within the community. Out of the active prospects, 65% are in the industry sector and 25% are in the retail sector. The majority of prospects are requesting existing space and of those requesting existing space they would like less than 25,000 square feet.

Mr. Morgan inquired as to how most of the prospects are received.

Ms. Johnson stated Upstate Colorado has been the primary source although several other sources are utilized.

Mr. Baker inquired if non-qualified prospects are not willing to wait to work with a developer for space.

Ms. Johnson stated she does inform prospects of the business parks in Windsor and that the developer is willing to build to suit.

Ms. Johnson provided Windsor's small business resource guide to the Town Board.

13. July 2016 Financial Report

- Staff presentation: Dean Moyer, Director of Finance

Mr. Moyer provided an overview of the July 2016 financial report.

- CRC expansion tax met the budget requirement for July
- Single family building permits total 430 through July which is up from 193 in July of 2015 (Record number of permits issued in one year is 451)
- Sales tax collections of the 3.2% sales tax for July were \$838,961 which is 3.92% higher than July 2015
- Construction use tax through July is at 104.98% of the annual budget at \$1,850,912
- All three revenue generating collections have met the benchmark to this point
- Expenditures are at 55% which is below the benchmark of 58%.

Ms. Melendez inquired about the difference between the comparison of the Main Park shelter and the Chimney Park shelter.

Mr. Moyer stated a number was budgeted for the project; the estimated portion to be completed in one year was off so the funds spilled over to the next year which makes it look over budget when the project in total is under budget.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Mr. McCargar reminded the Board of the executive session.

2. Communications from Town Staff

None

3. Communications from the Town Manager

Mr. Arnold thanked the group for their work on the strategic plan. Items in the strategic plan could potentially be completed in 6-9 months which could give the opportunity to bring up secondary items.

4. Communications from Town Board Members

Mr. Adams stated he has taken trips through the round-a-bouts and they are helpful.

Ms. Melendez thanked the Board members that were out at the crosswalks on the first day of school.

E. EXECUTIVE SESSION

1. 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 modification of certain development restrictions - (Ian McCargar; Kelly Arnold) and Economic Development Incentives (Stacy Johnson)

Mayor Pro Tem Baker motioned to go into 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 modification of certain development restrictions - (Ian McCargar; Kelly Arnold) and Economic Development Incentives (Stacy Johnson); Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

Upon a motion duly made, the Town Board returned to the regular meeting at 10:04 p.m.

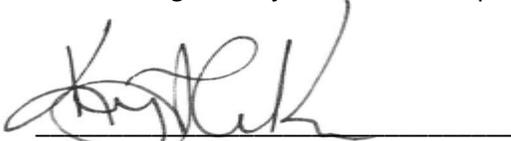
The Executive Session was closed and the Town Board returned to the Regular Meeting.

Upon returning to the regular meeting, Mayor Melendez advised that if any participants in the Executive Session believed the session contained any substantial discussion of any matters not included in the motion to convene the Executive Session, or believed any improper action occurred during the Session in violation of the Open Meetings Law; such concerns should now be stated. Hearing none, the Regular Meeting resumed at 10:04 p.m.

F. ADJOURN

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

The meeting was adjourned at 10:04 p.m.



Deputy Town Clerk, Krystal Eucker