



**TOWN BOARD
REGULAR MEETING**

**November 26, 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 7:08 p.m.

1. Roll Call

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

Also Present:	Town Manager	Shane Hale
	Town Attorney	Ian McCargar
	Assistant Town Attorney	Kim Emil
	Director of Economic Development	Stacy Miller
	Director of Engineering	Dennis Wagner
	Director of Planning	Scott Ballstadt
	Chief of Police	Rick Klimek
	Director of Finance	Dean Moyer
	Water Resource Manager	John Thornhill
	Senior Planner	Paul Hornbeck
	Town Clerk	Krystal Eucker

2. Pledge of Allegiance

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

4. Larimer County Community Report – Larimer County Commissioner Tom Donnelly

Larimer County Commissioner Tom Donnelly explained the purpose of the Larimer County Community Report.

Larimer County Commissioner Tom Donnelly addressed the Board and reviewed the Larimer County Community Report. This is the fourth report that has been completed and its purpose is to educate the County as well as showing results to the public on what they are getting from their tax dollars.

Mr. Baker inquired as to what the next step of the mental health facility will be.

Mr. Donnelly stated there will be a working group created from representatives from the cities and the county to be a policy group and an advisory group to staff moving forward.

Ms. Melendez thanked Mr. Donnelly for attending the meeting and presenting the report.

5. Small Business Saturday Proclamation

Mayor Melendez read the Small Business Saturday proclamation.

6. Board Liaison Reports

- Town Board Member Baker – Tree Board, Historic Preservation Commission
Town Board Member Baker reported the Historic Preservation Commission discussed a Colorado State University professor and students will be completing a study on some historic areas in downtown Windsor. Signage for historic buildings as well as the lake were also discussed. The Historic Preservation Commission will be meeting quarterly in 2019.
The Tree Board will meet on November 27, 2018 at 5:30.
- Town Board Member Wilson – Parks, Recreation & Culture Advisory Board; Poudre River Trail Corridor Board
Town Board Member Wilson reported the Parks, Recreation and Culture Board welcomed two new members to the Board. A section of the Trail known as the Kodak section has been reopened.
- Mayor Pro Tem Bennett – Water & Sewer Board
Mayor Pro Tem Bennett had no report.
- Town Board Member Rennemeyer – Chamber of Commerce
Town Board Member Rennemeyer reported the discussion was for voting for the next year's Board of Directors.
- Town Board Member Jones – Windsor Housing Authority; Great Western Trail Authority
Town Board Member Jones reported the Great Western Trail Authority received a \$250,000 grant through Colorado the Beautiful. The funds from that grant will go towards finishing the trail from Eaton to Severance. Windsor is the pass through for the grant and it is a no match grant.
Dr. Jones reported the Windsor Housing Authority will be presenting to the Town Board and will be requesting some funds for a new executive director.
- Town Board Member Sislowski –Clearview Library Board; Planning Commission

Town Board Member Sislowski reported the Clearview Library Board held a special meeting on November 9, 2018. The next meeting is scheduled for November 29, 2018 at which time they will be discussing open Board positions. Mr. Wilson also reported the ballot initiative didn't pass. The Library Board will be looking at the number of users and reaching out to community to see how to provide services. The Library still owns the property on Main Street. Mr. Sislowski reported the Planning Commission met and several items from that meeting are on agenda this evening.

- Mayor Melendez – Downtown Development Authority; North Front Range/MPO Mayor Melendez reported the next MPO meeting is scheduled for December 6, 2018.

Ms. Melendez reported The Mill is back under construction and it may be open in the summer of 2019. The Birch property was closed on and is now owned by the DDA which will be made into a parking lot. The wayfinding sign project will be completed at Windsor Wonderland which is scheduled for December 1, 2019 from noon to 5:00. Santa Claus will be arriving by train.

7. 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 October 22, 2018 Regular Meeting – Amanda Mehlenbacher
2. Resolution No. 2018-97 - A Resolution Supporting the Colorado Department of Transportation US Highway 34 Planning and Environmental Linkage (PEL) Study Recommendations – Dennis Wagner
3. Resolution No. 2018-98 - A Resolution Re-Appointing the Presiding Judge and Associate Judge for the Town of Windsor, and Confirming the Term of Office for Each – Kim Emil
4. Report of Bills October 2018 – Dean Moyer

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

C. BOARD ACTION

1. Spiraling-Up Foundation – Long Form Grant Request
 - Application presentation – James Ballen or Mike Mercer

Mr. Hale informed the Board that Spiraling-Up Foundation has submitted a long form grant application requesting \$10,000 from the 2018 budget for the Critical Needs Program. The Spiraling-Up Foundation is a non-profit agency in northern Colorado addressing social, behavioral and academic struggles with disadvantaged youth in the community.

The 2018 outside agency fund had a beginning balance \$89,656.56 with \$18,255.00 spent to date, leaving \$71,401.56 remaining for 2018.

James Bellen informed the Board that there are children in the community that are struggling with behavioral, social and academic issues. The program in Windsor is creating positive changes in children integrating sensory motor exercises, eye exercises, academic skill training and healthy nutrition. Staff member have been in the education industry and have come to Brain Balance.

Mr. Bennett inquired as to the relationship between Brain Balance and Spiraling-Up Foundation.

Mr. Bellen stated Spiraling-Up is the non-profit to raise funds for Brain Balance.

Mr. Bennett inquired as to the plan for sustainability.

Mr. Bellen stated there are grant writers that are donating some time to apply for various grants.

Mr. Sislowksi inquired if Brain Balance actually provides the services.

Mr. Bellen stated Spiraling-Up does not provide the services although Brain Balance does.

Ms. Melendez commented that the program, while very successful is a very expensive program. The foundation was created so that when they identify children that would benefit from the program, the grant would take some of the financial burden off of the family so the child can work through the program.

Mr. Bennett commented that this is an excellent program and is hoping the agency is working on future financial sustainability.

Dr. Jones inquired as to if the agency is eligible for any sustaining government assistance. Per Mr. Bellen, presently no. It's classified as a non-medical program.

Dr. Jones inquired if parents contributed funds for the program.

Mr. Bellen stated there is outside funding.

Ms. Melendez commented the \$10,000 will cover four children to go through the program but there are others that the parents have supported.

Mr. Sislowksi commented that he is reluctant to spend tax payer's dollars on something that is not core infrastructure.

Dr. Jones inquired as to the \$45,000 in individual donations but that is not something that can be counted on every year.

Mr. Bellen stated there is no guarantee on donations although the families that have contributed those funds believe in the program.

Town Board Member Sislowski moved to approve the grant request in the amount of \$10,000 to Spiraling-Up Foundation, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

2. Public Hearing - A Resolution Approving a Final Major Subdivision - Windsor Villages at Ptarmigan – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant’s representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

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

Per Mr. Hornbeck, at the October 22, 2018 meeting, Town Board considered a request to approve the major subdivision known as Windsor Villages at Ptarmigan. After concluding the public hearing portion of the meeting, the Board voted to postpone consideration of the item until November 26, 2018, with direction to the applicant to further investigate the possibility of shifting the proposed roundabout at County Road (CR) 5 and Oakmont Drive further west. Staff has prepared for the record the additional analysis that follows on the subject roundabout.

The limited right-of-way on the east side of CR 5, constrained by existing development, and the lack of required spacing between Oakmont Drive and State Highway (SH) 392 intersection limit the design options for the Oakmont intersection. A variety of intersection design alternatives were considered and evaluated as outlined below:

- Four way stop: According to analysis by traffic engineers Delich Associates, a four way stop would result in a level of service (LOS) ‘F’, below the LOS ‘D’ required by Municipal Code Section 17-10-60(b)(1)b.
- Traffic signal: The intersection spacing of approximately 900 feet between Oakmont Drive and SH 392 does not allow for a signalized intersection as the Town’s Design Criteria and Construction Specifications (Table 1.07.3) requires a minimum spacing of 2640 feet. Analysis by Delich Associates indicates a traffic signal would provide LOS D and E for the majority of turning movements; therefore, a roundabout by was recommended by Delich Associates.
- Restricted access: Access restricted by center medians allowing for only right-in/ right-out/ left-in turn movements would function at an acceptable LOS A/ B/ C. However, this configuration would result in longer travel times for the restricted movements (straight and left-out. Traffic from Ptarmigan wishing to turn south onto CR 5 or continue straight on Oakmont (to planned commercial development) would be routed through the neighborhood and then onto SH 392 or CR 3.

Likewise, traffic from Windsor Villages at Ptarmigan or Planned Commercial development trying to turn north on CR 5 or straight on Oakmont would be routed north to CR 5 & Westgate Drive or west to SH 392 and Westgate Drive. The lack of full connections with this configuration, including lack of pedestrian crossing of CR 5, would increase the amount of traffic traveling on neighborhood streets, would increase traffic at other intersections, and conflicts with the Comprehensive Plan, particularly Objective #1 of the Transportation and Mobility Chapter:

“Extend roadways as development occurs to enhance the connectivity for all users and increase the capacity and mobility of the transportation network.”

- No connection: An alternative of not connecting Oakmont Drive to the west through the subject property would have similar problems with the restricted access configuration mentioned above. It would also fail to comply with Design Criteria and Construction Specifications minimum connectivity standard spacing enumerated in Section 1.04.B.2:

“To ensure connectivity, enhance general circulation, and to provide secondary points for emergency access, the street layout for all subdivisions should be designed so that there is, on average, at least one connecting street to neighboring land for every thirteen hundred twenty (1320') feet of development perimeter.”

The roundabout as proposed complies with Town standards while none of the alternatives properly serve the traffic demands of CR 5 and comply with Town plans, policies, and standards.

A number of residents of Ptarmigan voiced concern about the proximity of the roundabout to existing homes. The applicant’s proposal would put the closest point of the roundabout improvements (the sidewalk) approximately 68 feet from house located northeast of the roundabout. The roundabout improvements (truck apron) closest to the house southeast of the roundabout would be approximately 34 feet.

After Town Board elected to postpone this item, the applicant further examined shifting the roundabout approximately 30 feet to the west to eliminate encroachment into the HOA property. Such an alignment would move the roundabout improvements an additional 12 feet from the house to the southeast and an additional 13 feet from the house to the northeast. However, shifting the roundabout 30 feet west creates problems with alignment of CR 5 at SH 392. In order to tie in to the proper alignment at the intersection, CR 5 would have to taper, or shift laterally, at a ratio which exceeds engineering standards.

The 30 foot shift of the roundabout would eliminate the 1,118 square feet of right of way dedication required of the Ptarmigan HOA but would require an additional 6,286 square feet of right of way dedication from the Yeager property, at the northwest

corner of SH 392 and CR 5. Additionally, the shifted alignment, while outside the HOA property, would still require temporary construction easements from the HOA and would likely require perpetual easements to allow for maintenance of the roundabout. The 30 foot shift would also bring the temporary and permanent easements much closer to the single family residence on the Yeager property, with the edge of right-of-way approximately 14 feet from the residence rather than the 27 feet under the original alignment proposed by the applicant. For reference, the municipal code requires new single family residences be setback a minimum of 20 feet from right-of-way.

Given the information outlined above, staff believes the use of a roundabout in the location as presented by the applicant at the October 22, 2018 meeting is the best alternative for traffic flow, safety, and connectivity and meets the Town's standards for intersection improvements.

In accordance with standard procedure, this application was sent to a number of referral agencies, including CDOT, the applicable water and sewer districts, and others. Larimer County responded with a number of concerns about the proposal, which are included in the attachments. Staff has and will continue to work with the applicant and county to address their comments. It is expected all the comments can be addressed except for the request for the sidewalk along the east side of CR 5 and the request that the roundabout at Oakmont be located completely outside the HOA property. Due to the limited right-of-way and need for drainage and street trees, staff does not recommend a sidewalk be installed along the east side of CR 5. Pedestrian access will be provided by a 10 foot regional trail on the west side of CR 5 with pedestrian crossings at both proposed roundabouts.

The application is consistent with various goals of the Comprehensive Plan as well as the strategic plan.

Notifications were completed in accordance with the Municipal Code:

At their October 17, 2018, meeting Planning Commission forwarded to Town Board a recommendation of approval of the final major subdivision subject to the conditions below. Note that the applicant has requested condition number two be eliminated. Staff agrees with the applicant that this condition can be removed and addressed in the development agreement. Condition number six has been satisfied and therefore staff recommends removing that condition as well.

1. To the extent the approved plans for improvements to LCR 5 require construction of improvements within right-of-way not yet owned by the Developer or not otherwise acquired by the Town, all such right-of-way shall be acquired and dedicated by the Developer to the Town prior to commencement of any such improvements within said right-of-way.

2. All improvements to the intersection of LCR 5 and Oakmont Drive shall be completed and approved by the Town prior to the issuance of any building permits for single family residential development.
3. Street trees shall be incorporated into the landscape plan on both east and west sides of LCR 5 in order to mitigate the loss of any existing trees.
4. All remaining Planning Commission and staff comments shall be addressed prior to recording the subdivision plat.
5. The subdivision development agreement shall be executed prior to recording the subdivision plat.
6. The applicant shall investigate the option of shifting the roundabouts on LCR 5 an additional 10' west.

Staff requests the following be entered into the record:

- Application and supplemental material
- Staff memorandum and supporting documents
- All testimony received during the public hearing
- Recommendation

Mr. Baker inquired as to why condition number two would be removed.

Mr. Hornbeck stated staff believe it can be negotiated during the development agreement and a phasing plan worked out where different improvements are completed in a different order.

Dr. Jones inquired as the north access and the south access not being enough.

Mr. Hornbeck stated staff believes the Oakmont access is also needed.

Dr. Jones inquired if the applicant originally just wanted to put turn lanes in.

Mr. Hornbeck stated it was a joint decision between staff and the applicant that the roundabout was the best solution.

Mr. Bennett inquired if the fire department reviewed the access points.

Mr. Hornbeck stated it was sent to the fire district but there was no specific comments on the access.

Mr. Wilson inquired as to the long term plan to LCR 5 and if the development is accelerating those plans.

Mr. Horneck stated the long term plan is a 4-lane arterial road.

Mr. Baker inquired if there was no roundabout and just extended it to 4-lane, would that encroach further into Ptarmigan.

Mr. Hornbeck stated he did not believe a 4-lane road without turn lanes or a roundabout would encroach into the HOA property.

Brian Williamson with TST Consulting addressed the Board and gave a brief overview of the project.

The October 22, 2018 meeting, the Town Board directed the applicant to investigate if any accommodations could be made between the two parties to improve the design of the roundabout. The HOA attorney communicated with the applicants attorney that the HOA's position was that all improvements should be located in the existing right-of-way. The applicant evaluated the relocation of the roundabout completely within the existing right-of-way and then met with the Town to review the findings which were presented previously by Town staff.

On November 21, 2018, members of the Ptarmigan HOA and their legal council met with the available members of the applicant's team. The HOA representatives proposed modifications to the Town's standards for speed limit and right-of-way requirements. The applicant's team informed the HOA group that these were not within the applicant's purview and that they would need to discuss these modifications with the Town.

The applicant agrees with all of staff's recommendations as stated in the packet.

Ms. Melendez commented that the Town Board asked that the applicant further investigate any other possibilities for the roundabout and both staff and the applicant have concurred that the only possibility is what was originally brought before the Board the first time.

Mr. Hornbeck stated that is correct and it is the best alternative that meets town standards.

Stewart Olive, attorney for the HOA addressed the Board. The HOA Board has a provision inside its declaration whereby, in order to dedicate or transfer any common area land, there must be a vote of 80% of all members, not just 80% of all voting. Mr. Olive is asking for the roundabout to be moved. As indicated by the applicant, there was a meeting held and there were some proposals were made. If the roundabout is not moved off the property, the HOA is forced into a situation where it would be condemned and then the HOA would fight that. If the roundabout is moved off the HOA property, there is no need for action. The HOA proposed reducing the speed limit to 35 MPH and that would change the design standards and criteria. All the designs that have been seen have been for a 45 MPH speed which would require a longer taper.

Tom Yaeger, 5210 Vardon Way, Fort Collins, CO is requesting the speed limit be reduced to 35 MPH on LCR 5, compliance with Windsor design standards and light abatement for Ptarmigan residents.

Gordon Hadlow, 5320 Augusta Trail, Fort Collins, CO provided a copy of a statement to Board. Mr. Hadlow stated moving the truck apron and providing an easement instead of taking the land would be helpful. Also, it is recommended the residents be involved along

with the applicant when it comes to the trees. Mr. Hadlow feels that a compromise could be reached if the speed was lowered to 35 MPH and also feels there should be an amendment to condition number 2 instead of eliminating it.

Steve Wallace, 5308 Taylor Lane, Fort Collins, CO is concerned about the heavy traffic moving south on CR 5 as it approaches HWY 392.

John Truesdell, 7426 Tamarisk Drive, Fort Collins, CO stated he lives approximately 300-400 feet east of CR 5. Mr. Truesdell believe the approval of the plat should be delayed until the road configuration can be resolved.

Jay Gould, 5110 Hogan Court, Fort Collins, CO stated his property backs up to CR 5. Traffic has increased in the area as construction has increased. The Town has put in place signs that prohibit engine brakes although they hear them beginning at 7:00 a.m. Would like to see traffic noise reduced in the area.

Mr. Williamson stated the reduction in speed is a policy decision and that direction would need to come from the Town.

Mr. Hale stated the Town of Windsor has jurisdiction over that decision and the Engineering Department would evaluate that possibility.

Ms. Melendez inquired if the Town was able and willing to make that change, could some of the additional improvements be made as well.

Mr. Williamson stated there wasn't time to look over the design before the meeting but it could only help the situation and be willing to evaluate that as part of the development agreement process.

Ms. Melendez inquired if the speed limit could be evaluated further without delaying the public hearing again.

Mr. McCargar stated probably yes. The better way to look at it is if the record supports the approval of the subdivision, the Board would approve the subdivision and direct staff to explore alternatives to the location of the roundabout in the improvement plans if that can be done. It is not recommended to make it a condition of subdivision approval but it is recommended that it is urged to explore the option in developing the improvement plans in light of a change to the speed limit or any other ideas that meet engineering standards.

Mr. Williamson commented that the HOA brought up the idea of not having the sidewalk in the right-of-way but granting an access easement for that in perpetuity. The sidewalk would remain on HOA property but in a public access easement.

Dr. Jones commented that there is a chance that things may not change.

Mr. Williamson stated he is hesitant to comment as they have not had the ability to explore the speed limit option.

Mr. Baker inquired if Mr. McCargar could restate why this should not be a condition.

Mr. McCargar stated by making it a condition of subdivision approval, the Board is injecting the improvement plans into the subdivision approval. The improvement plans are really an engineering based analysis and decision that are done based on standards and so the way this is set up is to give the technicians the authority under the standards that have already been adopted to apply those standards to the demands of the intersection. It should not hang up a subdivision that has otherwise received a record of support for subdivision approval because the subdivision is just capturing the creation of lots within the property with street configurations but then we will fall back on engineering standards to get to where you need to be for streets. It is recommended that the Board not condition engineering standards or departures from engineering standards because we are not equipped to that in this environment. The engineers can be encouraged and the applicant to figure out a solution when it comes to street improvements but it is not recommended to make it part of the subdivision approval.

Mr. Muth addressed the Board and stated he developed Ptarmigan that was a labor of love. This 100 acres was zoned as commercial with CR 5 being designed as a 4-lane road. The intent was to blend both properties by adding residential onto the property. The addition of the roundabouts give an urban feel rather than a rural feel. Mr. Muth would like to come to a solution that is engineering approved and work out a solution without condemning the HOA would be the ideal situation. Mr. Muth stated he is willing to work on that with Town staff in a development agreement. There is a lot to be said in keeping both sides of CR 5 happy.

Mr. William stated on the intersection of CR 5 and HWY 392, there is a separate plan that does include a designated right turn lane from CR 5 onto HWY 392 which is going west towards I-25.

Dr. Jones inquired if staff chose the restricted left turn lanes in the median as opposed to the roundabout, how that impact the properties on either side.

Mr. Williamson stated there was not a detailed analysis of that since that scenario was thrown out early on.

Mr. Williamson will have the slides that were presented this evening submitted for the record.

Town Board Member Sislowski moved to close the public hearing. Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas –

Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowksi, Melendez; Nays- None; Motion passed.

3. Resolution No. 2018-95 - A Resolution Approving a Final Major Subdivision - Windsor Villages at Ptarmigan – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant’s representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior planner

Mr. Hornbeck had nothing further to add.

Mr. Baker commented that he would like to propose the condition that Town staff be directed to explore the reduced speed rate and how that would change the configuration of the roundabout; Mr. Bennett concurs.

Mr. McCargar recommended not to condition the subdivision approval on modifications to the improvement plans because they are legally distinct.

Mr. Sislowksi commented that they are being asked to approve the subdivision plat and let the details be worked out by the technical individuals that are charged with doing so.

Mr. Bennett commented that the Board can give direction to staff to explore the possibility of reducing the speed limit.

Mr. Wilson commented that both sides along with the Town are willing to explore the reduced speed option.

Town Board Member Rennemeyer moved to approve Resolution No. 2018-95, Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowksi, Melendez; Nays- None; Motion passed.

4. Public Hearing – An Ordinance Approving a PUD (Planned Unit Development) Zoning Overlay – The Brands East Planned Unit Development Overlay District – Martin Lind, Manager, Eagle Crossing Windsor, LLC, owner / Mitch Black, Norris Design, owner’s representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

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

Per Ms. Sislowksi, “Madam Mayor, I am a Board liaison to the Planning Commission and I did attend the Planning Commission meeting where this item was discussed and presented. I did not participate in the meeting and did not ask questions as I merely observed. I am here tonight and I will independently review the materials that come forward during the public hear and base any decision on I make solely on information gained during this public hearing.”

Per Mr. Hornbeck, the applicant is proposing to create a Planned Unit Development (PUD) overlay zoning district on approximately 57 acres known as Brands East PUD.

The subject property was first annexed into the Town of Windsor in 2003 as a part of the Windsor Highlands 9th Annexation. That annexation zoned the property General Commercial along Fairgrounds Avenue and Crossroads Boulevard with Limited Industrial zoning on the interior of the site. In 2017 the Limited Industrial zoning within the PUD boundary was rezoned to General Commercial in anticipation of the PUD and as a part of rezoning additional property outside the boundary of the PUD to multifamily.

The Comprehensive Plan identified the Fairgrounds Avenue corridor as an entertainment district, citing its role as a major arterial roadway, proximity to I-25, and existing development of The Ranch, Budweiser Events Center, and The Summit. The Plan goes on to state:

“...the vision for this commercial area is to develop with uses that cater to and enhance this district as a major Northern Colorado entertainment, dining, and hospitality cluster, which can act as an extension of the Centerra development to the south. The Town of Windsor should work with local private property owners and existing businesses, as well as the City of Loveland, to coordinate investment strategies for the area and its corridors to manage and brand the district as an identifiable destination in the region.”

A Business Assistance Agreement offering certain inducements and incentive for the development of the Brands East project was approved by Town Board in March, 2017. The agreement stated that the “developer proposes to build (or cause to be built) approximately 1.2 million square feet of high-end, mixed-use, master-planned development consisting of major and minor retail anchor stores, mixed-use retail, multi-family apartment facilities, Class “A” offices spaces, a limited-service hotel, a full service hotel, pad sites for nationally recognized retailers and restaurants and a light industrial space...”

The Town, City of Loveland and property owners along the Fairgrounds Corridor (including the applicant) have worked cooperatively to develop an intergovernmental agreement (IGA) for the corridor which has been adopted by the respective jurisdictions. The IGA adopted a right-of-way plan to ensure consistent branding of Fairgrounds Avenue between the two jurisdictions. Future development plans within the PUD will be subject to the IGA.

The subject rezoning application will create a PUD overlay district which constitutes an amendment to the Town's Official Zoning District Map and the development standards approved with the PUD will be applied to future land use applications within the PUD district. In accordance with Article XXIII of Chapter 16 of the Municipal Code, the intent of PUD regulations is, among other things, to "provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design."

The PUD proposes variations from the Municipal Code and Commercial Corridor Plan regarding allowed uses; site, architectural, and landscape design standards; and development review processes.

A number of variations to land use application reviews are proposed by the PUD. Such changes may be considered under the Municipal Code's PUD standards, which are "intended to accomplish the purposes of public control to the same extent as do zoning and other regulations applicable to conventional lot-by-lot development, while simplifying, integrating and coordinating land development controls and providing necessary flexibility to encourage design innovation and creative community development."

One proposed PUD standard which varies from current practice is a mandated land use review time period for Town reviews of two weeks for site plans. The applicant has indicated the two week review timeframe is necessary in order to achieve parity with the Loveland Brands project in attracting development. Staff is committed to meeting these deadlines given the commercial mixed use priority of the Brands and the unique context of being a project that crosses jurisdictional lines with Loveland.

The PUD proposes simplifying land use reviews in a number of ways, including making future subdivision applications and standard site plans administrative reviews. Under the current municipal code requirements, a major subdivision is classified as any subdivision involving six or more lots and requires public notification and public hearings before Planning Commission and Town Board. Standard site plans (i.e. those other than commercial/ industrial) currently require Planning Commission and Town Board approval.

Another simplification is allowing Planning Commission to review and approve a Master Sign Plan, which could allow signs to exceed Municipal Code requirements. Currently signs exceeding Code requirements require variance approval by the Board of Adjustment based on a finding of a hardship unique to the property. This is similar to the recently approved amendment to the RainDance PUD to allow for signage that may vary from Municipal Code requirements.

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

At their November 7, 2018 meeting Planning Commission forwarded to Town Board a recommendation of approval of the Planned Unit Development overlay rezoning subject to all outstanding Planning Commission and staff comments being addressed.

The application is consistent with various elements of the Comprehensive Plan as well as the Strategic Plan.

Notification was completed in accordance with the municipal code.

Staff requests the following be entered into the records:

- Application and supplemental material
- Staff memorandum and supporting documentation
- All testimony received during the public hearing
- Recommendation

Dr. Jones inquired if the standards being proposed are part of what would be voted on this evening.

Per Mr. Hornbeck; correct, you would be voting on the standards.

Dr. Jones inquired if the proposed standards would normally be a variance.

Mr. Hornbeck stated the height it probably the biggest one that would require a variance and there are a few other items such as the zero setback internal to the site.

Dr. Jones inquired as to the 400 proposed multifamily before commercial begins, that doesn't count towards what is begin built there now.

Mr. Hornbeck stated that is separate.

Dr. Jones inquired as to clarification on the administrative review requiring no communication to the Town Board for qualified commercial/industrial site plans.

Mr. Hornbeck stated those could still be communicated to the Town Board but there would be no action or consideration by the Town Board.

Mr. Bennett inquired as to the recommended timeline response within two weeks and if that is feasible for staff.

Mr. Hornbeck they are committed to achieve the time frame.

Mr. Hale stated contracts are being done with two planning firms as well.

Mr. Bennett inquired if the proposed uses are in addition to the existing uses.

Mr. Hornbeck stated the proposed uses are in addition to what is allowed in the general commercial zoning district.

Mr. Bennett inquired as to the Board having an objection to auto dealerships.

Mr. Hornbeck stated it was discussed with the applicant and auto dealerships are limited in size to five acres.

Mr. Baker inquired if there has been a view study with the taller buildings.

Mr. Hornbeck stated there has not been.

Mr. Baker inquired as to how this will affect the amount of commercial space.

Mr. Hornbeck stated staff had similar concerns about losing potential commercial ground and that is why it was negotiated with the application to limit residential development to 400 units until there is 50,000 square foot of development or \$25 million in sales.

Mr. Baker commented that he feels like this would be over committing staff with this project.

Ms. Melendez commented that Mr. Hale did point out that the Town has approved two additional contracting service companies to provide planning services.

Dr. Jones inquired about Loveland adopting all the proposed standards as well.

Mr. Hornbeck stated Loveland has adopted similar standards.

Martin Lind, 1625 Pelican Lakes Point, Windsor, CO addressed the Board and stated there is a comparison of the Loveland's flexible zoning district and that took approximately two years to complete; that document was used as the template for the proposed standards in Windsor.

Windsor adopted a Comprehensive Plan five years ago and wanted to see this area as an entertainment and retail. The industrial zoning designation was changed to commercial to set the template for the area.

There are more conditions brought before the Board this evening than are allowed in normal zoning to see a better vision of what is going to happen in the area. In addition, there is an adopted corridor plan for County Road 5 that had been created between Loveland, Larimer County and the Town of Windsor.

Mr. Lind stated the referral time with staff is not two weeks to get an approval, it is two weeks to get a response back. If there is a large retailer, we want to be competitive with Loveland, Fort Collins, Johnstown and Timnath.

Parking is changing dramatically. The national trend in auto sales has gone down. Individuals are using other options for transportation. It is not the intent to have auto dealerships in the area, however there has been negotiations with Carvana.

Mr. Baker commented that he is concern with the height of the buildings at 130 feet.

Mr. Lind stated they are following the spirit and intent of the Loveland side as Embassy Suites is approximately 120 feet tall.

Pat Davey, 8795 Longs Peak Circle, Windsor, CO is opposed to the variance the applicant is asking for. The variance should go through the process. Building height of 130 feet is too high. Also, open space is being reduced to only 10%.

Vicki Reinke, 5203 Hialeah Drive, Windsor, CO is opposed to the project and commented that this would look like downtown Denver instead of Windsor. Ms. Reinke feels variances should come back before the Board.

Kim Davey, 8795 Longs Peak Circle, Windsor, CO asked that the height restriction stay at 55 and 30 feet and not 55 and 130 feet.

Kurt Reinke, 5203 Hialeah Drive, Windsor, CO encourages Board to reconsider the 130 foot height restriction.

Dominic Weber, 7883 Cherry Blossom Drive, Windsor, CO reiterates what has been said.

Mr. Baker inquired as to if there is any mechanism in place where the height variances could come back to the Town on a case by case basis.

Mr. Lind stated height is a big concern. In the spirit of compromise, if we were allowed 75 feet, we would bring something that would go over that, we would bring it back for a variance.

Mr. Rennemeyer inquired if the applicant is requesting that the minimum height standard be at 75 feet, would that require an amendment to the motion.

Mr. McCargar stated the applicant is offering to reduce the height from 130 to 75 feet and leaving room for future height modifications in particular cases. The motion would approve the PUD to reflect that which would happen at the approval of the ordinance.

Mr. McCargar commented that if Mr. Lind wants the power point presentation included in the record, it would need to be confirmed for the record and a copy would need to be provided to the Town.

Per Mr. Lind; yeah that is perfectly fine.

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

5. Ordinance No. 2018-1573 – An Ordinance Approving a PUD (Planned Unit Development) Zoning Overlay – The Brands East Planned Unit Development Overlay District – Martin Lind, Manager, Eagle Crossing Windsor, LLC, owner / Mitch Black, Norris Design, owner’s representative

- Quasi-judicial
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

Town Board Member Rennemeyer moved to approve Ordinance No. 2018-1573 – An Ordinance Approving a PUD (Planned Unit Development) Zoning Overlay as presented with one exception which is that the 130 feet height standards be reduced to 75 feet with the opportunity for the application to seek a height modification under the existing code, Town Board Member Sislowksi seconded the motion.

Mr. Baker commented that the height reduction will allow for the opportunity to approve any waivers individually.

Dr. Jones inquired if there is a reason for the rezoning with the proposed standards.

Mr. Hornbeck stated it is typical for a PUD where there are negotiated standards.

Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Sislowksi, Melendez; Nays- Jones; Motion passed.

6. Ordinance No. 2018-1574 – An Ordinance Amending Section 17 of the Town of Windsor Municipal Code regarding Landscape Requirements

Super majority vote required on second reading

- Second Reading
- Legislative
- Staff presentation: Paul Hornbeck, Senior Planner

Per Mr. Hornbeck, the attached landscape ordinance includes minor modifications from first reading in an attempt to further improve clarity and ease of use. Substantive changes include the following:

1. Modification of the intent section to more closely resemble the current landscape standards intent statement for continuity between the two sets of standards.
2. Minimum spacing of 30’ was added for street trees.
3. The requirement for foundation planting areas was increase from 5’ in width to 10’ in width when immediately adjacent to public or private roads or access drives used by the general public.

As covered during first reading of the ordinance, this is a comprehensive update to the Town’s landscape standards, which have been in place since 2006. The update is based on the premise that the existing landscape standards have been successful in strengthening

the character and quality of development but are in need of updates to achieve the following:

1. Reorganization to be easier to understand and apply
2. Better address water conservation in landscaping
3. Expand and refine bufferyard requirements
4. Other minor clarifications and modifications

Notifications were completed in accordance with the Municipal Code.

At their October 17, 2018, meeting Planning Commission forwarded to Town Board a recommendation of approval of the ordinance. Town Board approved first reading on October 22, 2018.

Staff requests the following be entered into the record.

- Staff memorandum
- Packet materials
- Public testimony
- Staff recommendations

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

Mayor Pro Tem Bennett moved to approve Ordinance No. 2018-1574 – An Ordinance Amending Section 17 of the Town of Windsor Municipal Code regarding Landscape Requirements. Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

7. Ordinance No. 2018 –1575 - An Ordinance Adopting Article XI of Chapter 10 of the Windsor Municipal Code concerning the Public Consumption of Alcohol within the Town of Windsor

Super majority vote required on second reading

- Second Reading
- Legislative
- Staff presentation: Rick Klimek, Chief of Police

Per Chief Klimek, Windsor's Municipal Code allows 3.2% alcohol in Town parks. Due to recent amendments to the Colorado Revised Statutes which is eliminating 3.2% alcohol beginning January 1, 2019, Ordinance 2018-1575 will amend Windsor's Municipal Code to allow alcohol in Town parks with the exception of Chimney Park. There will be permitted areas at time for different events.

Mr. Baker inquired if this applies to any designated park.

Per Chief Klimek, yes.

Mr. Baker inquired if it also applied to metro district open spaces.
Chief Klimek stated it will be allowed in those areas.

Town Board Member Wilson moved to approve Ordinance No. 2018-1575 – An Ordinance Adopting Article XI of Chapter 10 of the Windsor Municipal Code concerning the Public Consumption of Alcohol within the Town of Windsor, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

8. Ordinance No. 2018-1576 - An Ordinance Repealing, Amending, Adding and Re-Adopting Portions of Chapter 6, Article I, of the Windsor Municipal Code concerning the Elimination of 3.2 Beer

Super majority vote required on second reading

- Second Reading
- Legislative
- Staff presentation: Kim Emil, Asst. Town Attorney

Per Ms. Emil, the State Legislature eliminated 3.2 beer within the State Liquor and Beer Codes, effective on January 1, 2019. In addition, a new Colorado Liquor Code was created, and moved from Title 12 to a new Title 44, Article 3. In order to bring our Municipal Code in compliance with the State law, we need to remove our references to 3.2 beer within our code, and the references to Title 12. This Ordinance removes the 3.2 references, and also changes the Title 12 references to the new Title 44 statutory references. This is the second reading. There have been no changes since the first reading on October 22, 2018.

Town Board Member Jones moved to approve Ordinance No. 2018-1576 – An Ordinance Repealing, Amending, Adding and Re-Adopting Portions of Chapter 6, Article I, of the Windsor Municipal Code concerning the Elimination of 3.2 Beer, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

9. Ordinance No. 2018-1564 – An Ordinance Annexing and Zoning Certain Property known as the Great Western 7th Annexation to the Town of Windsor – GWIP, LLC, and Windsor Renewal I, LLC; owners / Craig Stith, Great Western Development/OmniTrax, applicant; Cory Rutz, Otten Johnson Robinson Neff + Ragonetti, applicant’s representatives

Super majority vote required on second reading

- Second Reading
- Legislative action
- Staff presentation: Millissa Berry, AICP, Senior Planner

Per Ms. Berry, the property owners have submitted a petition to annex approximately 349.108 acres to the Town of Windsor as Heavy Industrial (I-H) zoned property. The subject property is located east / southeast of the Great Western Industrial Park off of Eastman Park Drive and WCR 23.

No development is currently proposed with this annexation petition. The purpose of the annexation is to prepare the properties for future development. When a development proposal is submitted for any of the properties, the proposal will be reviewed and processed in accordance with the Municipal Code.

The Comprehensive Plan Growth Strategy includes the property within the Town's Secondary Growth Area. The property is adjacent to Developed and Primary Growth Areas to the north and west. The Land Use Plan of the 2016 Comprehensive Plan designates the majority of the property for Heavy Industrial land uses for the northern portions of the property. The southern portion in close proximity to the Cache La Poudre has the Parks, Open Space, Mineral Extraction and Flood Plain land use designation applied. The Heavy Industrial (I-H) zoning that is proposed for the property reflects the future land use for the property. The zoning for abutting properties to the north and west within Town Limits is I-H. Abutting properties that surround the subject property and are outside town limits are zoned Agriculture (A) by Weld County. The City of Greeley's land use guidance map calls for industrial uses in the vicinity.

Staff has reviewed the application and makes the following determinations:

- The plat is consistent with the petition submitted;
- The property is eligible for annexation based on contiguity and community of interest between the proposed property and annexing municipality (ability to be urbanized);
- No limitations for annexation exist in this case;
- An election is not required.

The Comprehensive Plan calls for the extension of Crossroads Boulevard through the annexation area. The Town has requested the dedication of right-of-way for the extension of Crossroads Boulevard as well as an additional right-of-way along WCR 23 to be dedicated to Windsor. The dedication of the Crossroads Boulevard Right-of-Way will occur within 60 days of the completion of the preliminary concept design for the road. The dedication of the WCR 23 Right-of-Way will occur via separate written instrument at the time that the annexation agreement is recorded.

The Cache la Poudre River corridor is identified as a defining feature of the Windsor community per the 2016 Comprehensive Plan. Protection of the river corridor is also conveyed in the East Side Industrial Subarea Plan. Town staff has been meeting with the applicant to discuss an approach to protect the river corridor that will benefit the Town as well as respect the applicant's interest in the area.

At its June 11, 2018 regular meeting, the Town Board adopted Resolution No. 2018-047 that declared certain findings of fact concerning the Great Western 7th Annexation; determined substantial compliance with Colorado Municipal Annexation Act (1965); and established public hearing dates before the Planning Commission and the Town Board.

The established hearing dates were July 18, 2018 for the Planning Commission and July 23, 2018 by the Town Board.

Mr. Bennett inquired as to what Windsor can do to protect the Poudre Trail.

Mr. McCargar stated unfortunately the Trail in this annexation only covers a small portion although Windsor has agreed to a more permanent way of preserving the Trail and has been talking with representatives of the Broe Group and Great Western as the remaining duration of the easements that were granted for the Trail are starting to approach. Windsor is working on a solution to figure out a more permanent easement or long term lease since the Trail is already there.

Town Board Member Rennemeyer moved to approve Ordinance No. 2018-1576 – An Ordinance Annexing and Zoning Certain Property known as the Great Western 7th Annexation to the Town of Windsor, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowksi, Melendez; Nays- None; Motion passed.

10. Resolution No. 2018-99 – A Resolution Approving an Annexation Agreement Between the Town of Windsor and Windsor Renewal I, LLC and GWIP, LLC with Respect to the Great Western Seventh Annexation to the Town of Windsor and Authorizing the Mayor to Execute the Same
 - Legislative
 - Staff presentation: Millissa Berry, Senior Planner

Ms. Berry had nothing further to add.

Town Board Member Sislowksi moved to approve Resolution No. 2018-99. Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowksi, Melendez; Nays- None; Motion passed.

11. Public Hearing –Rezoning Petition – Portion of Eastbrook Annexation No 1 and Eastbrook Annexation No. 2 and No. 3 – Global Asset Recovery LLC, owner; David Tschetter, applicant
 - Quasi-judicial
 - Staff presentation: Millissa Berry, Senior Planner

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

Per Mr. Sislowksi, “Madam Mayor, for the record, I am the liaison for the Planning Commission and at the last Planning Commissions meeting this matter was heard. I did not participate in that public hearing as I was merely there to observe. I remain neutral and any decision I make with respect to this matter will be based solely on the information that I obtain during this public hearing tonight.”

Per Ms. Berry, the applicant is requesting to rezone approximately 65 acres; the property is located northwest of the intersection of SH 392 and WCR 21.

Approximately 56 acres would be rezoned to residential mixed use; nine acres would be rezoned to general commercial.

The existing zoning of General Commercial and Limited Industrial south of the Greeley No. 2 Canal reflect the vision of those uses along the SH 392 corridor. This area is a cooperative planning area for Windsor and Severance and, in 2000, the two communities entered into an Intergovernmental Agreement (IGA) to set the desired commercial and industrial uses for the corridor. However, in 2017, the two communities agreed to amend the IGA to allow for residential uses in portions of the cooperative planning area. This decision was partially based on a concept plan presented for the Eastbrook Annexation No. 1, No. 2, and No. 3 (a.k.a. Village East) properties. The concept shows a continuation of the Village East Subdivision eastward with single family lots immediately east of the Village East Subdivision and a general commercial / neighborhood commercial area east of the John Law Ditch. A multi-family component is also proposed in the southwest portion of the plan. The proposed rezone would allow the concept plan to be realized. The rezone petition is also consistent with the proposed land use map amendment also on the November 7, 2018 Planning Commission agenda.

The applicant held a neighborhood meeting on September 27, 2018. Approximately 10 neighbors attended the meeting. The main topic of discussion was the projected traffic in the area, particularly additional traffic on WCR 21, due to any development that is planned. At the Planning Commission meeting, a neighbor inquired about preserving and protecting a large tree located on the property. The applicant has provided a plat detail showing that the subject tree will be retained with the proposed subdivision design.

Staff recommends approval of Resolution No. 2018-99, accepting the annexation agreement between the Town of Windsor and the applicants, Windsor Renewal I LLC and GWIP, LLC

Staff requests the following be entered into the record:

- Application and supporting materials
- Staff memorandum
- Testimony received during the public hearing
- Recommendation

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

Mr. Baker inquired about an extension of a road at HWY 392.

Mr. Tschetter stated a full traffic study has been completed and came up with the layout that has been presented to the Board. The property to the west is owned by someone else and that west boundary is the half or quarter section line and that is where the intersection would be in the future.

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

12. Ordinance No. 2018-1577 – An Ordinance Rezoning A Portion of Eastbrook Annexation No 1 and Eastbrook Annexation No. 2 and No. 3 – Global Asset Recovery LLC, owner; David Tschetter, applicant
- First Reading
 - Quasi-judicial
 - Staff presentation: Millissa Berry, Senior Planner

Ms. Berry has nothing further to add.

Town Board Member Sislowski moved to approve Ordinance No. 2018-1577 – An Ordinance Rezoning A Portion of Eastbrook Annexation No 1 and Eastbrook Annexation No. 2 and No. 3., Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

13. Ordinance No. 2018-1578 An Ordinance Approving the Transfer of Water Rights from the Town of Windsor to Diamond Valley, LLC
- First Reading
 - Legislative
 - Staff presentation: John Thornhill

Per Mr. Thornhill, The Town previously agreed, as part of the First Amended Altergott Annexation Agreement to convey to Diamond Valley, LLC (“DV”) one-half (1/2) of the water rights originally conveyed by Annexor to the Town pursuant to paragraph 6 of the original Altergott Annexation Agreement. Although the water has been delivered pursuant to this agreement over the years, it was never formally transferred. This Ordinance completes the transfer of the water rights that were to have transferred pursuant to the First Amended Annexation Agreement.

Mr. McCarger stated the Charter requires a transfer of water by ordinance.

Mayor Pro Tem Bennett moved to approve Ordinance No. 2018-1578 An Ordinance Approving the Transfer of Water Rights from the Town of Windsor to Diamond Valley, LLC, Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

14. Ordinance No. 2018-1579- An Ordinance creating Section 1-4-50 of the Windsor Municipal Code Establishing Procedures for Entry of Default and Default Judgments, and Collections in Windsor Municipal Court

- First Reading
- Legislative
- Staff presentation: Kim Emil, Assistant Town Attorney/Town Prosecutor

Per Ms. Emil, the Town is at an impasse where it comes to being able to enforce certain violations in Windsor's Municipal Code and/or enforce things where people can't or won't pay fines. The ordinance purposes to create a procedure for entering defaults for failures to appear and failures to pay, entering default judgements and then being able to send them off to collections if necessary. Windsor previously was able to enter bench warrants and we are no longer able to do that for failures to pay.

Town Board Member Rennemeyer moved to approve Ordinance No. 2018-1579- An Ordinance creating Section 1-4-50 of the Windsor Municipal Code Establishing Procedures for Entry of Default and Default Judgments, and Collections in Windsor Municipal Court, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

15. Ordinance No. 2018-1580- An Ordinance Repealing 10-4-110(4) of the Windsor Municipal Code Concerning Vagrancy

- First Reading
- Legislative
- Staff presentation: Kim Emil, Assistant Town Attorney/Town Prosecutor

Per Ms. Emil, the higher courts have struck down language similar to the language that is in that subsection 4 of Windsor's vagrancy code regarding panhandling or begging. In response to these judicial determinations, Windsor has prepared the ordinance before the Board that removes that particular paragraph from the code. The remainder of our vagrancy code remains intact, and other Code language will enable law enforcement to address behaviors (assault, trespass) that fall outside of the judicial determinations.

Town Board Member Wilson moved to approve Ordinance No. 2018-1579- An Ordinance creating Section 1-4-50 of the Windsor Municipal Code Establishing Procedures for Entry of Default and Default Judgments, and Collections in Windsor Municipal Court, Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

16. Community Development Report

- Staff presentation: Scott Ballstadt, Director of Planning

Mr. Ballstadt gave a brief summary on the number of building permits that have been issued.

D. COMMUNICATIONS

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

Town Board Member Sislowski moved to take a recess from the regular meeting to convene the Kern Board, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

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

E. EXECUTIVE SESSION

An executive session pursuant to §24-6-402 (4) (f)(I) to discuss personnel matters where the employees who are the subject of the executive session have not both requested an open meeting - Town Manager annual review, Town Attorney annual review (S. Hale and I. McCargar)

Town Board Member Rennemeyer moved to go into executive session pursuant to §24-6-402 (4) (f)(I) to discuss personnel matters where the employees who are the subject of the executive session have not both requested an open meeting - Town Manager annual review, Town Attorney annual review, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

Upon a motion duly made, the Town Board returned to the regular meeting at 12:05 a.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 12:05 a.m.

F. ADJOURN

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

The meeting was adjourned at 12:06 a.m. on November 27, 2018.



Krystal Eucker, Town Clerk