



TOWN BOARD REGULAR MEETING

October 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 7:00 p.m.

1. Roll Call
- | | |
|---|---------------------|
| Mayor | Kristie Melendez |
| Mayor Pro Tem | Absent- Ken Bennett |
| | Myles Baker |
| | Barry Wilson |
| | Paul Rennemeyer |
| | Thomas Jones |
| | David Sislowski |
| Also Present: | Shane Hale |
| Town Manager | Kelly Houghteling |
| Assistant to Town Manager | Ian McCargar |
| Town Attorney | Stacy Miller |
| Director of Economic Development | Jill Young |
| Economic Development Specialist | Eric Lucas |
| Director of Parks, Recreation and Culture | Tara Fotsch |
| Recreation Manager | Scott Ballstadt |
| Director of Planning | Richard Zeigler |
| Lieutenant | Dean Moyer |
| Director of Finance | Devin King |
| Planner 1 | Amanda Mehlenbacher |
| Deputy Town Clerk | |

2. Pledge of Allegiance
Town Board Member Rennemeyer 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 Wilson seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Rennemeyer, Jones, Sislowski, Melendez; Nays-None; Motion passed.
4. Proclamation – National Community Planning Month
Mayor Melendez read the National Community Planning Month proclamation.
5. Presentation - NRPA Gold Medal Finalist Award & CPRA Columbine Award
Chris Dropinski with the National Recreation and Parks Association presented the Town of Windsor with the Gold Medal Finalist Award.

Recreation Manager, Tara Fotsch, presented the Columbine Award which was awarded to the Town of Windsor Parks, Recreation and Culture Department during the Colorado Parks and Recreation Association State Conference in Snowmass, Colorado.

6. Board Liaison Reports

- Town Board Member Baker – Tree Board, Historic Preservation Commission
Town Board Member Baker reported the Tree Board met and conducted a tree inspection and inventory at Windsor Highlands Park.
- Town Board Member Wilson – Parks, Recreation & Culture Advisory Board; Poudre River Trail Corridor Board
Town Board Member Wilson stated the Parks, Recreation & Culture Board did not meet due to a lack of quorum.
Mr. Wilson reminded residents that the Poudre River Trail is closed east of Hwy 257 for another month.
- Mayor Pro Tem Bennett – Water & Sewer Board
Town Board Member Bennett was absent.
- Town Board Member Rennemeyer – Chamber of Commerce
Town Board Member Rennemeyer reported that the Chamber of Commerce will be having their annual dinner to recognize several business in Windsor on October 18, 2018 from 5:00-8:00 p.m.
- Town Board Member Jones – Windsor Housing Authority; Great Western Trail Authority
Town Board Member Jones had no report on the Windsor Housing Authority or Great Western Trail Authority.
Dr. Jones filled in for Mr. Sislowski and reported that the Clearview Library Board is looking forward to a positive vote on the upcoming ballot issue regarding the new library. In addition Dr. Jones shared the naming opportunities for various conference rooms as well as the library itself.
- Town Board Member Sislowski –Clearview Library Board; Planning Commission
Town Board Member Sislowski had no report.
- Mayor Melendez – Downtown Development Authority; North Front Range/MPO
Mayor Melendez had no report for the Downtown Development Authority.
Mayor Melendez reported that the North Front Range/MPO met and discussed the proposed Regulation 20, Colorado Low Emission Automobile Regulation which preserves the GHC limits established in the current federal vehicle standards by adopting California’s vehicle standards. The Board does intend to create a petition to question the item. Ms. Melendez also reported that Resolution 2018-21 passed in regards to providing additional funding to several transportation improvement programs. Discussion also revolved around bringing in the One Call One Click program to Larimer and Weld counties. The program would provide seniors one place to go for all their transportation needs by listing various options and pricing. Mayor Melendez concluded by stated that the MPO is in the 2018 call for project process which opens October 9th through November 16, 2018.

7. Public Invited to be Heard

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

B. CONSENT CALENDAR

2. Minutes of the September 24, 2018 Regular Meeting – Krystal Eucker
3. Advisory Board Appointments – Krystal Eucker
4. Report of Bills September 2018 – Dean Moyer
5. Resolution No. 2018-92 Approving the Accessioning of Items to the Town of Windsor Museum Collection – Eric Lucas

6. Resolution No. 2018-93 Approving the De-accessioning of Items to the Town of Windsor Museum Collection – Eric Lucas

Town Board Member Jones requested that more detail be added to his Windsor Housing Authority Liaison report from the September 24th Town Board meeting.

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

C. BOARD ACTION

1. Ordinance No. 2018-1572 – An Ordinance Amending Section 16-19-10(b) of the Town of Windsor Municipal Code to allow accessory storage in the General Commercial zone district

Super majority vote required on second reading

- Second Reading
- Legislative
- Staff presentation: Devin King, Planner I

Mr. King stated that nothing has changes since first reading. As discussed at the August 27, 2018 work session, the included amended language addressing outdoor storage and display is in response to the need from commercial users for accessory outdoor storage in the General Commercial zone district and the effort to accommodate that need while maintaining the “small town feel” that citizens, Town Board and Planning Commission have expressed as important.

The following shows a comparison of the screening language that was changed per the direction given by Town Board at the August 27, 2018 work session:

Presented at August 27 work session:

d. Shall be permanently and fully screened from residential uses, rights-of-way and private drives by screening that is incorporated into the overall design theme and is continuous with the architectural design of the principal building.

Current Ordinance language:

d. Items located in outdoor storage areas shall be permanently and fully screened from adjacent residential property, public rights-of-way and private drives by opaque structural walls, opaque fencing and/or a combination thereof that is at least as tall as the tallest items in storage. Screening materials shall conceal all items in storage, shall be opaque and consist predominately of colors and materials generally matching the principal building on the premises. Chain link screening material, with or without slats, is prohibited.

At the September 19, 2018 Planning Commission meeting, commissioners questioned whether or not 60 days is adequate time for seasonal sales to be displayed. Staff followed up to this question by contacting some of the local businesses that tend to have seasonal sales, e.g. Ace Hardware and King Soopers, to discuss the typical duration of their seasonal sales. It was determined from these conversations that 90 consecutive

days would be a more appropriate timeframe and the ordinance before you was revised to reflect this.

At its September 19, 2018 regular meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of Ordinance 2018-1572 amending Section 16-19-10(b) to allow accessory outdoor storage and display in the General Commercial zone district and Town Board approved first reading of the ordinance on September 24, 2018.

Mayor Melendez asked if the record was complete.
Per Mr. McCargar, Yes.

Town Board Member Rennemeyer moved to approve Ordinance No. 2018-1572 – An Ordinance Amending Section 16-19-10(b) of the Town of Windsor Municipal Code to allow accessory storage in the General Commercial zone district. Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows: Yeas - Baker, Wilson, Rennemeyer, Jones, Sislowski, Melendez; Nays-None; Motion passed

2. Ordinance No. 2018-1568 – An Ordinance Amending Section 16-10-30 of the Town of Windsor Municipal Code regarding multifamily residential off-street parking requirements
Super majority vote required on second reading
 - Second Reading
 - Legislative
 - Staff presentation: Paul Hornbeck, Senior Planner
Presented by Scott Ballstadt in place of Mr. Hornbeck

Per Mr. Ballstadt, as discussed at two recent work sessions, the Town has experienced multifamily residential development in record numbers over the past few years and this has brought to light the need to re-examine the parking ratio required for multifamily residential uses. Code Section 16-10-30 requires 1.5 parking spaces per multifamily unit. This requirement does not appear to adequately account for visitor and overflow parking, particularly when on-street parking is not available.

At the work sessions on this topic, the majority of Planning Commission and Town Board expressed concern that the current parking ratio is insufficient and that an approach which assigns a parking ratio based on the number of bedrooms in a unit is preferred. There is no uniformly accepted parking ratio for multifamily projects since every project has a different context and a different mix of residents and associated travel patterns. However, a review of other regional jurisdictions parking ratios and research of parking generation rates indicate Windsor's parking ratio to be on the low side. Of particular concern are multifamily developments without adjacent on-street parking to help absorb overflow parking. Given the lack of a uniform parking ratio that works for all scenarios, staff has attempted to draft a code amendment that takes into account unique development features, such as number of bedrooms and availability of on-street parking, while maintaining a code that is easy to apply.

This amendment is primarily targeted at multifamily projects that do not have on-street parking available so a credit is given when on-street parking is available adjacent to the development. The credit proposed is one parking space for every 25' of linear frontage on a street with on-street parking, up to 10% of the required parking. This credit is similar to

a credit allowed for all uses within the downtown area and would largely mitigate any increase in parking requirements under the proposed amendment when on-street parking is available.

One question that came up during the last work session was ensuring adequate flexibility to keep up with evolving trends in transportation or for projects with unique parking demands. A review of the current code language shows that such flexibility can be easily addressed with a minor change to the title of Municipal Code Section 16-10-30(a)7 which provides Planning Commission the ability to make determinations regarding parking when there is a question:

Parking Determinations. In any case where there is a question as to the parking requirements for a use or where such requirements are not specifically enumerated, the Planning Commission shall convene a public hearing to determine the appropriate application of the parking requirements to the specific situation, applying the criteria set forth above and in keeping with sound land use planning principles.

Additionally, at the September 24th first reading of the ordinance, Town Board directed staff to add language which clarifies the effective date of the ordinance and ensures that it will not apply to any complete multifamily submittals that may already be under review. Such language has been added to the enclosed ordinance.

At their July 18, 2018, meeting the Planning Commission forwarded to Town Board a recommendation of approval of the proposed amendment to Municipal Code Section 16-10-30 to modify the multifamily parking requirements and Town Board approved first reading on September 24, 2018.

Town Board Member Baker inquired if other municipalities participate in the on-street parking credit.

Mr. Ballstadt responded that he is not aware of other municipalities participating in the off-street parking credit. The language was taken from the current code pertaining to the downtown area which was replicated.

Mayor Melendez thanked staff for including the parking determination portion to the Municipal Code which would allow for a public hearing.

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. 2018-1568 – An Ordinance Amending Section 16-10-30 of the Town of Windsor Municipal Code regarding multifamily residential off-street parking requirements. Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas - Baker, Wilson, Rennemeyer, Jones, Sislowski, Melendez; Nays-None; Motion passed

3. Resolution No. 2018-89 – Approving Modifications to the Road Impact Fee Schedule Pursuant to Section 17-15-100(b) of the Windsor Municipal Code
 - Legislative action

- Staff presentation: Scott Ballstadt, Director of Planning

Per Mr. Ballstadt, Section 17-15-100(b) of the Municipal Code requires the Town to perform an annual review of the Road Impact Fee Table and make adjustments to account for inflation. Based on the most recent 2 year annual data calculations of Q2 Colorado Construction Cost Index (CCCI) figures published by the Colorado Department of Transportation (CDOT), the 2018 annual adjustment results in an increase of 10.13%.

The Town hired the consulting team of Duncan and Associates and Felsburg Holt & Ullevig to prepare a comprehensive Road Impact Fee Study and subsequently adopted Windsor's first road impact fees in 2001 with Ordinance No. 2001-1092. The Ordinance establishes a system for the imposition of road impact fees to assure that new development contributes its proportionate share of the cost of providing, and benefits from the provision of, road capital improvements within the benefit area. In 2016, the Town hired the same consulting team to prepare the Road Impact Fee Update and subsequently adopted Ordinance No. 2017-1541.

Section 17-15-100(b) requires annual review of the road impact fee schedule to make adjustments to account for inflation as follows:

"In each year during which a comprehensive update is not performed, the fee schedule shall be adjusted to account for construction cost inflation, pursuant to the provisions of this Section. The Road Impact Fee Administrator shall calculate adjustments to the road impact fee rates by multiplying them by a ratio, the numerator of which is the most recently available two-year moving average of the annual Colorado Construction Cost Index by the Colorado Department of Transportation, and the denominator of which is the same index for a period one (1) year earlier than the numerator. This year the annual adjustment for inflation amount comes to a two-year average of 10.13%. The adjusted fee schedule shall become effective upon and in accordance with the approval thereof by the Town Board. The Road Impact Fee Administrator shall make the adjusted impact fee schedule publicly available."

Staff recommends approval of the Resolution to make adjustments to account for inflation as required by Section 17-15- 100(b) of the Municipal Code.

Mr. Rennemeyer inquired if the road impact fees were reviewed earlier in 2018.

Mr. Ballstadt responded that they were adopted with the comprehensive road impact fee update in October, 2017 and went into effect January 1, 2018.

Mr. Rennemeyer inquired if the Municipal Code was changed to reflect the annual inflations as there was once a period of 10 years where there was no adjustments.

Mr. Ballstadt stated that the Municipal Code was updated in 2008 which was when the annual update was added. During the economic downturn the Town Board chose not to overburden the development community therefore they did not implement the annual increases.

Mr. Rennemeyer confirmed the Municipal Code now reflects the need for an annual increase.

Per Mr. Ballstadt; Yes, it has since 2008.

Mayor Melendez clarified that we could have an annual increase or decrease depending on the numbers.

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

Town Board Member Sislowski moved to approve Resolution No. 2018-89 – Approving Modifications to the Road Impact Fee Schedule Pursuant to Section 17-15-100(b) of the Windsor Municipal Code. Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Rennemeyer, Jones, Sislowski; Melendez; Nays- None; Motion passed

4. Resolution No. 2018-90 – A Resolution Urging the Defeat of Proposition 112, a Proposed Statutory Amendment that Would Increase Setbacks for New Oil and Gas Facilities
 - Legislative action
 - Staff presentation: Shane Hale, Town Manager

Mayor Melendez stated that while this Board does not make it a habit to take up Resolutions relating to ballot measures, they have, on occasion, chosen this form of action which is provided for in our charter – enacting such action as to demonstrate leadership. Mayor Melendez added that both amendments at the core of the Resolutions are forever game changers, not just in our community, but in this state.

Mr. Hale addressed the Board and stated that the citizens of Colorado will be asked to consider 13 different ballot measures this November. At the Mayor's request, Mr. Hale asked the Town Attorney to prepare two Resolutions for discussion.

The first Resolution opposing Proposition 112, which is the 2500-foot oil and gas setback measure. It's important that voters are aware that the current setback is 500 feet according to the COGCC. This initiative would eliminate new drilling on 95% of the surface land in the State's top five producing counties and 85% of the States non-federal land. The Colorado Municipal League and a number of other interested parties have come out in opposition. The Resolution states the Town's opposition, and encourages the Town's voters to vote "NO" on this ballot measure.

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

Several Windsor Residents approached the Board and voiced their concern on the economic impact Proposition 112 would have if it passed. Concerns included that the measure would stifle hundreds of jobs and be devastating to the community and the people who live here. Residents added that they felt this was not a safety issue but rather a ban on energy development.

Those in favor of Resolution No. 2018-90:

Doug Dennison, 523 14th St. Windsor, CO 80550
Tracee Bentley, 301 Immigrant Trail, Severance, CO 80550
Candice Barber, 1009 Basin Ct. Windsor, CO 80550
Coltan Berg, 35701 CR 25, Severance, CO 80550
Craig Rasmuson, 8754 Longs Peak Cir. Windsor, CO 80550

Diane West, 1056 Larch Dr. Windsor, CO 80550 spoke in opposition of Resolution No. 2018-90 stating that economic gains should not be placed above the health and safety of others. Ms. West expressed her concerns regarding air toxins, contaminated rivers and ground water and the distance from residential homes to the oil fracking sites.

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

Town Board Member Barry Wilson stated that he did not feel it was the Town Boards place to tell people how to vote on any State Propositions that citizens have petitioned to put on the ballot. Mr. Wilson further stated that he feels the oil and gas industry does attempt to do their best to be safe as technology continues to get better; however, there is still an inherit risk and safety issues. Mr. Wilson referenced several studies in order to support his decision in opposition of Resolution 2018-90.

Town Board Member Baker expressed his concern regarding how this Resolution was placed on the agenda without any prior discussion or work session. He stated that the Town Board has never taken a position on a State wide ballot issue in the six years that he has been in office.

Mayor Melendez responded that according to the Town of Windsor Charter, a Resolution can come before the Board as long as there are three members in support of the Resolution. Town Board Members Melendez, Sislowski and Rennemeyer were all in favor of the Resolution. No work session is required.

Several Town Board Members discussed their support for Resolution 2018-90 stating that they are confident in the COGCC (Colorado Oil and Gas Conservation Commission) stating that they have the best interest of the citizens of Colorado. The Board conveyed that it is passionate about making decisions with the health, safety and welfare of the citizens as a priority; that Proposition 112 would have devastating consequences not only to the Town of Windsor but Weld County and Colorado and that It would not only impact the jobs in the oil and gas sector but the passage of Proposition 112 would also eliminate several jobs in the retail, healthcare, local government, including teachers and real estate.

Town Board Member Sislowski moved to approve Resolution No. 2018-90– A Resolution Urging the Defeat of Proposition 112, A Proposed Statutory Amendment that Would Increase Setbacks for New Oil and Gas Facilities. Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rennemeyer, Jones, Sislowski, Melendez; Nays- Wilson; Motion passed 5 to 1.

5. Resolution No. 2018-91 – A Resolution Urging the Defeat of “Amendment 74”, a Ballot Measure that Would Amend the Colorado Constitution, and Thereby add Significantly Higher Cost to Taxpayers and Impair the Ability of Government to Protect Public Health, Safety and Welfare
 - Legislative action
 - Staff presentation: Shane Hale, Town Manager

Per Mr. Hale, this Resolution opposing Amendment 74, would amend the State Constitution to require compensation for any reduction in property value caused by

government law or regulation. Under the current Colorado Constitution, a property owner already has the right to seek compensation from State or local governments. Amendment 74 would expand this well-established concept by requiring the government to compensate private property owners for virtually any decrease in the fair market value of their property due to any government law or regulation. The Colorado Municipal League has strongly urged that its members come out in opposition to this measure. This Resolution states the Town's opposition, and encourages the Town's voters to vote "No" on this ballot measure.

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

Coltan Berg, 35701 CR 25, Severance, CO 80550, stated that he is a mineral owner and should have rights to allow someone to drill on his property for those minerals. Mr. Berg encouraged the Town Board to vote in favor of Amendment 74, which would be a vote in opposition of Resolution No. 2018-91.

Town Board Members discussed how the particular initiative was very broad in its wording and would be devastating for the planned community. Although it appeared to be a measure that would enhance the property rights of owners, it would have unprecedented negative impacts of legal exposure at the public's expense.

Town Board Member Rennemeyer moved to approve Resolution No. 2018-91– A Resolution Urging the Defeat of “Amendment 74”, a Ballot Measure that Would Amend the Colorado Constitution, and Thereby add Significantly Higher Cost to Taxpayers and Impair the Ability of Government to Protect Public Health, Safety and Welfare. Town Board Member Sislowski seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rennemeyer, Jones, Sislowski, Melendez; Nays- Wilson; Motion passed 5 to 1.

D. COMMUNICATIONS

1. Communications from the Town Attorney
None
2. Communications from Town Staff
 - Windsor Commons 3rd Filing Lot 5 Block 2 Total Directional Services Site Plan
Mr. Ballstadt reminded the Town Board that information regarding the above site plan has been included in their packets.
3. Communications from the Town Manager
None
4. Communications from Town Board Members
Town Board Member Rennemeyer stated that he attended the Colorado Municipal League Fall Outreach along with Mr. Hale to which he volunteered Windsor to host next year's Fall Outreach in October.

Mayor Melendez reminded residents of Coffee with the Mayor which will take place October 20, 2018 at the Safeway Starbucks from 7:30 a.m. – 9:00 a.m.

E. EXECUTIVE SESSION

An executive session pursuant to Colorado Revised Statutes § 24-6-402 (4)(e) (1) for the purpose of determining positions relative to matters that may be subject to negotiations;

developing strategy for negotiations; and instructing negotiators with respect for certain Economic Development Incentives (Jill Young, Economic Development Specialist)

Town Board Member Rennemeyer moved to go into executive session pursuant to Colorado Revised Statutes § 24-6-402 (4)(e) (I) for the combined purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect for certain Economic Development Incentives. Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

Upon a motion duly made, the Town Board returned to the regular meeting at 8:51 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 8:51 p.m.

F. ADJOURN

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

The meeting was adjourned at 8:51 p.m.



Amanda Mehlenbacher, Deputy Town Clerk