



TOWN BOARD REGULAR MEETING

July 09, 2018 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

AGENDA

A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:00 p.m.

1. Roll Call

Mayor
Mayor Pro Tem
(Absent)

Kristie Melendez
Ken Bennett
Myles Baker
Barry Wilson
Paul Rennemeyer
Thomas Jones
David Sislowski

Also Present: Town Manager
Town Attorney
Communications/Assistant to Town Manager
Director of Finance
Chief Planner
PR&C Director
Deputy Town Clerk

Shane Hale
Ian McCargar
Kelly Houghteling
Dean Moyer
Carlin Malone
Eric Lucas
Amanda Mehlenbacher

2. Pledge of Allegiance

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

4. Board Liaison Reports

- Town Board Member Baker – Tree Board, Historic Preservation Commission
Town Board Member Baker was absent.
- Town Board Member Wilson – Parks, Recreation & Culture Advisory Board; Poudre River Trail Corridor Board
Town Board Member Wilson reported that the PReCAB meeting was rescheduled do to the 4th of July holiday. Mr. Wilson reported that the Town of Windsor repaired the washed out section of the Poudre River Trail.
- Mayor Pro Tem Bennett – Water & Sewer Board
Town Board Member Bennett had no report.

- Town Board Member Rennemeyer – Chamber of Commerce
Town Board Member Rennemeyer had no report.
- Town Board Member Jones – Windsor Housing Authority; Great Western Trail Authority
Town Board Member Jones reported that the Windsor Housing Authority will have their regular meeting next Tuesday, July 17, 2018. Dr. Jones reported the Great Western Trail Authority has hired a part-time Trail Manager who is expected to start on July 15th.
- Town Board Member Sislowski –Clearview Library Board; Planning Commission
Town Board Member Sislowski had no report for the Planning Commission due to the 4th of July holiday. Mr. Sislowski reported that the Library Board met on June 28th and discussed their low circulation numbers due to the Book Mobile being out of service. The Library Board also highlighted their USDA loan application with respect to the new Library and their upcoming Summer Reading Carnival taking place Saturday, July 14, 2018.
- Mayor Melendez – Downtown Development Authority; North Front Range/MPO
Mayor Melendez reported that the DDA will meet on Wednesday, July 18, 2018 at 7:30 a.m. in the first floor conference room of Town Hall. Ms. Melendez reported that the next meeting for the North Front Range MPO will be held in Milliken, CO on August 2, 2018.

5. Public Invited to be Heard

Mayor Melendez opened the meeting up for public comment.

James Miller, 3000 Ross Drive #G35, Fort Collins, CO., approached the Board and expressed his concern regarding the Town of Windsor's approach to "do more with less".

Lisa White, Colorado Municipal League, recognized and honored Town Board Member Rennemeyer and Town Board Member Bennett for reaching the fundamental level of the MUNiversity Program, an elected officials leadership development training program.

B. CONSENT CALENDAR

1. Minutes of the June 25, 2018 Regular Meeting – Amanda Mehlenbacher
2. Advisory Board Appointments – Scott Ballstadt
3. Resolution No. 2018-68 A Resolution Approving and Accepting a Stormwater Drainage Easement in the Eagle Crossing Subdivision, Fourth Filing – Ian McCargar
4. Resolution No. 2018-69 A Resolution Approving and Accepting an Easement for Access, Storm Drainage and Utilities in the Eagle Crossing Subdivision, Fourth Filing - Ian McCargar
5. Resolution No. 2018-70 A Resolution Vacating A Portion of a Utility Easement Located in Tracts A and B, Water Valley South Subdivision, Seventeenth Filing, in the Town of Windsor, Colorado – C. Malone
6. Report of Bills June 2018 – D. Moyer

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

C. BOARD ACTION

1. Ordinance No. 2018-1562– An Ordinance Repealing, Amending and Re-Adopting Section 4-3-30 of the Windsor Municipal Code to Make Certain Definitions Consistent With Statewide Standards Recommended by the Colorado Municipal League

Super majority vote required on second reading

- Second Reading
- Legislative action
- Staff presentation: Ian D. McCargar, Town Attorney; Dean Moyer, Director of Finance

Mr. McCargar reported that in response to a request by the Colorado Municipal League (CML), this Ordinance adopts some (but not all) of the uniform sales and use tax definitions developed by CML for use by municipalities. The uniform definitions were developed by CML in collaboration with its members as a means of bringing consistency and uniformity to sales tax collections across the state.

The uniform definitions being adopted by Windsor in this Ordinance are words and phrases that are already being used in the Sales and Use Tax Code and in the state-level exemptions incorporated by reference into the Sales and Use Tax Code. By adopting the uniform definitions, we are bringing our existing usages into alignment with the CML model.

The CML model also contains a number of defined terms that are not currently found in Windsor's Sales and Use Tax Code nor in the state-level exemptions incorporated therein. These definitions are not being included in the Ordinance before you this evening, thus avoiding defined terms that are not used in the body of our Code and its incorporated exemptions. The Finance Director and I feel we should not include definitions that have no place in our code. These remaining definitions will be considered for inclusion when the Finance Department undertakes its 2019 plan for a full update to the Sales and Use Tax Code.

In response to comments during the June 25, 2018, Town Board meeting, the definition of Food for Home Consumption has been deleted, and we have added a small modification to Code Section 4-3-180(a) to refer to food as being excluded from the Town's sales tax exemptions.

Mr. McCargar recommends the Town Board approve the attached Ordinance Repealing, Amending and Re-Adopting Section 4-3-30 of the *Windsor Municipal Code* to Make Certain Definitions Consistent With Statewide Standards Recommended by the Colorado Municipal League

Mayor Melendez asked if there were any questions or comments from Town Board Members.

There was none.

Mayor Melendez asked if anyone from the audience wished to speak on this matter.

There was none.

Town Board Member Bennett moved to approve Ordinance No. 2018-1562 as presented; Town Board Member Rennemeyer seconded the motion. Roll call on the

vote resulted as follows: Yeas – Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

2. Ordinance No. 2018-1563 – An Ordinance Repealing Article I of Chapter 18 of the Windsor Municipal Code, Making Certain Findings of Fact, and Adopting a Park Open Space and Trail Development Fee as Article XVIII of Chapter 17 of the Windsor Municipal Code.

Super majority vote required on second reading

- Second Reading
- Legislative action
- Staff presentation: Eric Lucas, Director of Parks, Recreation & Culture

In 2003, the Parks, Recreation, Trail and Open Lands Master Plan “highlighted that existing financial resources were falling short of meeting the increased service demands for parks a result of new growth and development”. This statement precipitated a Park Impact Study being commissioned with the premise that as new growth and development added rooftops / residents, that necessitated the need for neighborhood parks as well as proportional costs of improving community park sites to serve broader areas.

At the Town Board work session on March 26, 2018 Mr. Lucas showed the fund balances of both community and neighborhood park funds, the projected costs to buildout and the impact of failing to take action by adjusting the impact fees. At that meeting, Mr. Lucas recommended that the Town of Windsor modify their ordinance to combine both fees (Neighborhood and Community Park) into one single park impact fee used for the development of any park, trail or open space in the Town of Windsor Park System. The result is a net zero (\$0) effect to developers. Until all funds are spent in the original fund accounts, this will result in three (3) funds to account for development and build out of our park system, the original funds (Neighborhood & Community Park) and the new Park Impact Fee Fund.

Staff recommends approval of the second reading of the ordinance-Repealing Article I of Chapter 18 of the Windsor Municipal Code, making certain findings of fact, and adopting a Park, Open Space and Trail Development Fee as Article XVIII of Chapter 17 of the Windsor Municipal Code.

Mayor Melendez asked if there were any questions or comments from Town Board Members.

Members from the Board complimented Mr. Lucas and staff on the ability to be flexible in redirecting funds where needed and being proactive on maintaining what we have and what is to come in the future.

Mayor Melendez asked if anyone from the audience wished to speak on this matter. There was none.

Town Board Member Wilson moved to approve Ordinance No. 2018-1563 as presented; Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas – Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

3. Financial Report May 2018
 - Staff Presentation: Dean Moyer, Director of Finance

Mr. Moyer gave an overview of the Financial Report for May 2018 that was included in packet material.

Mayor Melendez asked if there were any questions or comments from Town Board Members.

Town Board Member Sislowski inquired as to the current Supreme Court ruling regarding sales tax charging of internet sales and how it might affect the Town of Windsor.

Mr. Hale responded that action is not needed at this point and we should standby and wait for direction from the State.

COMMUNICATIONS

1. Communications from the Town Attorney
None

2. Communications from Town Staff
Mr. Lucas informed the Board that demolition will commence on the playground in Main Park with installation of the new equipment taking place the week of August 13, 2018. Staff hopes to have the park open by Labor Day weekend in time for the Harvest Festival.

3. Communications from the Town Manager
None

4. Communications from Town Board Members
Town Board Member Bennett complimented the Parks, Recreation and Culture and Forestry Departments as well as the Tree Board for their efforts during Sick Tree Day.

Mayor Melendez wish to inform the public of Coffee with the Mayor on July 21, 2018 from 7:30 a.m. – 9:00 a.m. at the Starbucks located on Main Street.

D. ADJOURN

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

The meeting was adjourned at 7:24 p.m.



Amanda Mehlenbacher, Deputy Town Clerk