



TOWN BOARD REGULAR MEETING

January 8, 2018 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:10 p.m.

1. Roll Call

Mayor	Kristie Melendez
Mayor Pro Tem	Myles Baker
	Cindy Scheuerman
	Ken Bennett
	Paul Rennemeyer
	Ivan Adams
Town Attorney	Ian McCargar
Acting Town Manager/Town Clerk	Patti Garcia
Communications/Assistant to Town Manager	Kelly Houghteling
Chief of Police	Rick Klimek
Director of Finance	Dean Moyer
Director of Human Resources	Sherilynn Gourley
Director of Planning	Scott Ballstadt
Senior Planner	Paul Hornbeck
Customer Service Supervisor	Jessica Scheopner

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

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

4. Introduction of New Employees to the Board

Ms. Gourley reported the hiring of two new full time employees—Corinne Millington, IT Manager and Taylor Smith, Police Office. Mr. Smith was the only employee present. Chief Klimek introduced Mr. Smith and gave a brief bio of his experiences. Mr. Smith thanked the Town Board for the opportunity. Mayor Melendez welcomed Officer Smith to the Town of Windsor.

5. Board Liaison Reports

- Mayor Pro Tem Baker – Parks, Recreation & Culture Advisory Board; North Front Range/MPO alternate
Mayor Pro Tem Baker – No update as there were no meetings.
- Town Board Member Scheuerman – Water & Sewer Board; Clearview Library Board
Town Board Member Scheuerman reported the Water and Sewer Board met on December 13, 2017 and has brought forth a recommendation to be heard tonight.
Ms. Scheuerman was unable to attend the Clearview Library Board meeting.
- Town Board Member Bennett – Planning Commission; Windsor Housing Authority
Town Board Member Bennett reported that there was no planning commission meeting.
Mr. Bennet reported that the Windsor Housing Authority met and is evaluating two land purchase opportunities. When more information is available he will report to the Board.
- Town Board Member Rennemeyer – Historic Preservation Commission; Great Western Trail Authority; Chamber of Commerce
Town Board Member Rennemeyer had no report on Historic Preservation Commission.
Mr. Rennemeyer stated he will have an update at the next meeting regarding the Chamber of Commerce.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
Town Board Member Adams reported that the Tree Board did not meet since last meeting.
Mr. Adams reported that the Poudre River Trail Board met on the December 7th. Repair work on the trail continues and the group did hire a new director of the Poudre River Trail Board. January and February meetings have been cancelled due to the retreat on January 31st.
- Mayor Melendez – Downtown Development Authority; North Front Range/MPO
Mayor Melendez reported that the Downtown Development Authority approved the 2018 budget. In addition they have a parcel of land under contract; continue to work with Brinkman; continue to work with Blue Ocean on the Mill; and look to improve and offer more programs to downtown businesses
Mayor Melendez reported the signing of a \$248 million dollar contract for the expansion of I-25 in our region. The project is slated to be complete in 2021. \$55 million of the total is from local dollars. The project would be 14 years ahead of schedule. Coalition 25 and the North Front Range MPO will continue to look for funding for the next segments of the project.

6. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the December 4, 2017 Special Town Board Meeting and December 11, 2017 Regular Meeting – P. Garcia

2. Resolution No. 2018-01 - A Resolution Designating a Public Place for the Posting of Notices Concerning Public Meetings – P. Garcia
3. Resolution No. 2018-02– A Resolution Approving the Accessioning of Items to the Town of Windsor Museum Collection – E. Lucas
4. Resolution No. 2018-03 – A Resolution Approving Temporary Compensation for Patti Garcia in Her Capacity as Acting Town Manager for the Town of Windsor – S. Gourley
5. Resolution No. 2018-04, A Resolution Approving an Option Agreement Between the Town of Windsor and the Windsor-Severance Fire Rescue District With Respect to Town-Owned Real Property, and Authorizing the Mayor to Execute Same – I. McCargar
6. Report of Bills December 2017 – D. Moyer
7. Approval of Windsor Joint Fuel Tank Facility 2018 Budget – D. Moyer

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

C. BOARD ACTION

1. Second Reading—Ordinance No. 2017-1548 – An Ordinance Rezoning Eagle Crossing Subdivision 2nd Filing Tract B, Eagle Crossing Subdivision 3rd Filing Tracts A and Tract B, and Fossil Ridge Subdivision 2nd Filing, Lot 4, Block 11 – Tom Siegel, Eagle Crossing Windsor, LLC, applicant/ John Meyers, TST Inc. Consulting Engineers, applicant’s representative
Super majority vote required on second reading
 - Second Reading
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Per Mr. Hornbeck, the applicant, Mr. Tom Siegel of Eagle Crossing Windsor, LLC, represented by Mr. John Meyers of TST Consulting Engineers, is requesting to rezone approximately 60 acres within portions of the Eagle Crossing Subdivision 2nd and 3rd Filings and Fossil Ridge Subdivision 2nd Filing. The subject properties are located generally northeast of the intersection of Crossroads Boulevard and Fairgrounds Avenue. Please see the enclosed PowerPoint for specific boundaries of the rezoning. The request is to rezone approximately 32 acres from Limited Industrial (IL) to High Density Multifamily (MF-2) and approximately 28 acres from Limited Industrial (IL) to General Commercial (GC). Approximately 30 acres of existing General Commercial (GC) will remain.

This is second reading of the rezoning ordinance and the record from the Public Hearing on December 11, 2017 is complete and will not be supplemented on second reading, absent good cause. The ordinance has been amended from first reading to include specific findings of fact based on the record of December 11, 2017 Town Board Meeting.

At their October 18, 2017 meeting, Planning Commission forwarded to Town Board a recommendation of approval of the rezoning subject to all outstanding Planning Commission and staff comments being addressed. Town Board

approved first reading of the ordinance at the December 11, 2017 Town Board meeting.

There was no public comment.

Town Board Member Rennemeyer moved to approve Ordinance No. 2017-1548 – An Ordinance Rezoning Eagle Crossing Subdivision 2nd Filing Tract B, Eagle Crossing Subdivision 3rd Filing Tracts A and Tract B, and Fossil Ridge Subdivision 2nd Filing, Lot 4, Block 11; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- Baker Motion passed.

2. Second Reading--Ordinance No. 2017-1553 - An Ordinance Amending Specific Sections of the Windsor Municipal Code with respect to Post-Approval Document Submittal Requirements in Land Use Matters
Super majority vote required on second reading
 - Second reading
 - Legislative action
 - Staff presentation: Devin King, Planning Technician

Per Mr. King, this past August, Colorado Senate Bill 17-129 was approved amending Colorado Revised Statutes 31-23-108 and 38-50-101 regarding the recording and retaining of plats with the county clerk and recorder. Bill sponsors cited the costly burden of processing and storing Mylars as the main reason for the change in statute. Since enactment, Weld County has changed their policies regarding plat recording, and now allow for electronic recording in lieu of requiring Mylar copies. Larimer County is remaining with their required two copies for the time being. As these changes continue to evolve, the Town will benefit by having the ability to administratively update our processes to meet the current standards and recommendations.

Given the current and projected development trends, these numbers will likely increase, especially considering the Town is already in need of another storage cabinet and additional hanging strips. In addition to these quantifiable costs to the Town, there are also the external costs to developer's time and expenses associated with current Mylar requirements. Reducing the number of Mylars required and types of land use development requiring Mylars will help streamline the development review process for both the developers and the Town, making the review process more efficient and lessening the costs mentioned above.

As technology advances and state and county processes change, it would be beneficial to the Town and Town staff to be able to update the Town's requirements to current standards quickly. Amending the Municipal Code sections pertaining to final submittals to reference the current submittal standards set by the Director of Planning will allow Town staff to update requirements promptly to meet current recommendations and standards as they change. Adoption of this ordinance should help maintain an efficient development review process by promoting efficiency and reducing costs.

Mr. King recommends approval of ordinance on second reading.

Town Board Member Rennemeyer moved to approve Ordinance No. 2017-1553 - An Ordinance Amending Specific Sections of the Windsor Municipal Code with respect to Post-Approval Document Submittal Requirements in Land Use Matters Town Board Member Scheuerman seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

3. Ordinance No. 2018-1554 - An Ordinance Fixing the Compensation of the Municipal Court Judge and Municipal Court Clerk for the Town of Windsor in Compliance with Sections 13-10-107 and 13-10-108, C.R.S., and Section 2-4-90 of the Windsor Municipal Code
 - First Reading
 - Legislative action
 - Staff presentation: Ian McCargar, Town Attorney

Per Mr. McCargar, the statutes governing qualified municipal courts of record require that the compensation of the Municipal Judge and Office of the Municipal Court Clerk be set by ordinance. This requirement has also been incorporated into the Town's Municipal Code. The Town Board previously approved the 2018 Annual Budget, where the compensation for the Municipal Judge and Municipal Court Clerk's Office was fixed. Provisions also were made to provide for compensation for the Deputy Municipal Judge. An Ordinance approving those appropriations is required in order to comply with the requirements of state law and the Municipal Code.

Staff recommends adoption on first reading.

Mr. Rennemeyer inquired about the different numbering of ordinances and resolutions for this agenda.

Ms. Garcia explained that every calendar year resolution numbering starts back at zero, while ordinances have continual numbering system.

Town Board Member Rennemeyer moved to approve Ordinance No. 2018-1554 - An Ordinance Fixing the Compensation of the Municipal Court Judge and Municipal Court Clerk for the Town of Windsor in Compliance with Sections 13-10-107 and 13-10-108, C.R.S., and Section 2-4-90 of the Windsor Municipal Code; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

4. Resolution No. 2018-05 - A Resolution Making Certain Findings of Fact Concerning the Swanson 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 Swanson Annexation - Jon Turner, North Windsor Holdings, LLC, applicant/ Kristen Turner, TB Group, applicant's representative
 - a. Legislative action

b. Staff presentation: Paul Hornbeck, Senior Planner

Per Mr. Hornbeck, the applicant Mr. Jon Turner, represented by Ms. Kristin Turner, has submitted a petition to annex approximately 28.9 acres to the Town of Windsor as General Commercial (GC) and Residential Mixed Use (RMU) zoned property. The purpose of this annexation is to annex Harmony Road right-of-way and assemble adjoining properties as a part of the proposed Rocky Mountain Sports Park. Development of the Rocky Mountain Sports Park itself will require various additional approvals by Town Board.

The purpose of this resolution is to make certain findings of fact concerning the annexation, determining substantial compliance with the Colorado Municipal Annexation Act (Act). The Act requires that after a conforming annexation petition has been submitted; Town Board shall set a hearing date to determine if the allegations made in the petition are supportable and if the property is eligible for annexation. Said hearings will be held on February 7, 2018 by the Planning Commission and February 12, 2018 by the Town Board.

Staff recommends that the Town Board approve Resolution No. 2018-05 as presented.

Mayor Melendez inquired if this is the only parcel to be considered for the overall project at this time.

Mr. Hornbeck replied no and that the other piece is addressed in the next agenda item.

Mayor Melendez asked if there was any public comment. She asked for participants to state their name and address for the record. She reminded them they have only three minutes to speak on the matter.

Marcia Maeda, 6711 Steven Street, Windsor CO stated;

“My husband and I have lived on Steven Street for 45 years. I am objecting to the annexation requests for the Swanson and Road 76 properties by the developers of the Rocky Mountain Sports Park. The spokespersons for the business and the town’s economic development director describe the sports park as a tourist destination. It is to include hotels, dormitories, retail, restaurants, parking lots for thousands of cars, a field house, acres of artificial turf, all accompanied by night lighting according to the park’s website. Its presence is likely to draw other tourist-centric businesses nearby. It is to be located directly adjacent to residential neighborhoods, two of them long established, one in the last ten years, one still under construction. Traffic will impinge on our access roads, noise will destroy our quiet during the months when we are outside and our windows are open, lights will erase our night sky. Though development is inevitable as families give up farming, this location is not suitable for such a business. I ask that the board avoid succumbing to the lure of promised millions in tax revenue and be a good neighbor by denying these annexation requests.”

Gloria Beldon, PO BOX 323, Windsor, CO, stated she would boldly repeat what Ms. Maeda has said. She further suggested that residents sign a petition to go against it. Surely there is another location east. This does not help traffic. She does not understand why they would want to change Windsor.

Roselynn Leautaud, 36933 CR 15, Windsor, CO stated she wanted to repeat what Mrs. Maeda said. Please take in consideration those that have been here for a while. Designers did not understand the feedback given by residents. Please put yourself in our situation. You really need to look at what you want Windsor to turn into.

Cherylynn Glavack of Soaring Eagle Circle stated there are as many as 25 bald eagles on the Windsor Reservoir. They will not stay if the park goes in. She is asking the Board to really think about what they are doing. She also agrees with Mrs. Maeda.

Town Board Member Scheuerman moved to approve Resolution No. 2018-05 - A Resolution Making Certain Findings of Fact Concerning the Swanson 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 Swanson Annexation; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

5. Resolution No. 2018-06 – A Resolution Initiating Annexation Proceedings for the Weld County Road 76 Annexation to the Town of Windsor, Colorado - Jon Turner, North Windsor Holdings, LLC, applicant/ Kristen Turner, TB Group, applicant's representative

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

Per Mr. Hornbeck, applicant Mr. Jon Turner, represented by Ms. Kristin Turner, has submitted a petition to annex approximately 6.47 acres to the Town of Windsor as General Commercial (GC) zoned property. The purpose of this annexation is to annex Weld County Road 76 right-of-way into the Town of Windsor in anticipation of the proposed Rocky Mountain Sports Park and associated roadway improvements. Development of the Rocky Mountain Sports Park itself will require various additional approvals by Town Board.

In accordance with the *Windsor Municipal Code* and the Municipal Annexation Act of 1965, this resolution is required in order to initiate annexation proceedings. Additional Town Board meetings setting public hearing dates and conducting public hearings will be required as a part of the annexation. A neighborhood meeting will also be required, which will include notification to property owners within 300 feet.

Staff recommends that the Town Board approve Resolution No. 2018-05 Initiating Annexation proceedings, as presented.

Ms. Scheuerman asked for clarification and inquired if the resolution is to just to start the annexation procedures and the property is still subject to the entire annexation process.

Mr. Hornbeck confirmed that is so.

Mayor Melendez inquired if a land use application has been submitted.

Mr. Hornbeck stated plans have been submitted but have not been scheduled for a hearing yet.

Town Board Member Bennett moved to approve Resolution No. 2018-06 – A Resolution Initiating Annexation Proceedings for the Weld County Road 76 Annexation to the Town of Windsor, Colorado; Town Board Member Scheuerman seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

6. Resolution No. 2018-07 - Approving and Adopting an Intergovernmental Agreement between the Town of Windsor and City of Thornton with respect to Annexation of Certain Property and Provision for Location of a Water Transmission Pipeline
- Legislative action
 - Staff presentation: Scott Ballstadt, Director of Planning

Per Mr. Ballstadt, the intergovernmental agreement (IGA) sets forth conditions for the annexation of City-owned property within the Town's Growth Management Area and the establishment of a water transmission pipeline generally following WCR 13/ County Line Road.

Annexation of the City's Farm at the northeast corner of WCR 31 and WCR 76 will include the dedication of the ultimate road right-of-way for WCR 76 and will allow for the further Avery Substation being planned by Xcel Energy to be reviewed through the Town's site plan process. Soon after execution of the IGA, the City will submit for formal approval and Xcel will submit a site plan application for the substation.

The IGA also addressed the administrative approval process for planning and installation of the City of Thornton's water pipeline through Windsor, the Growth Management Area and those portions of the pipeline that will cross Town-owned property. The waterline is generally planned to parallel County Line Road (WCR 13) through Windsor and Thornton has been in contact with many of the respective property owners along the route.

The IGA in the packet includes a draft easement.

Staff recommends approval as presented.

Mr. Bennett inquired if there is an opportunity to lay fiber optic in the area with a pipeline being put in.

Mr. Ballstadt stated he was unsure if there is any there already. They are mostly working on road improvements but it could be looked at.

Mr. Bennett expressed he appreciated how staff always looks for opportunities.

Mayor Melendez inquired there are any other fees that City of Thornton would be paying.

Mr. McCargar stated he did not think so.

Mayor Melendez asked if the sub-station will be taxed.

Mr. Ballstadt stated he was unsure and would have to look in to it.

Mayor Melendez asked if the changes made were to the property owner's advantage.

Mr. Ballstadt explained that the location is being slightly relocated from the original proposal—more to the north and west due to standing water in areas. This will push the substation further away from neighborhoods. He reminded the Board that all site plans will come before Planning Commission and Town Board for approval if annexed.

Mr. Rennemeyer inquired if Thornton is okay with the annexation.

Mr. Ballstadt replied the drawings come from Thornton so it is safe to assume they are okay with annexation. Thornton is ready to submit 10 days after the approval of the IGA. They are also working on an agreement with the Town of Timnath.

Town Board Member Adams moved to approve Resolution No. 2018-07 - Approving and Adopting an Intergovernmental Agreement between the Town of Windsor and City of Thornton with respect to Annexation of Certain Property and Provision for Location of a Water Transmission Pipeline; Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

7. Public Hearing – Resolution No. 2018-08 - Approving an Agreement to Revoke First Amendment to Intergovernmental Agreement between the Town of Windsor and Town of Severance
- Legislative action
 - Staff presentation: Ian D. McCargar, Town Attorney; Scott Ballstadt, Director of Planning

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

Per Mr. McCargar, under our 2000 Intergovernmental Agreement (“IGA”) with the Town of Severance, a quarter-mile wide Cooperative Planning Area (“Corridor”) was established exclusively for commercial and employment uses, straddling east Highway 392. The purpose of the Corridor was to maximize the tax revenue sharing that was provided for in the IGA. In 2004, the municipalities adopted a Comprehensive Development Plan that further reinforced the intention for exclusive commercial uses within the Corridor.

In 2016, a local residential developer suggested that residential development be allowed in the corridor. In response to this suggestion, the Town and Severance negotiated the First Amendment to the IGA, in which the municipalities agreed to “mirror image” zones on either side of WCR 21 in which residential development would be allowed. To date, no residential development has occurred in the residential area approved by the First Amendment.

Since approval of the First Amendment, considerable residential development has occurred in both Windsor and Severance, including both single-family and multi-family product. The development community continues to seek approvals for more land dedicated to residential development in each municipality. Residential development is generally desirable, but does not generate revenue in the same ways as commercial development. In light of these circumstances, preservation of key commercial corridors is an appropriate step to take. Severance has indicated its willingness to re-establish the East Highway 392 Cooperative Planning Area by revoking the First Amendment to the IGA.

As the IGA and its amendments represent a statutory comprehensive development plan, a legislative public hearing with notice is required. Notice has been issued in the newspaper and on the Town's website.

The second reason this item is coming before Town Board tonight is that the developer presented a set of conceptual drawings in October 2016. Those showed multi-family, single family, and senior living facility which specifically came out of a request from the Town Board. It also included transportation corridors to allow traffic to run properly from Village East to 392. Recently, in late 2017, the developer has come back with drawings that are substantially different than the 2016 plan. Staff felt Town Board should be aware in case it wants to restore the commercial corridor to legislatively prevent what is a different product than what was presented earlier by the developer.

Mr. McCargar explained further that before the Board tonight is a decision of whether to leave the February 2017 amendment in place or restore the commercial corridor. The developer is here to answer questions. Staff wanted the Board to be aware that the developer's plan is quite different than what was presented in 2016, thus allowing Town Board to make a legislative decision to restore the commercial corridor. Mr. McCargar's legal concern is that the Town not put itself in a position to respond in a quasi-judicial setting but rather take legislative action to protect the Town's interest in commercial corridors, and to ensure that residential product the Board had in mind is consistent with what the Town of Severance had in mind in February, 2017. Mr. Ballstadt stated that Mr. McCargar had covered the topic sufficiently for the record. Mr. McCargar reiterated that this item is a legislative decision and not a quasi-judicial decision. This allows the Board to make legislative action to restore the commercial space within the development if that is the desire.

Mr. Tschetter, the developer, expressed three main concerns: (1) the storm drainage considerations for this property are a significant complication; (2) his multi-family builder stepped away, leaving his only option to add single-family product; and (3) he would have modified his development plan if someone had told him there was a problem. He repeatedly assured the Town Board that he would restore senior housing, including assisted living, even if it does not generate commercial property tax revenue. He repeatedly assured the Town Board that he would restore multi-family product to the site, if that was the wish of the Board. He emphasized, however, that traffic impacts were being assessed and would need to be re-assessed to accommodate a direct entrance/exit pattern for State Highway 392. He indicated that the traffic challenges are complicated by the unwillingness of neighboring property owners to accommodate traffic from Village East.

Mr. Adams asked about the drainage from the northeast to the south east and how it is being addressed.

Mr. Tschetter explained after the conceptual meeting, further analysis on the property and the Pioneer Sand site showed there is no point along the properties until the Great Wester Trail able to deal with the potential drainage. They are still looking for alternatives.

Mr. Adams asked for clarification—if the Board was to decide tonight to have assisted living and multifamily would Mr. Tschetter be okay with it.

Mr. Tschetter replied it would be a “done deal” tonight.

Mr. Baker expressed concern for road access and inquired what road access points would be if HWY 392 is not an option.

Mr. Tschetter explained traffic studies would need to be more complete to address access to Highway 392.

Mr. Baker asked Mr. Tschetter if he would withhold going forward with submittals until a different concept is approved at the conceptual level by staff.

Mr. Tschetter stated he was under the impression that is what the development review meetings are for.

Mr. Bennett inquired how long it would take to get a new IGA with Severance if the Town had to.

Mr. McCargar replied if the Board chose to restore the corridor tonight then staff would immediately go into discussion with the developer and bring back an amendment to Severance that allowed residential in the corridor with certain elements added by assurance from the developer. It could take a couple weeks to get the agreement to final approvals.

Mr. Bennett explained he is not opposed to commercial, but he would like to see affordable housing, not necessarily multi family. Affordable housing meaning other types of

Mr. Tschetter stated as far as timing he is prepared to put multifamily in if that was the direction that staff and the Board had given us. He stated his group can deliver land price substantially lower than other projects in town. He has presented the concept to 25 builders. And have some interest. He only changed assisted living to commercial to meet what he understood was an obligation to the board.

Mayor Melendez asked Mr. Ballstadt to the podium to answer how the decision was made to come to the Board as a legislative matter.

Mr. Ballstadt stated that Ms. Berry has been working with Mr. McCargar on this item. The reason the Board is looking at the amendment to the IGA as a legislative action. Staff doesn't bring conceptual plans to the Board because of the quasi-judicial item of a potential subdivision. Staff was being mindful of this, the availability of Town Board work sessions and the Peakview subdivision resident issues with traffic. Staff has asked the developer multiple times over multiple years how to address the traffic issues and for resolution from the developer.

Mr. Baker inquired from the developer what hardship, if any, they would have if the plan was restored to the original concept.

Mr. Tschetter replied that without the plan, he would not be able to make an agreement with a national builder or any builder because the timeline is uncertain as to when this would be approved. The real issue is that the concept is not even defined. If a concept can be defined, plans can be ready in 10 days for approval. On top of that, the traffic studies would need to be complete as well to provide a solution to the many issues this property faces.

Mayor Melendez inquired if staff would suggest going forward under the current IGA

Mr. McCargar stated it is an option however, he would suggest certain assurances, agreed by the Board, be met.

Mayor Melendez inquired what assurances would we have that the developer would need to meet.

Mr. McCargar stated assurances would be best made by revoking the IGA through legislative action. The Board would be able to go back and work through the concerns they have and not be tied through the quasi-judicial process if not revoked.

Mr. Tschetter explained to the Board that he has never not done what he said he would do. If the Town Board wants multi-family and assisted living pieces, he can make that happen.

Mr. Baker expressed that it appeared from the plans that some of the traffic can be mitigated if multifamily was added to the northeast off of CR 21.

Mr. Tschetter explained it still came to the fact that one street still comes out at CR 21 and CR 21 comes out at HWY 392. The traffic studies are not complete, but any solution will not be cheap or easy, he expressed.

Mayor Melendez inquired that the reason commercial does not work well is due to the access on Highway 392.

Mr. Tschetter explained Highway 392 requires a right in and right out, therefore; limiting access.

Ms. Scheuerman requested original conceptual plan and the new plan to be displayed to compare.

Mr. Tschetter and Mr. Ballstadt pulled up both plans. The Town Board reviewed the differences. They discussed various items such as access options, placement of each element such as residential, multi-family and commercial.

Mayor Melendez asked if there were any more questions of staff or the applicant.

There were none.

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

8. Resolution No. 2018-08 - Approving an Agreement to Revoke First Amendment to Intergovernmental Agreement between the Town of Windsor and Town of Severance

- Legislative action
- Staff presentation: Ian D. McCargar, Town Attorney; Scott Ballstadt, Director of Planning

Mr. McCargar stated he had nothing new to add. His recommendation to the Board to revoke the first amendment to the IGA still remains the same. He expressed that in his legal capacity to the Town and board, he is only comfortable with strong commitments from the land owner to assure that the Town is not put at any disadvantage down the road.

Mayor Melendez inquired what strong commitments and represented how.

Mr. McCargar replied that taking Mr. Tschetter's statements at face value, if a decision is made not to restore the commercial corridor, then staff would sit down with him as early as tomorrow to sort out what can be done to satisfy all the concerns. Once that is clear, then the Town of Severance would need to be approached with an amendment to the IGA with those conditions. This would be the only alternative to modifying the IGA and restoring the corridor.

Mayor Melendez asked the Board what their wishes are regarding this matter.

Mr. Baker replied he is confident in Mr. Tschetter and his word. There is no need to revoke the amendment to the IGA. With an election coming up and the Board could change. As a Board we do not know what we want and we need to be clear. He stated he would prefer commercial.

Mayor Melendez asked the Board if the general consensus is to not revoke the amendment to the IGA.

Mrs. Scheuerman feels it would be most appropriate to revoke the amendment as there are too many moving pieces to go forward leaving it as it is. Not revoking leaves the potential of eliminating our ability for legislative action. As this development goes farther, the Board will be limited to quasi-judicial decision which can make things much tighter.

Mr. Bennett wants to revoke too due to preserve as Ms. Scheuerman stated the legislative process option. He expressed if this is revoke he would like to see the Town turn around and quickly work through a new amendment.

Mr. McCargar expressed if the decision to go back and have this work through staff, this puts the Board in a position of no longer having a legislative discussion to a quasi-judicial decision. That is not the best spot for the Town Board to be in, in his opinion.

Mr. Tschetter stated he has no problem with working the agreement out with Mr. McCargar. He has been working on this development for a while and would like to get moving on it. He is just asking for direction. He feels he has acted in good faith to the commitments made and does not want to add more complexity.

Mr. Rennemeyer inquired how would the Town Board bring up their specific thoughts and wishes regarding this development to staff.

Mr. McCargar replied the Board always has the ability to provide input through the Acting Town Manager, who will pass input to the staff. It would not necessarily be done in a work session. The question really is not what the product mixture is as presented but what is the Town

Board's greater priorities and if Mr. Tschetter is able to answer to those priorities. The transportation issues are a definite challenge for this area. As far as the land use, which is the key component to the IGA, the Board is able to think those through and pass on input to the Acting Town Manager. That is his recommendation.

Mayor Melendez inquired if there any current thought on leaving the current concept with commercial but adding multi-family back. She expressed there is greater opportunity to Windsor to capture revenue based off a commercial corridor.

Mr. Tschetter replied to do either or as the Board directs.

Mr. Rennemeyer inquired about the original plan for the commercial/retail area.

Mr. Tschetter replied an office building, fast food, smaller grocer and retail center.

Mayor Melendez asked Mr. McCargar if there is a shared revenue agreement with the Town of Severance on this area.

Mr. McCargar replied yes.

Mayor Melendez stated to the Board that a decision needs to be made keep IGA or revoke it. She reminded the Board that their general direction is going to help.

Mayor Melendez expressed she would need to have the multifamily added back in.

Mr. Tschetter replied he can make the change tomorrow if necessary. The traffic studies need to be complete too.

Mayor Melendez inquired of Mr. Ballstadt if this would create bigger traffic problems.

Mr. Ballstadt replied that the traffic study should reveal some sort of solution if so.

Mr. Adams stated he feels comfortable to move forward and not revoke the amendment.

Mr. Rennemeyer agreed. He stated Mr. Tschetter is on record to make the changes we request and to work on access appropriately.

Mr. Bennett expressed he likes the idea of having retail as it serves our community best. However, he stated he is a little leery of taking Mr. Tschetter's word and having nothing formally written at this point.

Ms. Scheuerman echoed Mr. Bennett's comments and concerns. There are a lot of variables including traffic issues not being answered. She feels hesitant moving forward without revoking the amendment. She added she does not object to the current concept and supports it fully. There are just too many variables to move forward as is.

Town Board Member Scheuerman move to approve Resolution No. 2018-08 - Approving an Agreement to Revoke First Amendment to Intergovernmental Agreement between the Town of Windsor and Town of Severance. There was no second. Motion fails for want of a second.

9. Resolution No. 2018-09 - 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

Annually we look at adjusting our water rates and tap fees during the budget process. We have our 2018 cost increases from our three providers. The financial impact is:

- Monthly service rates: Using our established method, we will have to increase the monthly rate 4.97% per 1,000 gallons to cover our increase in cost. This figure is a weighted average increase based on the suppliers increase to us and the percentage of our supply that comes from that supplier.
- The Water and Sewer board met on December 13, 2017 and recommended we raise the cost per 1,000 gallons by the full 4.97%.
- The rate would be effective February 1, 2018 and will appear on the bills that go out on March 1.
- The three tiers would be:
 - Tier 1 \$3.97/1,000 gallons up to 16,000 gallons used
 - Tier 2 \$5.92/1,000 gallons up from 16,001 to 22,500 gallons used
 - Tier 3 \$8.82/1,000 gallons over 22,501 gallons used.

Mr. Rennemeyer inquired if the Water and Sewer Board agreed to these changes.

Mr. Moyer replied yes and they recommend them to the Town Board.

Town Board Member Rennemeyer moved to approve Resolution No. 2018-09 - A Resolution Establishing Rates for Town of Windsor Water Service Customers, and Authorizing the Implementation of Such Rates Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

10. Resolution No. 2018-10 – A Resolution Approving a Professional Services Contract with Mr. Wes LaVanchy for Municipal Advisory Services

- Legislative action
- Staff presentation: Patti Garcia, Acting Town Manager

Ms. Garcia reported due to the current vacancy in the Town Manager's office, the Town Board has discussed the hiring of a Municipal Advisor to help work on special projects and initiatives during the search period.

The Town Board spoke with Wesley LaVanchy during a work session on December 13, 2017 and found that he possessed the experience and qualities that would be a benefit to the Town during this interim. Mr. LaVanchy has advised the Town Board that he is not interested in pursuing the Town Manager position and would be available to start after the first of the year.

A project list has been created which may be amended from time to time, depending on current needs.

Staff recommends approval of the Resolution and related Professional Services Agreement.

Mr. Rennemeyer asked who Mr. LaVanchy would be reporting to.

Ms. Garcia replies he would report to the Acting Town Manager and will make reports to the Town Board as necessary.

Town Board Member Adams moved to approve Resolution No. 2018-10 – A Resolution Approving a Professional Services Contract with Mr. Wes LaVanchy for Municipal Advisory Services; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

11. Resolution No. 2018-11 – A Resolution Approving an Agreement Between the Town of Windsor and Peckham & McKenney, for the Provision of Executive Search Consulting Services

- Legislative action
- Staff presentation: Patti Garcia, Acting Town Manager/Town Clerk

Per Ms. Garcia, pursuant to the vacancy in the Town Manager's office, the Town Board has indicated interest in retaining a consultant to assist with the recruitment for a new Town Manager.

A Request for Proposal was sent to five national firms with three proposals being received by the due date of January 2, 2018. After review of the proposals, the Town Board expressed interest in retaining Peckham & McKenney as the Executive Search Firm to conduct the Town Manager recruitment.

The recruitment is expected to begin as soon as possible, and conclude within three (3) months.

Staff recommends approval.

Town Board Member Rennemeyer moved to approve Resolution No. 2018-11 – A Resolution Approving an Agreement Between the Town of Windsor and Peckham & McKenney, for the Provision of Executive Search Consulting Services; Town Board Member Scheuerman seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays- None; Motion passed.

12. Financial Report for November 2017

- a. Staff Presentation: Dean Moyer, Director of Finance

Mr. Moyer reported the base 3.2% collections were slightly above and the .75% expansion collections were slightly below the monthly budget requirement for November.

Through November 2017 Construction Use Tax collections totaled \$3,621,329 or 127% of the annual budget. 44 business licenses were issued in November, of which 21 were sales tax vendors. 18 retail licenses closed in November.

Ideally at the end of the eleventh month of the year you want to see 92% collection rate on your annual budget number. We have exceeded that benchmark in all of the tax categories.

General Fund operating expenditures are slightly below the 92% budget benchmark through November.

Ms. Scheuerman inquired if we have collection agreements with separate online accounts.

Mr. Moyer replied that staff works to make agreements as they come about.

Mr. Baker inquired about businesses like AirBNB and if sales tax is collected but not lodging tax.

Mr. Moyer stated that is correct.

D. COMMUNICATIONS

1. Communications from the Town Attorney
NONE
2. Communications from Town Staff
NONE
3. Communications from the Acting Town Manager
NONE
4. Communications from Town Board Members
NONE

E. EXECUTIVE SESSION

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

Town Board Rennemeyer moved to adjourn to 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 Downtown Development Authority property acquisition Town Board Member Scheuerman seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Scheuerman, Bennett, Rennemeyer, Adams, Melendez; Nays-None; Motion passed.

Town Board adjourned to executive session at 9:38 p.m.

Upon a motion duly made, the Town Board returned to the regular meeting at 10:19 p.m.

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

Upon returning to the special 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 10:19 p.m.

F. ADJOURN

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

The meeting was adjourned at 10:19 p.m.



Jessica Scheopner, Customer Service Supervisor