



**TOWN BOARD REGULAR MEETING**  
November 28, 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 7:07 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 |
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Also Present:	Town Manager Town Attorney Communications/Assistant to Town Manager Town Clerk/Assistant to Town Manager Town Prosecutor Director of Engineering Director of Parks, Recreation and Culture Manager of Parks and Open Space Director of Finance Budget Analyst Director of Economic Development Director of Planning Chief Planner Senior Planner Senior Planner Deputy Town Clerk	Kelly Arnold Ian McCargar Kelly Unger Patti Garcia Kim Emil Dennis Wagner Eric Lucas Wade Willis Dean Moyer Vicki Miller Stacy Johnson Scott Ballstadt Carlin Barkeen Josh Olhava Paul Hornbeck Krystal Eucker
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2. Pledge of Allegiance  
Town Board Member Adams 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 moved to approve the agenda as presented; 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.**

4. Board Liaison Reports

- Mayor Pro Tem Baker – Parks, Recreation & Culture Advisory Board; North Front Range/MPO alternate  
Mayor Pro Tem Baker had no update.
- Town Board Member Morgan – Water & Sewer Board; Clearview Library Board  
Town Board Member Morgan reported the Library Board tentatively approved Wember Corporation for the new library project as they have completed approximately 40 different library projects in Colorado although they are not the architect.
- Town Board Member Bennett – Planning Commission; Windsor Housing Authority  
Town Board Member Bennett reported a public hearing was held regarding a wireless communications facility that is on the agenda this evening.  
Mr. Bennett reported the Windsor Housing Authority project, Windsor Meadows Phase II was completely leased out by the end of October and that the search for land to build senior housing continues.
- Town Board Member Rennemeyer – Historic Preservation Commission; Great Western Trail Authority.  
Town Board Member Rennemeyer reported a presentation regarding the historic churches will be made at the next work session.
- Town Board Member Boudreau – Chamber of Commerce; Planning Commission alternate  
Town Board Member Boudreau has no update.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board  
Town Board Member Adams reported the Poudre River Trial Corridor Board retreat is scheduled for November 30, 2016 from 5:00-9:00. The Trail Volunteer Reception is December 7, 2016.  
Mr. Adams reported the Tree Board discussed the budget as well as the Arbor Day events including the Poster Contest and Sick Tree Day.
- Mayor Melendez – Downtown Development Authority; North Front Range/MPO  
Ms. Melendez invited the public for Windsor Wonderland scheduled for December 3, 2016.

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 November 14, 2016 – K. Eucker
2. Resolution No. 2016-77 - A Resolution Vacating the 10 foot Utility Easement Located Along the Northern Boundary of Lot 16, Block 1 of Water Valley South Subdivision, 1844 Seadrift Ct. – P. Hornbeck
3. Resolution No. 2016-78 – A Resolution Accepting a Deed of Dedication for Utility Easement in Association with the Expansion of High Hops Brewery and Windsor Gardner – D. Roth  
**Town Board Member Adams moved to approve the consent calendar 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.**

C. BOARD ACTION

1. Ordinance No. 2016-1527 – Repealing, Amending and Re-adopting Portions of Section 13-2-80 of the Windsor Municipal Code with Respect to the Dedication of Water Rights and Payment of Cash in Lieu of Water Rights Dedication
  - First reading
  - Legislative action
  - Staff presentation: Dennis Wagner, Director of Engineering

Per Mr. Wagner, in 2015 town staff and the Water and Sewer Board spent time looking at actual water usage for residential properties in Windsor for the purpose of determining whether Windsor needed to update the raw water dedication formulas. Different subdivisions in Windsor were looked at and on June 10, 2015, the Water and Sewer Board recommended the following dedication formulas be the future standard for residential raw water dedication:

- Single-family w/ dual system: 0.25 acre feet/house + 17% shrinkage
- Multi-family w/ dual system: 0.15 acre feet/dwelling unit +17% shrinkage
- Single-family w/o dual system: 0.50 acre feet/house + 17% shrinkage
- Multi-family w/o dual system: 0.15 acre feet/dwelling unit + 3 acre feet/ac irrigated landscape +17% shrinkage

Mr. McCargar has prepared an amendment to Section 13-2-80 of the municipal code with the figures included.

Ms. Melendez inquired as to what the formula was prior to June 20, 2015.

Mr. Wagner stated previously the code had one reference to a specific formula for raw water and that was three acre feet per acre of land being developed which used to be a very common formula. In the last 20 years, Windsor has approved several developments with non-potable water systems which the three acre feet per acre of land did not apply. Windsor studied water usage in Water Valley a few years after construction and found it was about  $\frac{1}{4}$  acre foot per house. Later developments with non-potable systems were being assessed a rate of .33 acre feet per house. Developments other than residential will be on a case by case basis based on the best estimate of water usage on an annual basis.

Ms. Melendez inquired that the Water and Sewer Board recommended the approval in 2015 but the change has not been adopted to date.

Per Mr. Wagner; that is correct.

Mr. Morgan inquired as to what goes into the 17% shrinkage factor.

Mr. Wagner stated it is a weighted average of shrinkages from the three entities that treat water for Windsor. There are varying rates of shrinkage through those three entities and 17% is an average.

Mr. Morgan inquired if the 17% number will change if the three entities change their shrinkage percentage.

Mr. Wagner stated it could be looked at again if the numbers change in the future.

**Town Board Member Morgan moved to approve Ordinance No. 2016-1527 - Repealing, Amending and Re-adopting Portions of Section 13-2-80 of the Windsor Municipal Code with Respect to the Dedication of Water Rights and Payment of Cash in Lieu of Water Rights Dedication; 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.**

2. Resolution No. 2016-79 – A Resolution Approving an Agreement for Economic Incentives and Inducements by, Between and Among the Town of Windsor, Old Windsor Mill, LLC, and the Windsor Downtown Development Authority, With Respect to the Redevelopment of the Windsor Mill and Elevator Company Property
  - Legislative action
  - Staff presentation: Kelly Arnold, Town Manager; Ian D. McCargar, Town Attorney

Mr. Arnold stated comments made during the current agenda item will also reflect on the following agenda item.

Per Mr. Arnold, the Mill has gone through different stages since it was constructed in 1899. Originally the structure was used as a feed and flour mill up until 1990. A retail billiards business was housed in the structure until the tornado hit Windsor on May 22, 2008. The structure was significantly damaged in the tornado and the costs associated with repairs and restorations were very high leaving the building vacant.

The Downtown Development Authority's Feasibility Study explored the viability of reusing the Mill with an estimated \$9.2 million in restoration costs. Funding sources would be the biggest challenge in restoring the Mill with the best options coming from private investments and using public funding the bridge gaps in costs.

On June 1, 2016, Steve Schroyer, representing Blue Ocean Development showed interest in taking on the Mill as a project. Blue Ocean requested the Town of Windsor and the Downtown Development Authority (DDA) work together on an Agreement for Economic Development Incentives and Inducements. The Agreement would include upfront funding to assist bringing down development costs. It also includes sales tax revenue sharing up to a determined amount.

Per Mr. McCargar, the Mill project brought together a team of individuals including investors, developers, and lawyers, who have created the Agreement for Economic Incentives and Inducements and an amendment to the intergovernmental agreement (IGA) between the Town of Windsor and the Downtown Development Authority. The façade easement agreement is between the Downtown Development Authority and Blue Ocean.

The Incentive Agreement calls for two phases of financing. The first phase being \$2.3 million in up-front contributions for public capital improvements and eligible façade improvements, and

an additional \$1.36 million through a series of payments over time derived from tax revenue generated by the redeveloped site. The grand total of all public investment in the project is \$3.7 million.

The DDA will provide \$500,000 from its Reserve Fund, and the Town will provide the DDA with \$1,840,000. This total of \$2.34 million of up-front funding will be used by the DDA to pay the cost of public improvements to be dedicated to the Town, and for eligible improvements to the façades of the building to be owned through façade easements by the DDA. If these total costs are less than \$2.34 million, the DDA will return the difference to the Town. The Town will then pay this difference directly to Old Windsor Mill, LLC. This arrangement minimizes tax complications for the developer, and assures completion of vital improvements to the property.

The long-term payments to Old Windsor Mill, LLC, will be derived through tax revenue generated by the property and retail activity taking place on the property. The Town will pay the developer one-half of the sales tax revenue (less amounts previously pledged for construction and expansion of the CRC) generated by retail activity taking place on the property. Likewise, the DDA will pay the developer one-half of property tax revenue generated by the property's assessed value. This combined payment obligation will continue until the developer receives a total of \$1.36 million from these sources. Until this figure is met, both the Town and DDA will continue to pay their one-half share of revenue, even if one or the other's revenue stream is lesser or greater.

The goal is that this property will be renovated and certified for occupancy before December of 2017. At that time it is expected that no less 50% of the building will be leased and that there is a certificate of occupancy.

Through an amendment of the 2016 Town of Windsor DDA Intergovernmental Agreement, the Town and DDA agree that, as between them, the Town will pay no more than \$606,000 in sales tax reimbursements, and the DDA will pay no more than \$754,000. These maximums will be sorted out through debits, credits and payments after the agreed reimbursement to the developer has been paid in full by the DDA and the Town.

The up-front funds from the Town and DDA will not be paid or available until the following conditions have been met:

- Windsor Mill, LLC, acquires the Mill Property;
- Windsor Mill, LLC, establishes an escrow account funded with \$2.34 million, out of which the Town and DDA may be reimbursed if the Other Conditions below are not met;
- Windsor Mill, LLC, selects a contractor whose contract terms as to public capital improvements and façade improvements have been reviewed and approved by the DDA and the Town;
- Building permit issuance for the project; and
- Execution of the DDA's Façade Easement Agreement.
- If these conditions are not met, neither the Town nor the DDA will contribute their shares of the up-front funding.

Even if the foregoing conditions are met, the Town and the DDA will be entitled to full reimbursement of their up-front contributions out of the escrow account if the following additional conditions aren't met by December 31, 2018:

- Mill Building receives a temporary or permanent certificate of occupancy; and
- The developer presents evidence that at least 50% of the leasable space is leased for no less than five (5) years.

The next agenda item is a companion agreement to the Incentive Agreement. In order to facilitate the redevelopment of the Windsor Mill & Elevator property, the Town and the DDA must modify the terms of the IGA approved March 14, 2016. These modifications enable the Town and the DDA to perform their respective obligations under the Incentive Agreement with the developer.

The DDA will contribute \$500,000 up-front from its Reserve Fund. The DDA will over time contribute an additional \$754,000 in reimbursements of property tax generated from the increased assessed value of the Mill property. The DDA's deferred contribution will be equal to 50% of the property tax revenue. After the full amount is paid to the developer, the DDA will retain 100% of the Mill property tax revenue.

The Town will contribute \$1,840,000 up-front. The Town will over time contribute an additional \$606,000 through reimbursements of sales tax generated from retail activity on the Mill property. The Town's deferred contribution will be equal to 50% of the sales tax revenue (less revenue previously pledged for the CRC construction and expansion), and the Town will retain the remaining 50%. After the full amount is paid to the developer, the Town will retain 100% of sales tax revenue from the Mill property.

Mr. Bennett inquired as to if the \$1.36 million a debt or a revenue share.

Mr. McCargar stated it is an obligation that is subject to appropriation each year.

Mr. Bennett inquired as to what will happen if the businesses in the development fail.

Mr. McCargar stated the Town is obligated to contribute 50% of the available sales tax revenue that is received up to a specified amount so if the revenues are down the payout from the Town to the developer will go down which will take longer for the payoff to occur.

Ms. Melendez inquired if the façade improvement is an estimate cost since the costs are less than \$2.34 million the balance will be paid back to the Town.

Mr. McCargar stated there is not a firm figure of what the cost will be, there is an estimate but the actual hard numbers have not been presented.

Ms. Melendez inquired if the costs for the public improvements come in above \$2.34 million; the Town is not obligated to pay additional costs.

Per Mr. McCargar; that is correct.

Ms. Melendez inquired as to the project improvement fee that is being assessed by the developer.

Mr. McCargar stated that the project improvement fee is a private fee that the developer may impose on the property. The Agreement says that it may be imposed but not mandatory.

Ms. Melendez inquired about third party reimbursements and if that will reduce the total contribution.

Mr. McCargar stated the idea was that the Town was told what the gap was which was \$3.7 million. The Town is relying on that to provide \$3.7 million of public funding. If the developer finds funds elsewhere, that will be a dollar for dollar offset against what the municipality and the DDA pay.

Mr. Boudreau inquired if the resolution is in final form.

Mr. McCargar stated the Resolution is in final form although the Agreement is in draft form.

Steve Schroyer provided a presentation regarding the Mill. Mr. Schroyer stated since June 1, 2016 Blue Ocean has been discussing a partnership with the Town of Windsor and the DDA on the Mill.

Some of the improvements that will be made to the building include:

- 15 additional parking spaces off the alley;
- main entrance will be off of Main Street;
- an ADA Accessible ramp to the main entrance;
- Truck scales will remain in place;
- Outdoor patios;
- silo relocation for a stage;
- annex building will remain with an outdoor patio;
- Businesses and office space will occupy the building;
  - brewery/brew pub
  - restaurant
  - speak easy
  - office space
  - community room (capacity of 49)
- historical artifacts of the Mill in the vestibule.

Clean up efforts have commenced at the Mill and some access issues have been resolved as there was no access to the 4<sup>th</sup> floor. A concept review has been completed with the Windsor Planning Department. Core and shell drawings will be submitted by December 16, 2016 which will essentially put the building back to order and for the mechanical and electrical improvements that will be required to run the building. Tenant finish will be submitted as soon as feasible. Major clean up and construction will commence as soon as possible with a grand opening and handing the keys to tenants on November 1, 2016.

Mr. Adams inquired commended Mr. Schroyer on his work on the project.

Ms. Melendez stated she will support this resolution as it fully represents the best of what Windsor is by showing partnership, care for the history and supporting the economic vitality.

Mr. Baker thanked staff and Mr. Schroyer for their efforts on the project and feels this project is an investment in the community's history.

Mr. Morgan stated being apprehensive initially; he spoke with citizens of Windsor and received positive feedback and support on the project.

Mr. Rennemeyer thanked Mr. Schroyer for his efforts on the project.

Mr. Boudreau wished Mr. Schroyer the best on the project.

**Town Board Member Bennett moved to approve Resolution No. 2016-79; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Adams, Melendez; Nays- Boudreau; Motion passed.**

3. Resolution No. 2016-80 – A Resolution Approving and Adopting the Intergovernmental Agreement Between the Town of Windsor and the Windsor Downtown Development Authority Modifying the March 14, 2016, Intergovernmental Agreement Regarding Funding for Redevelopment of the Windsor Mill and Elevator Property
  - Legislative action
  - Staff presentation: Kelly Arnold, Town Manager; Ian D. McCargar, Town Attorney

Mr. Arnold commented that there was a fair amount of time discussing the sales tax which is a Town resource that funds capitol project.

Mr. Baker thanked the DDA for stepping up and assisting with the incentive.

**Town Board Member Morgan moved to approve Resolution No. 2016-80; 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.**

4. Resolution No. 2016-81 – A Resolution Making Certain Findings of Fact Concerning the South Gate 7th Annexation to the Town of Windsor, Colorado; Determining Substantial Compliance with Section 31-12-101, ET SEQ., C.R.S., “The Municipal Annexation Act of 1965”; and Establishing Dates for Public Hearings Before the Planning Commission and the Town Board of the Town of Windsor, Colorado, with Regard to the South Gate 7th Annexation
  - Legislative action
  - Staff presentation: Josh Olhava, Senior Planner

Per Mr. Olhava, the applicant, represented by Mr. Tom Siegel and Mr. John Meyers, are requesting to annex approximately 3.98 acres to the Town of Windsor. The property is

surrounded by areas already annexed to the Town of Windsor. The applicant is working on plans for this site and the northern portion of Trautman Subdivision 2nd Filing. Timberline Church, currently located at Crossroads Boulevard and New Liberty Road, is planning to relocate to this site in addition to some of the northern lots. General Commercial zoning is being requested as it is one of the few zoning districts that allow for a large place of assembly.

Staff recommends approval of Resolution No. 2016-81 as presented.

Mr. Rennemeyer inquired as to the house located just north of the property.

Mr. Olhava stated there is a house and old farm site located on the parcel and the applicant owns that parcel as well as the surrounding parcels.

Ms. Melendez inquired if this property was an identified enclave.

Mr. Olhava stated it possibly could have been one as the site is surrounded by the Town.

Mr. Baker inquired as to the surrounding zoning.

Mr. Olhava stated zoning surrounding the property include high density estate residential, residential mixed use and commercial.

Ms. Melendez inquired as to the property to the West.

Mr. Olhava stated that area is out of Windsor limits. Staff is aware of some concepts for the area and this proposal would fit in.

**Town Board Member Adams moved to approve Resolution No. 2016-81; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.**

5. Resolution No. 2016-82 – A Resolution Approving and Accepting a Bargain and Sale Deed from Broe Land Acquisitions II, LLC, to the Town of Windsor for the Donation of a Parcel of Land Located in the Town of Windsor
  - Legislative action
  - Staff presentation: Wade Willis, Parks & Open Space Manager

Per Mr. Willis, the Broe Land Acquisition was brought before the Town Board on October 10, 2016. Staff has been working diligently with the property owner on this transaction. The acquisition of the 150 acres very strongly supports the comprehensive plan for open space specifically along the Poudre River. That area was previously known as the Kodak Watchable Wildlife Area. It is also rumored to be the Benjamin Eaton homestead. The donation also includes the Poudre Trailhead. The agreement allows for the future continuation of Crossroads Boulevard to go through the property. The space has significantly regional benefit for open space acquisition. Staff envisions that a large portion of the property would remain agricultural use as it is currently leased to a farmer. Currently the Poudre Trail is in a 30 year lease so portions of the trail on this property would become Town of Windsor Property.

Per Mr. McCargar Broe has retained the sand and gravel rights and the right to commence extraction of sand and gravel from the property for a period of ten years. Assuming the sand and gravel extraction commences within the ten year window, all sand and gravel mining activity must be completed within five years of commencement. Once gravel extraction is completed, the gravel pits are planned for long-term use as water storage vessels. The recorded Declaration includes requirements for reclamation, restoration, access, water storage, Town recreational rights and easements necessary to fill and release from the storage vessels. The Town's exercise of its recreational rights in these lakes will depend on the characteristics of the vessels once complete, and will be worked out once the lakes are permitted by the State.

Mr. Baker inquired as to where and how much mining will take place.

Mr. Willis stated the mining areas are long Highway 257 on the southern portion.

Mr. Baker inquired if a good portion of this piece of land will be mined and water storage.

Per Ms. McCargar; that is correct.

Mr. Morgan inquired about a portion of the Poudre Trail in that area that goes west and then stops.

Mr. Willis stated that was the original portion of the trail that has not yet been removed.

Ms. Melendez inquired as to when the opening of the wildlife area would be reopened.

Mr. Willis stated it could be after next year as a good plan needs to be in place before that would be reopened and a request would be put in the 2018 budget.

Ms. Melendez inquired that Broe has 10 years to commence mining but then need to have it completed in five years so they could end up with 15 years total.

Per Mr. McCargar; that is correct. It is anticipated that will start sooner as that market is strong right now.

Ms. Melendez inquired if the water rights will be restricted to recreation.

Mr. McCargar stated Broe will own the storage rights although who's water is stored there and under what arraignments has yet to be discussed.

Ms. Melendez inquired about pipeline easements

Mr. McCargar stated there are utility easements that run along the east side of State Highway 257 and there is also a gathering pipeline easement. Discussions have been held with the Broe Company regarding this and Windsor wanted to make certain that the pipeline did not interfere with plans of the Crossroads extension. The pipeline is owned by Kerr McGee. It was agreed that is when the time comes for the Crossroads Extension, Windsor will need to figure out how to accommodate Kerr McGee and how to cross the utility easements.

**Town Board Member Bennett moved to approve Resolution No. 2016-82; 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.**

6. Site Plan Presentation – Windsor Commons Subdivision 3<sup>rd</sup> Filing, Lot 1, Block 1 – Windsor Charter Academy High School expansion – WCA Holdings LLC., applicant/ AJ Roche, Roche Constructors, Inc. and Tricia Kroetch, North Star Design Inc., applicant’s representative
- Staff presentation: Josh Olhava, Senior Planner

Per Mr. Olhava, the applicant, the Windsor Charter Academy is proposing a site expansion at the current Windsor Charter Academy High School. The site is zoned Limited Industrial (I-L) and is surrounded by other industrial and commercial zoned properties.

Final site expansion characteristics include:

- an approximately 36,600 square feet., 2-story, addition to the existing building (final building square footage of approximately 86,000);
- a total of 156 parking spaces;
- a looped, one-way private drive for vehicle stacking during pick-up and drop-off times;
- the relocation and addition of landscaping (final landscaped/softscape areas >50%)
  - 15% recreational field area
  - 9.9% irrigated grasses, trees and shrub beds
  - 44.4% native seed areas

New building expansion characteristics include:

- primary façade elements of split face, ground face and ribbed face CMU block;
- rigid-inverted rib metal panels along the parapets and used for rooftop mechanical screening; and
- all colors to blend in with the existing building.

The applicant was required to complete a traffic study due to the high traffic volumes during morning and afternoon hours at the school. Staff will continually work with the applicant on implementation strategies for the traffic recommendations. The site plan is currently in the first round of reviews of the administrative site plan.

Ms. Melendez inquired if this will be the only opportunity to review the application.

Per Ms. Olhava; yes, to review the site plan, provide comments to staff and address the applicant’s representative.

Mr. Baker inquired if the traffic study will resolve issues or will the addition increase the problem.

Per Mr. Olhava; I don’t recall what some of the recommendations were in the traffic study.

Mr. Wagner stated traffic will stay the same or get worse.

Ms. Melendez commented on a meeting with the school and discussed many ideas to assist in the traffic flow including crossing guards to help with the flow of the traffic.

Ms. Melendez inquired if the Board will have access to the traffic study when completed.

Mr. Arnold commented that it can be brought back before the Board after the final review.

Mr. Boudreau inquired if the area is zoned industrial.

Per Mr. Olhava; it is.

Ms. Melendez inquired if the addition is for additional middle school and high school students.

Per Mr. Olhava; correct.

Ms. Melendez inquired as to what grade level the school will go up to.

Applicant's representative A.J. Roach stated the school currently has up to 10<sup>th</sup> grade and next year they will be adding 11<sup>th</sup> grade and then 12<sup>th</sup> grade the following year.

Ms. Melendez inquired if the addition will accommodate those next phases.

Per Mr. Roach; yes.

Ms. Melendez inquired if this addition is the final phase.

Mr. Roach stated as far as student capacity at this point that is the final phase but a conceptual design process has begun on an additional building on the west side of the parking lot for a gymnasium.

Ms. Melendez inquired as to what a "lamb tongue" is.

Mr. Roach stated rather than having a rain gutter on the exterior of the building, it comes down inside the building and runs out through a metal spout.

Mr. Arnold inquired if the Board is requesting a staff presentation regarding the traffic study.

The consensus of the Board is yes.

7. Public Hearing – Conditional Use Grant to Allow a Wireless Telecommunications Facility in the Single Family Residential (SF-1) Zone District – Beaver Subdivision, Lot 1 – Verizon Wireless, applicant/Brendan Thomson, Pinnacle Consulting, Inc., applicant's representative
  - Quasi-judicial action
  - Staff presentation: Paul Hornbeck, Senior Planner

**Town Board Member Morgan moved to open the 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.**

Mr. Bennett stated, "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.”

Per Mr. Hornbeck, the applicant, Verizon Wireless, represented by Mr. Brendan Thomson of Pinnacle Consulting, Inc., is requesting a Conditional Use Grant (CUG) to allow the construction of a telecommunications facility. The proposal includes the construction of a building designed to look like an agricultural silo which will house and conceal the antennas and supporting radio equipment. The new silo structure would be 50 feet tall with red siding and a tan roof.

Section 16-7-50 of the Municipal Code lists the following requirements for approval of a conditional use grant:

(a) Approval of a conditional use grant shall be based on the evaluation of such factors as the following:

- 1) The character and quality of the area in which the use will be located.  
Analysis: The subject property is 4.5 acres in size with one existing single-family home. The Poudre River and the Poudre Pooch Park are located to the west of the property, Eastman Park is located to the south, Our Lady of the Valley Church is located to the east, and Poudre Natural Area is located to the north, across the Whitney Ditch. The silo design seems to fit the character of the surrounding area.
- 2) The physical appearance of the use, including suitability of architectural and landscaping treatment.  
Analysis: The physical appearance of the use has been designed to appear as grain silo so as to blend in with the existing agricultural setting and for compatibility with the surrounding neighborhood.
- 3) Appropriate location of the building or buildings on the lot.  
Analysis: The proposed silo is located on the southern portion of the property, near Eastman Park Drive, setback approximately 220 feet from the right-of-way and approximately 700 feet from neighboring residences.
- 4) Adequate provision of parking, loading and circulation facilities.  
Analysis: The proposed access drive will provide adequate parking, loading and circulation. The applicant anticipates that a maintenance vehicle will access the site once every one to three months.
- 5) Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.  
Analysis: Vehicular traffic will be minimal, with only occasional maintenance vehicles. The applicant estimates one vehicle every one to three months.
- 6) Potential effect of the use on storm drainage in the area.

Analysis: There will be very little increase in impervious surfaces associated with this project, thereby minimizing storm drainage impacts.

- 7) Adequacy of planting screens where necessary.

Analysis: Three evergreen trees are proposed south of the structure to help soften the visual impact.

- 8) Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.

Analysis: Staff has not identified any operational controls necessary to avoid hazardous conditions, pollutants, or other noxious influences.

- 9) The general compatibility of the proposed use with the area in which it is to be located.

Analysis: The use has been designed to be compatible with the surrounding area. Additionally, the facility will be able to accommodate future telecommunications equipment without impacting the visual appearance of the surrounding area.

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

The Vision 2025 document does not cover this type of proposal.

Mr. Hornbeck stated the Federal Telecommunications Act of 1996 prohibits state or local governments from regulating the placement, construction or modification of personal wireless facilities on the basis of environmental effects of radio frequency to the extent that such facilities comply with the FCC's regulations.

At their November 16, 2016 regular meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of the conditional use grant with the following conditions:

1. All remaining staff and Planning Commission comments shall be addressed in the resubmittal of relevant documents;
2. Landscaping shall be watered until established and any plant material that dies shall be replaced;
3. A floodplain development permit shall be obtained; and
4. An executed telecommunications provider agreement shall be submitted in accordance with the Municipal Code.

Staff request the following be entered into the record;

1. Application and supplemental materials
2. Staff Memorandum and supporting document
3. All testimony presented during the public hearing
4. Recommendation

Mr. Bennett inquired as to any possibilities to use an existing structure.

Mr. Horneck stated that may be an option but the understanding is that there is a gap in coverage and this would assist in that coverage gap.

Mr. Adams inquired as if the range is a problem in the community and if the color of the silo can be changed.

The applicant's representative, Brendon Thomson, stated the color can be changed as the red color was only chosen since that is the natural color of a silo. Also the location of the silo will be able to serve the north and west.

Mr. Bennett inquired if a quarter mile would have a significant on service.

Mr. Thomson state this site was chose to provide service to the north and east and the Park is further south.

Mr. Rennemeyer inquired as to why another tower is needed when space is already being lease for other towers.

Mr. Thomson stated the new towers are strictly for the capacity of users as there is only so many individuals a tower can supply at one time.

Mr. Rennemeyer inquired if it is because the lease on the tower is running out.

Mr. Thomson stated it is not a lease issue but a capacity issue.

Mr. Rennemeyer inquired if the towers on top of the flour mill belong to Verizon.

Per Mr. Thomson; I don't believe so.

Mr. Bennett inquired if there are other options for tower designs.

Mr. Thomson stated there is a tree option but that would have to house equipment outside as opposed to the silo holding all equipment inside.

Ms. Melendez inquired if the telecommunications agreement been executed.

Mr. Thomson stated it has not been executed although the attorneys from the Town and Verizon are working on it.

Diane West, 1056 Larch Drive, Windsor, CO stated she purchased her home in 1986 because of the views and does not want the view to hinder property values and commented that there is a recent health study that this type of frequency can cause health risks.

Eric Calderone, 1114 Hemlock Court, Windsor, CO has concerns with the wildlife in the area and feels the silo will be an eyesore as he purchased his property because of the views.

Mr. McCargar commented in regards to the telecommunications act that the aesthetics and property values have not been grounds to deny a telecommunications site. Also the decision about locating the site somewhere else is driven by the applicant's testimony that Verizon requires the site at the location to serve its overall network. Under the telecommunications act, the burden would shift to the Town as to why it should not go on a specific site and the ground for that are very narrow. As long as the applicant demonstrates that the site is necessary to serve their customer base, concerns regarding property values and aesthetics take a back seat.

Mr. McCargar is recommending asking the applicant to return and speak to the necessity of this site to serve the network.

Mr. Thomson stated the RF engineer did state that this location was required to fit into the network for Verizon Wireless.

Ms. Melendez inquired if there would be more towers to follow.

Mr. Thompson stated there is room for an additional carrier to house equipment inside the silo.

Mr. McCargar stated the proposed facility is designed for co-location within the silo.

Ms. Melendez inquired if this is all happening on private property.

Per Mr. Thomas; that is correct.

Mr. McCargar stated radio frequency emissions are captured in the telecommunications agreement. As long as the provider complies with federal regulations for radio frequency emissions, that is all that the Town can ask of them. Denial of the application is not recommended.

**Town Board Member Boudreau moved to close the 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. Conditional Use Grant to Allow a Wireless Telecommunications Facility in the Single Family Residential (SF-1) Zone District – Beaver Subdivision, Lot 1 – Verizon Wireless, applicant/Brendan Thomson, Pinnacle Consulting, Inc., applicant’s representative
  - Quasi-judicial action
  - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

**Town Board Member Boudreau moved to approve the conditional use grand subject to staff conditions; 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.**

9. Consideration of a Request to Sponsor an Application on Behalf of the Windsor Downtown Development Authority for a Brownfields Assessment Grant
  - Presentation: Matt Ashby, Executive Director – Windsor Downtown Development Authority

Mr. Ashby stated since June 2015 the Downtown Development Authority (DDA) has experienced a considerable uptake in development inquiries and those inquiries are expected to continue.

The DDA's role is to be visionary and boundless advocates for downtown and through their strategic plan, it has been identified that sustainability is a key component of the vision for the future. Supporting growth and development within the downtown district is one key way that sustainability is achieved.

Before the Board is a request for consideration of support for an application to the EPA Brownfield Assessment Program which would help the DDA leverage grant funds to cover upfront development costs associated with rehabilitating and restoring properties. This program enables communities and stakeholders to essentially assess and identify strategies for industrial or commercial properties where there could be a perception of real or perceived environmental contamination. The DDA is looking at a grant that would allow funding for up to \$300,000 through a no match required program that would provide for environmental studies that are typically a prerequisite to property transfers. Additional funds through this program could be used for community planning and outreach for many of the similar types of redevelopment activities that the DDA is likely to pursue over the coming years. This program is a popular funding and economic development tool because it does serve to offset some of the upfront development costs associated with revitalization or redeveloping former industrial or commercial properties. As far as the background of these grants; Mr. Ashby personally has experience administrating and writing these types of grants for both the public sector as well as the private sector.

At the November 16, 2016 meeting of the DDA Board, the Board did agree to move forward in pursuing the no match grant. The request is that the Town would serve as the sponsor on behalf of the DDA and that the DDA would prepare and submit the required grant documentation. If the grant is awarded, an agreement between the Town and the DDA would be worked out to cover grant administration.

Mr. Boudreau inquired as to what strings are attached to the grant.

Mr. Ashby stated this is a low match grant and there will be reporting requirements; quarterly and annually.

Mr. Arnold commented that there is no harm in applying and this opportunity came up quickly.

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

The application is due December 22, 2016 and announcements are made in May or June. There would be some administrative aspects to follow.

Ms. Melendez commented that there is support from the Board to move forward.

10. Resolution No. 2016-83 – A Resolution Establishing Rates for Town of Windsor Water Service Customers, and Authorizing the Implementation of Such Rates

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

Per Mr. Moyer, in September one of the water suppliers, City of Greeley, notified the Town that the cost to the Town would increase 4.5%. At that time the other two supplies has not notified the Town of any rate increase.

It was recommended to the Water and Sewer Board that the rate structure for 2017 would be to keep the base rate the same and increase the usage rate in each tier by 1.35%/1,000 gallons. Since that time, notification was received by North Weld Water of an increase of 4.5%. That would make 80% of the water that the Town purchases for resale is increased at 4.5% for 2017.

There are some options for the 2017 water rates;

1. leave rates as they currently are,
2. adopt the Resolution No. 2016-83 as presented in the packet material,
3. incorporate the increase from North Weld Water as a revised Resolution and rate structure has been created as well.

Option 3 would be an increase to 3.6% as opposed to 1.35%.

Ms. Melendez inquired if the proposed 2017 Water Rate schedule includes the increase.

Mr. Moyer stated the Resolution included in the packet includes the 1.35% increase from the City of Greeley. The addition of North Weld Water's increase would increase the rates 3.6%.

Mr. Baker's preference is to incorporate North Weld Water increases.

**Mayor Pro Tem Baker moved to approve Resolution No. 2016-83 option #3, incorporating the City of Greeley and North Weld Water increases; 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. Public Hearing 2017 Budget

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

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

Per Mr. Moyer, the notice of budget was published in the Greeley Tribune on November 4 and November 18, 2016. The 2017 Budget was based on the strategic plan developed by the Town Board and the results of our budget workshop held on October 8, 2016. Expenditures were approved which supported the strategic plan and were within revenue constraints. Any increase in expenditures or range of service had to be tied to the strategic plan.

Windsor's assessed valuation has increased by approximately \$37 million which is what property tax is based off of. An increase of approximately \$450,000 in property tax revenue will be

generated without adjusting the mill levy. Sales and use tax have both increased with more individuals moving to Windsor.

An addition of 5.5 employees was requested; four in the police department as patrol officers and some part-time employees as well as well as a request for a 3% pool for employee increases based off merit reviews.

Operations maintenance and personnel costs will be higher than previous years based largely on new employees as well as running the recreation center as well as the expansion.

The Town is expecting to begin the year with \$63.7 million in fund balance, collecting \$52.2 million and expenditures of \$57 million leaving a balance of \$58.9 million.

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

12. Resolution No. 2016-84 - A Resolution Summarizing Expenditures and Revenues for Each Fund, and Adopting a Budget for the Town of Windsor, Colorado, for the Calendar Year Beginning on the First Day of January, 2017, and Ending on the Last Day of December, 2017, and Appropriating Sums of Money to the Various Funds and Spending Agencies, in the Amount and for the Purpose as Set Forth Below, for the Town of Windsor, Colorado, for the 2017 Budget Year

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

Mr. Baker confirmed the \$52 million and spending \$57 million looks like a deficit but the Town has saved up funds so is that why it looks as though more is being spent than what is being taken in.

Per Mr. Moyer; yes.

Mr. Boudreau inquired is the expenditures are down from last year.

Mr. Moyer stated in total they are down from last year.

Mr. Boudreau inquired as to where the incentive program that was voted on was in the budget.

Mr. Moyer stated it is not in the budget but if that would come to fruition, there would be a supplemental amendment to the budget to cover those costs.

Ms. Melendez inquired as to the operating expenditures included the patrol cars for the police.

Mr. Moyer stated that would just be the salary, benefits and payroll taxes.

Ms. Melendez inquired as to how much higher operating and personnel expenditures for 2017 as to years past.

Mr. Moyer stated it is not entirely personnel as a lot of it is operations; the recreation center expansion will be open a full year in 2017.

Ms. Melendez inquired as to the NISP funding and if that is a usual annual amount.

Mr. Arnold stated there has been an increase and there will be more information on that very soon.

**Town Board Member Adams moved to approve Resolution No. 2016-84; 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.**

13. Resolution No. 2016-85 - A Resolution Levying General Property Taxes for the Taxable Year 2016 to Help Defray the Costs of Government for the Town of Windsor, Colorado, for the 2017 Budget Year (Weld County)

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

Mr. Moyer had nothing further to add.

Mr. Boudreau inquired if the mill will stay the same.

Per Mr. Moyer; they will stay the same.

**Town Board Member Adams moved to approve Resolution No. 2016-85; 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.**

14. Resolution No. 2016-86 - A Resolution Levying General Property Taxes for the Taxable Year 2016 to Help Defray the Costs of Government for the Town of Windsor, Colorado, for the 2017 Budget Year (Larimer County)

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

Mr. Moyer had nothing further to add.

**Mayor Pro Tem Baker moved to approve Resolution No. 2016-86; 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.**

15. Resolution No. 2016-87 – A Resolution of the Town Board of the Town of Windsor, Colorado, Approving the 2017 Windsor Downtown Development Authority (DDA) Budget; Making Annual Appropriations for The Windsor Downtown Development Authority for the Fiscal Year Ending December 31, 2016; and Fixing the Mill Levy for the Windsor DDA District for the Fiscal Year Ending December 31, 2017

- Legislative action
- Presentation: Matt Ashby, Executive Director – Windsor Downtown Development Authority

Per Mr. Ashby, at their regular meeting on October 12, 2016, the Downtown Development Authority Board of Directors (DDA) approved their 2017 budget along with a mill levy increase to full anticipated rate of five mills. The property tax increment is projected to increase from \$13,080 in 2016 to \$25,736 in 2017. Additionally, the sales tax base increment has increased from \$270,000 for 2016 to a projected \$332,000 in 2017. It is anticipated approximately \$704,000 is being carried over to the 2017 budget.

Mr. Boudreau inquired as to what the reason is for the increase.

Mr. Ashby stated in general the goal was to create a self-sustaining organization and this was one way to accomplish the goal.

Ms. Melendez stated from the original creation of the DDA, the Board had agreed that the mill levy would start at 1 and increases an additional mill until the full 5 mills.

Mr. Boudreau inquired if membership in the DDA is voluntary.

Mr. Ashby stated the DDA is a district boundary. It is a set district boundary that was originally established, however expansions of that boundary do require consent of the property owner.

Mr. Arnold stated it is not voluntary as if you are in the area you will be assessed the mill levy.

Mr. Ashby stated it is not a membership district either.

Mr. Boudreau inquired if there has been any opposition regarding the mill levy increase.

Mr. Ashby stated he has not received any opposing comments.

Mr. Bennett inquired as to the mill increasing 25% but the revenue increased almost 100%.

Mr. Arnold stated it is a combination of the mill levy and assessed property value.

**Town Board Member Morgan moved to approve Resolution No. 2016-87; Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Adams, Melendez; Nays- Boudreau; Motion passed.**

16. Financial Report for October 2016

- Staff presentation: Dean Moyer, Director of Finance

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

- Base sales tax collections as well as the CRC Expansion tax exceeded monthly budget requirements for October 2016.
- Single family residential building permits total 587 through October 2016; up from 256 in October 2015.
- Construction use tax through October 2016 is at 147.41% of the annual budget.
- 36 Business licenses were issued in October 2016 of which 24 were sales tax vendors.
- The new public works building has commenced which is the largest capitol project for 2017.

D. COMMUNICATIONS

1. Communications from the Town Attorney  
Mr. McCargar reminded the Board of the Executive Session.
2. Communications from Town Staff  
Mr. Lucas provided Mayor Melendez with a letter from a mayor in Japan as they sent six students to visit Windsor.
4. Communications from the Town Manager  
Mr. Arnold informed the Board that on November 17, 2016 Ms. Garcia was sworn in as President of the Colorado Municipal Clerks Association. A work session is scheduled for December 5, 2016 and the Board is invited to view the displays of the historical churches in Windsor prior to the work session.
5. Communications from Town Board Members  
None.

E. EXECUTIVE SESSION

An Executive Session pursuant to § 24-6-402 (4) (e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators – Economic Development Prospect (Stacy Johnson)

**Town Board Member Rennemeyer moved to go into executive session pursuant to § 24-6-402 (4) (e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators – Economic Development Prospect (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 11:17 p.m.

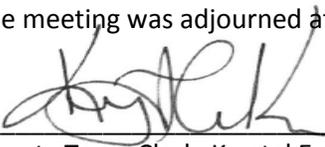
The Executive Session was closed and the Town Board returned to the Regular Meeting.

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 11:17 p.m.

F. ADJOURN

**Town Board Member Rennemeyer motioned to adjourn; 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.**

The meeting was adjourned at 11:17 p.m.

  
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Deputy Town Clerk, Krystal Eucker