



**TOWN BOARD REGULAR MEETING**  
October 10, 2016 - 7:00 P.M.  
Town Board Chambers  
301 Walnut Street, Windsor, CO 80550

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

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MINUTES

A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:0 p.m.

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

Also Present:	Town Manager Town Attorney Town Prosecutor Communications/Assistant to Town Manager Chief of Police Communications Manager Director of Planning Director of Parks, Recreation and Culture Parks and Open Space Manager Deputy Town Clerk	Kelly Arnold Ian McCargar Kim Emil Kelly Unger Rick Klimek Katie Van Meter Scott Ballstadt Eric Lucas Wade Willis Krystal Eucker
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- Pledge of Allegiance  
Town Board Member Morgan led the Pledge of Allegiance.
- Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board  
**Town Board Member Adams moved to approve the agenda as presented; 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.**
- Board Liaison Reports
  - Mayor Pro Tem Baker – Parks, Recreation & Culture Advisory Board; North Front Range/MPO alternate  
Mayor Pro Tem Baker reported the Parks, Recreation and Culture Board received a presentation on the Town of Windsor Strategic Plan. A review commenced to improve marketing, communication and regional visibility with a focus on customer service and

diversification of programs and facilities. A trail request was being brought forward and then put on hold to put more work into the request after discussions took place with staff.

- Town Board Member Morgan – Water & Sewer Board; Clearview Library Board  
Town Board Member Morgan reported the Library Board received a presentation from the school district on their bond issue and met with the engineers for the design work on the new library facility.

Mr. Morgan reported the Water & Sewer Board will meet this October 17, 2016 and Mr. Rennemeyer will be attending the meeting.

- Town Board Member Bennett – Planning Commission; Windsor Housing Authority  
Town Board Member Bennett had no report.
- Town Board Member Rennemeyer – Historic Preservation Commission; Great Western Trail Authority.

Town Board Member Rennemeyer reported the study being conducted by Colorado State University regarding historical churches in Windsor is moving forward.

Mr. Rennemeyer reported the Great Western Trail Authority's Trail Manager is working with property owners adjacent to the trail to establish relationships.

- Town Board Member Boudreau – Chamber of Commerce; Planning Commission alternate  
Town Board Member Boudreau reported the Chamber of Commerce will be meeting on October 12, 2016 at 7:00 and the Annual Dinner is scheduled for October 19, 2016.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board  
Town Board Member Adams reported the Tree Board discussed plans for 2017, discussed the float that was presented during the Harvest Festival and decided to use the award money from the float contest to replace a dead tree in Windsor. The Tree Board approved a motion to continue hosting the Colorado Community Forestry Conference.

Mr. Adams reported the Poudre River Trail Corridor Board was informed of the Greenway Master Plan which contains three components; inventory of the Poudre studies, plans and documents, preparation of material for sharing and updating the corridor and a final plan for compatible land uses in the greenway corridor. A report was also given on the condition and capital needs of the trail; members shared their concerns regarding the extensive repairs needed as a result of the lifecycle of the improvements as well as the flooding that has occurred. A discussion also took place regarding the best way to provide a sustainable means to maintain and manage the corridor over time. A discussion regarding the potential donation of land by Broe to the Town of Windsor also took place.

- Mayor Melendez – Downtown Development Authority; North Front Range/MPO  
Mayor Melendez reported the Downtown Development Authority has been working on their 2017 budget. The next meeting will be October 12, 2016 at 7:30 am and discussions will take place regarding how to evaluate the executive director position and developing a strategic plan for the upcoming year.

Ms. Melendez reported the MPO director will be making a presentation to the Town Board in early 2017 regarding what the MPO does and what they will be working on in 2017. The MPO is looking into expanding the VanGo service to Estes Park. The MPO meeting was held in Johnstown and the opportunity was available to drive an electric fund. An electrical charging station is available at the Community Recreation Center and funding options are being considered for a second electrical charging station at the public works facility. The air quality banner was displayed at the CRC during the grand opening to remind us all to take care of our air. The MPO's call for project brought forth 17 projects for the year and 15 of those were funded. The two projects that were not funded were not funded intentionally

because they have their own funding source and will in turn be completed. Windsor received \$1 million for the interchange improvements at Highway 257 and Eastman Park Drive.

The Pell Study on Highway 34 from County Road 47 ½ to Glade Road is estimated to be an 18 month project with a budget of \$2.1 million.

The Crossroad Boulevard interchange and bridge construction is underway and the truck climbing lane at Berthoud is on schedule and expected to be completed by the end of the year.

A legislative roundup hosted by Collation I-25 is scheduled for December 7, 2016 at 6:30 in the South Weld County Office.

5. Public 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 September 26, 2016 Town Board Meeting and October 4, 2016 Special Meeting – K. Eucker
2. Advisory Board Appointments – P. Garcia
3. Report of Bills September 2016 – D. Moyer
4. Cancellation of December 26, 2016 Town Board Meeting – P. Garcia

**Town Board Member Rennemeyer moved to approve the agenda 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. Public Hearing – Ordinance No. 2016-1526 Repealing and Amending Portions of Chapter 17 Article XIII of the Municipal Code regarding Enhanced Design Standards for development within the I-25/SH 392 Interchange Corridor Activity Center Area (CAC)
  - Legislative action
  - Staff presentation: Scott Ballstadt, Director of Planning

Per Mr. Ballstadt, Ordinance No. 2016-1526 consists of enhanced design standards that would apply to new development within the Corridor Activity Center (CAC) that was established by the Town's Intergovernmental Agreement with the City of Fort Collins. The City of Fort Collins, Colorado Department of Transportation and the Town of Windsor cooperated to make the improvements to the I-25/SH 392 interchange in 2010. The Town of Windsor and the City of Fort Collins entered into an IGA and that agreement anticipated that the CAC area would be treated as a gateway to both communities and therefore the IGA required both communities to adopt acceptable design standards which were completed in 2010 and 2011. Those existing standards are in Chapter 17 of the municipal code.

In May of 2015, the Town of Windsor received a request from a property owner within the CAC to amend the IGA and add additional uses such as auto dealerships. The request prompted

discussions with Fort Collins regarding design standards. The Town Board approved Resolution No. 2016-24 on April 11, 2016 and forwarded the proposed enhanced design standards to Fort Collins. In the time since the Town forwarded that proposal to Fort Collins, the property owner has withdrawn their request to amend the IGA. Therefore in July of 2016, staff removed the references that were specific to auto dealerships and those revised design standards were submitted to the City of Fort Collins which they have approved.

The Planning Commission considered the enhanced design standards and held a public hearing on September 21, 2016. The neighbor concerns included building height which is addressed in the municipal code. Also, neighbors had concerns on the width of the buffer requirements between the existing neighborhoods and future commercial uses; the buffer width has been expanded at the request of the neighbors although the neighbors would still like a wider buffer.

Mike Downey provided differences in standards between Windsor and Fort Collins and staff have responded to those comments which were provided to Mike Downey. It is also requested the response to the standards be entered into the record.

At this time, Windsor shouldn't make changes to the design standards without further consideration and referral to Fort Collins. The Planning Commission at their regular meeting on September 21, 2016 recommended the Town Board approve the enhanced design standards.

Mr. Baker inquired as to what the buffer zones were before the enhanced design standards were proposed.

Mr. Ballstadt stated the original proposal was 20-30 feet so the distance was increased and included a sliding scale that the buffer can be reduced in size if the landscaping is increased or if the landscaping is at a minimum the distance would need to be greater.

Mr. Baker inquired if there was a landscape factor in the previous buffer requirements.

Mr. Ballstadt stated the sliding scale is new to the buffer zones. The buffer zone is unique to this area as other areas in town abide primarily by building setbacks.

Mr. Baker inquired if there is little vegetation there would need to be a 60 foot buffer.

Mr. Ballstadt stated that is correct. All commercial and industrial uses go through a site plan process so during that process staff would also be looking at things such as screening of headlights and possible fencing or screen walls.

Mr. Bennett stated, "Madam Mayor, for the record I would like to disclose 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 only on the evidence presented during this public hearing."

Mr. Adams inquired as to what the reaction of Fort Collins was to the proposed revenue amendment in the IGA.

Mr. Ballstadt stated the item presented tonight is solely design standards. The other parts of the proposal to Fort Collins are still being negotiated.

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

Russ Sizemore, 8204 Mummy Range Drive, Fort Collins, CO inquired as to what will happen with the frontage road when the improvements begin on I-25.

Mr. Arnold stated the intention is that CDOT will need that right of way for the project. Windsor has not met with CDOT but they do intend to meet with the property owners adjacent to the project. Mr. Arnold took Mr. Sizemore's information and will forward it to CDOT to contact him directly.

Elaine Burritt, 7931 Bayside Drive, Windsor, CO still has concerns with the size of the buffer zones and building heights. Ms. Burritt is asking for an 80 foot buffer and building height limits to be included in the design standards.

Diane Howell, 7919 Bayside Drive, Windsor, CO stated she is not happy with the buffer area size and fees it should be larger and feels building heights should be specified in the standards.

Mike Downey on behalf of property owner Doug Moreland commented that it is not understood why a buffer restriction is placed on this area when there are no other areas with buffer areas. Mr. Downey also stated the landscape standards and berming could restrict views of businesses from I-25.

Heidi Jahnke, 7948 Bayside Drive, Windsor, CO is concerned about the buffer zone width and feels it should be increased.

**Town Board Member Adams moved to close the public hearing; 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. 2016-1526 Repealing and Amending Portions of Chapter 17 Article XIII of the Municipal Code regarding Enhanced Design Standards for development within the I-25/SH 392 Interchange Corridor Activity Center Area (CAC)
  - Legislative action
  - Staff presentation: Scott Ballstadt, Director of Planning

Mr. Ballstadt stated at their September 21, 2016 regular meeting, the Planning Commission forwarded a recommendation of approval to the Town Board of the enhanced design standards.

Ms. Melendez commented that there have been several emails received in the course of the week on this topic and inquired if those emails should be entered into the record.

Per Mr. McCargar, that is appropriate and for clarity of the record, Mr. Ballstadt's presentation before the public hearing was opened should also be incorporated into the legislative history behind the ordinance.

Mr. McCargar stated it is appropriate to include emails from property owners into the record. Also for clarity of the record, Mr. Ballstadt's presentation before the public hearing was opened should also be incorporated into the legislative history behind this ordinance.

Mr. Boudreau confirmed if the amendments are removing the auto dealership as an option for development and adding the buffer zone.

Mr. Ballstadt stated that is correct and the standards that were sent to Fort Collins in April included the auto dealerships which were removed after the property owner rescinded his request.

**Mayor Pro Tem Baker moved to approve Ordinance No. 2016-1526 Repealing and Amending Portions of Chapter 17 Article XIII of the Municipal Code regarding Enhanced Design Standards for development within the I-25/SH 392 Interchange Corridor Activity Center Area (CAC); Town Board Member Bennett seconded the motion.**

The majority of the Board members commented that they are in support of the design standards.

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

3. Resolution No. 2016-70 – A Resolution Approving a Donation Agreement Dated October 10, 2016, Between the Town of Windsor and Broe Land Acquisitions, II, LLC, for the Donation of Approximately 150 Acres of Land to the Town of Windsor
  - Legislative action
  - Staff presentation: Eric Lucas, Director of Parks, Recreation & Culture; I. McCargar, Town Attorney

Per Mr. Willis, Broe Land Acquisitions has approached the Town with an interest to dedicate 150 acres to the Town of Windsor. Town staff has been working closely with Broe Land Acquisitions to explore the possibility of accepting this land. The land is very valuable from an open space perspective and supports the Comprehensive Plan in regards to preservation of open space specifically along the Poudre River Corridor. The space was the Kodak Watchable Wildlife Area and on a recent trip to the location there is indication that this space might be the original homestead of Benjamin Eaton. The donation of land would also secure the Poudre Trailhead and portions of the trail that are on a 20 year easement with the landowner.

Broe is looking to retain some rights on the property which include the existing oil facilities. Broe will also pursue sand and gravel mining and in turn utilizing the gravel pits as long term water storage. The Town has asked for a date certain for the sand and gravel mining and once that commences, which has to be started by 2026, the work will need to be completed within five years and restoration of the property will also need to occur.

The site is master planned to have the Crossroads Boulevard go through the space.

An environmental study has been completed and there were no major blemishes that appeared on the property.

Mr. McCargar stated should there be any objections to the physical conditions of the property; those concerns will need to be submitted to Mr. Lucas by October 25, 2016. If there are issues to the title of the property, those would be referred back to Broe to be resolved by November 1, 2016 and then the Town Board would be asked to approve and accept the deed to the property on November 28, 2016.

Mr. Morgan inquired if the agricultural use will be leased from the Town.

Mr. Willis stated the intent is to continue farming operations as long as possible. The current lease will expire at the end of the year but the owner of the property could renew that lease for future years.

Mr. Baker inquired about the existing wildlife watch area and if that will be continued or enhanced.

Mr. Willis stated 15-20 years ago there was an area that was leased to Colorado Parks and Wildlife and was designated as a watchable wildlife area and that lease has since expired.

Ms. Melendez inquired about what Broe's expectations are for the property.

Broe Representative Erik Halverson stated the expectation is to maintain the land as open space.

Ms. Melendez inquired about the sand mining.

Mr. Halverson stated the property would be conveyed to the Town and Broe will have a certain amount of time up until 2026 to start mining operations which would be completed within five years.

M. Melendez inquired as to when the Town would be able to work with the property.

Mr. Willis stated those conversations have not taken place yet.

Mr. Morgan inquired if there are any issues with chemicals used in agriculture that could harm wildlife.

Mr. Willis stated the farmers would be held to a standard of which they would not be able to apply any chemicals that would be harmful to the environment.

Mr. Arnold stated it would likely be dictated by the Town's liability insurance company.

Mr. Arnold inquired as to the estimated value range of the property.

Mr. Lucas did not have an estimate.

Mr. McCargar stated he has communicated to Broe's lawyer that the Town does not need to be a party in how the property is valued when it involves the charitable donation aspect.

Mr. Bennett inquired as to the liability with this property or any other open space.

Mr. McCargar stated in the mining and water storage circumstances, the Town expects the gravel mining operations to be fenced to fence out intruders and signage will also be put up. Should individuals enter then the liability for the Town is significantly reduced.

**Town Board Member Morgan moved to approve Resolution No. 2016-70; 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.**

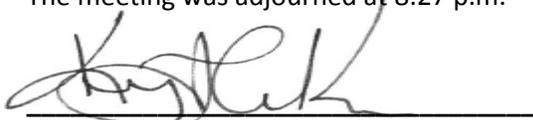
D. COMMUNICATIONS

1. Communications from the Town Attorney  
None
2. Communications from Town Staff  
Mr. Ballstadt stated the Colorado Oil and Gas Commission have adopted new rules and regulations regarding oil and gas operator registrations and Windsor has received four registrations.  
Mr. Lucas thanked the Town Board and staff for attending the grand opening at the Community Recreation Center (CRC) on October 8, 2016 and the CRC has been busy since the grand opening.  
Ms. Unger introduced the intern in the Town Manager's office Elizabeth Blythe.  
Ms. Van Meter stated an annual report is being worked on with an article on the Strategic Plan and its process; asked for volunteers from the Town Board to be interviewed for the article.
4. Communications from the Town Manager  
Mr. Arnold reminded the Town Board of the Municipal Judge interviews on October 17, 2016. The Retail Study Analysis will be presented on October 24, 2016 and October 31, 2016 is the 5<sup>th</sup> Monday so no meeting is scheduled although November 2, 2016 is a joint meeting with Severance and the Planning Commission to discuss an IGA amendment.  
The annual banquet is scheduled for December 9<sup>th</sup> which will include a dinner starting at 5:30 with the Colorado Eagles game to follow.
5. Communications from Town Board Members  
Mr. Adams thanked town staff with all the work that has been done in the last week and the Parks and Recreation Department for their work on the grand opening. Mr. Adams also commended the Mayor on recent speeches.  
Mr. Bennett stated he has utilized the recreation center and thanked the staff for their work on the project.  
Ms. Melendez stated Mr. Adams and herself accepted an award on behalf of the Town of Windsor at as the first Energy Partner of the Year award that was given by Energy Community Charity Organization.

E. ADJOURN

**Town Board Member Morgan moved to adjourn; 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.**

The meeting was adjourned at 8:27 p.m.



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Deputy Town Clerk, Krystal Eucker