



## TOWN BOARD REGULAR MEETING

January 14, 2019 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

### MINUTES

#### A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:03 p.m.

##### 1. Roll call

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

Also Present:

Shane Hale, Town Manager  
Ian McCargar, Town Attorney,  
Kim Emil, Assistant Town Attorney  
Eric Lucas, Director of Parks, Recreation and Culture  
Dennis Wagner, Director of Engineering  
Scott Ballstadt, Director of Planning  
Rick Klimmek, Chief of Police  
Dean Moyer, Director of Finance  
Jessica Scheopner, Administrative Services Director  
Paul Hornbeck, Senior Planner  
Krystal Eucker, Town Clerk

##### 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

**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, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

##### 4. Proclamation

- Windsor School Choice Week Proclamation

Mayor Melendez read the Windsor School Choice Week Proclamation.

##### 5. Board Liaison Reports

- Town Board Member Baker - Tree Board, Historic Preservation Commission

Town Board Member Baker reported the next Tree Board meeting is scheduled for January 22, 2019.

Mr. Baker reported the Historic Preservation Commission received an update on the student presentation which will go before the Town Board at the February 11, 2019 work session. A discussion also took place regarding historic signs around Windsor Lake.

- Town Board Member Wilson - Parks, Recreation and Culture Advisory Board; Poudre River Trail Corridor

Town Board Member Wilson reported the Poudre River Trail Board will be doing a retreat in January.

Mr. Wilson reported the Parks, Recreation and Culture Board will start reviewing rules and regulations of the parks in February.

- Mayor Pro Tem Bennett - Water and Sewer Board

Mayor Pro Tem Bennett reported there were two presentations at the Water and Sewer Board meeting. One presentation was regarding the storm water management procedures and the other was a report on Windsor's present water supply and future water needs. The Water and Sewer Board traditionally meets every other month but due to concerns about water in northern Colorado, the Board has decided to meet more regularly.

- Town Board Member Rennemeyer - Chamber of Commerce

Town Board Member Rennemeyer reported the Chamber elected Andrew Gutterson with American National Life Insurance Company and Ryan Reagan with First National Bank to the Board of Directors. Katie Van Meter was appointed to fill a vacancy on the Board.

- Town Board Member Jones - Windsor Housing Authority; Great Western Trail Authority

Town Board Member Jones reported the Housing Authority has a meeting scheduled on January 15, 2019.

- Town Board Member Sislowksi - Clearview Library Board; Planning Commission

Town Board Member Sislowksi reported there has not been a Planning Commission meeting since the last regular Town Board meeting.

- Mayor Melendez - Downtown Development Authority; North Front Range/MPO

Mayor Melendez reported the Downtown Development Authority meeting is scheduled for January 16, 2019.

Ms. Melendez reported the 2018 Annual Report highlighted mobility accomplishments by distributing 500 riders guides and over 600 individuals used Find My Ride. The Senior Transportation Coalition sponsored a one time senior travel training. The Larimer County Senior Transportation work group applied and was awarded two grants in 2018. Both grants will help fund activities to implement a one call one click center on behalf of the County. The Vanpool program began in 1994 and is now paying for itself through ridership with 50 routes and over 250 permitted participants. Construction on the Northern I-25 express lanes from 402 to 14 has begun, currently the construction is focused between Crossroads Boulevard and Highway 392. Ms. Melendez will be serving as Chair of the MPO in 2019.

#### 6. Public Invited to be Heard

Mayor Melendez opened up the meeting for public comment.

Gloria Belden, PO Box 323, Windsor, CO addressed the Board and voiced her concern with

the Drag Queen Story Hour. Ms. Belden feels this type of event does not belong in the library.

Amy Ingram, 516 Sherwood Ct, Windsor, CO addressed the Board and informed them that she attended the Drag Queen Story Hour and does not feel this is a benefit for the town.

Mr. Baker commented that he did attend the event and stated it was a great event.

#### B. CONSENT CALENDAR

1. Minutes of the November 19, 2018 Special Meeting, Minutes of the December 3, 2018 Special Meeting and Minutes of the December 10, 2018 Regular Meeting - K. Eucker
2. Resolution No. 2019-01 - A Resolution Designating a Public Place for the Posting of Notices Concerning Public Meetings - K. Eucker
3. Resolution No. 2019-02 - A Resolution Reappointing Teresa Ablao as the Town of Windsor Local Licensing Authority
4. Resolution No. 2019-03 - A Resolution Appointing Kissinger & Fellman, PC, as the Town of Windsor's Special Counsel for Franchise Agreement Renegotiation, and Approving the Terms of Representation in Accordance Therewith
5. Resolution No. 2019-07 - A Resolution Pursuant to Section 9.1(G) of the Windsor Home Rule Charter Appointing Edward Blieszner of Welborn Sullivan Meck & Tooley, PC, to Serve as Special Counsel to the Town of Windsor With Respect to Eminent Domain Matters Generally -- I. McCargar
6. Advisory Board Appointment - K. Eucker
7. Report of Bills December 2018

**Town Board Member Rennemeyer moved to approve the consent calendar as presented, Town Board Member Wilson seconded the motion. Roll Call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

#### C. BOARD ACTION

1. Resolution No. 2019-04 - A Resolution Approving the Final Site Plan for Eagle Crossing Subdivision 8th filing, Lot 1; Larry Buckendorf/Morgan Kidder, Fossil Ridge Holdings, LLC, owner/applicant; Daniel Hull, LandOne Engineering, LLC, owner/applicant representative  
Per Mr. Hornbeck, the applicant has submitted a final site plan, known as Eagle Crossing Subdivision 8th Filing, Lot 8. The property is located south of Steeplechase Drive and approximately 1/3 mile west of Highland Meadows Parkway. The lot is being created as part of a concurrent minor subdivision which is combining two existing lots. The eastern portion of the new lot previously received site plan approval of four multifamily buildings containing 93 units as a part of a larger 18 building, 407 unit development. The western portion of the new lot was not site planned at that time due to an agreement between the surface property owner and mineral owners.

Site plan characteristics include:

- 4.59 acre site

- an additional 5 buildings and 111 units (for a total of 9 buildings and 204 units;
- parking provided at a ratio of 1.5 spaces per unit, in accordance with the code requirements in place at the time the site plan application was received
- site building coverage of 27%; and
- landscaped area of 30%.

Building characteristics will match the previously approved buildings and include:

- three story buildings with 5:12 roof pitches
- horizontal fiber cement lap siding as the predominant façade material;
- stone treatment around the base of buildings and around external stairways;
- covered decks and porches.

The proposal is in conformance with the Comprehensive Plan.

At their December 19, 2018 meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of the final site plan subject to all remaining Planning Commission and staff comments being addressed.

Staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Recommendation

Mr. Sislowksi inquired if there was a non-potable system.

Mr. Kidder stated there is not a non-potable system to tap into.

Dr. Jones inquired if this is in addition to the 400 units that has previously been approved.

Mr. Kidder stated this is in addition to the 400 units.

Mr. Sislowksi inquired if the area is serviced by Windsor water.

Mr. Kidder stated the area is serviced by Fort Collins-Loveland Water District.

Mr. Baker inquired if there was any good faith interest to meet current parking code.

Mr. Kidder stated at the time of submittal, it did meet current parking code regulations.

**Mayor Pro Tem Bennett moved to approve Resolution 2019-04, Town Board Member Rennemeyer seconded the motion. Roll Call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowksi, Wilson; Motion Passed.**

2. Ordinance No 2019-1582 - An Ordinance Fixing the Compensation of the Municipal Court Judge and Municipal Court Clerk for the Town of Windsor in Compliance with Sections 13-10-107 and 13-10-109, C.R.S. and Section 2-4-90 of the Windsor Municipal Code

Per Ms. Emil, the statutes governing qualified municipal courts of record require that the compensation of the Municipal Judge and Office of the Municipal Court Clerk be set by ordinance. This requirement has also been incorporated into the Town's Municipal Code. The Town Board previously approved the 2019 Annual Budget, where the compensation for the Municipal Judge and Municipal Court Clerk's Office was fixed.

**Town Board Member Rennemeyer moved to approve Ordinance No. 2019-1582, Town Board Member Baker seconded the motion. Roll Call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowksi, Wilson; Motion Passed.**

3. Public Hearing, An Ordinance of The Town Board Of The Town Of Windsor, Colorado, Approving the First Amendment to the Service Plan for the Ridge at Harmony Road Metropolitan District Nos. 1-4, and Authorizing the Execution of an Intergovernmental Agreement Between the Town and the Districts

**Town Board Member Jones moved to open public hearing, Town Board Member Rennemeyer seconded the motion. Roll Call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

Per Mr. McCargar, state law requires a legislative public hearing prior to consideration of a Service Plan Amendment. This public hearing has been noticed as required by law.

Per Mr. O'leary, the original service plan for The Ridge at Harmony Road proposed the formation of three (3) Metropolitan Districts containing approximately 186.69 acres in the initial boundaries and two substantial "Future Inclusion Areas" comprising approximately 263.31 acres of land in the Town and Weld County. Since the time of formation, all land has been annexed to the Town of Windsor and Included within the District Nos. 1-3, however, no updates were provided for capital costs, debt capacity/authorization and no provision was made for the commercial property within the development. The 263.31 acres contained within those future inclusion areas have now been annexed and included and are proposed to be contained within four (4) metropolitan Districts (District Nos. 1-4) and a new District No. 4 will contain any commercial property separate from the residential property and residential districts, with the related capital costs, amenities and additional development and financing costs for this updated development and additional areas are now proposed to be added into this First Amendment as a supplement to the original Service Plan.

The original approximately 186.69 acres of residential and mixed use development in the initial boundaries has now been expanded and is proposed to include the prior future inclusion area within the four metropolitan districts. All development and public improvements shall continue to be subject to any Town of Windsor approvals and development plan or subdivision improvement and Town Code rules and regulations.

The property which has already been annexed to the Town of Windsor will be contained in The Ridge at Harmony Road Metropolitan District Nos. 1-4 after the First Amendment approvals, and will contain a total of approximately 450 acres within the boundaries of Districts. All of the boundaries are annexed and located entirely within the boundaries of the Town of Windsor (the "Town") and within Weld County (the "County").

The Districts are proposed to provide services and powers provided for metropolitan districts authorized by the Special District Act, pursuant to Title 32, C.R.S. and provided within similar districts within the Town, for consideration on the next possible public hearing of the Town Board on January 14, 2019 in order to meet the requirements of a formation election in early 2019 and a TABOR election in November of 2019 for District Nos. 1, 3 and 4 for any additional debt authorization.

Preparation of the Financing Plan was provided by George K. Baum & Company. The Developer of The Ridge at Harmony Road community will be Lorson South Land Corp and/or Eagle Development. Construction cost estimates were assembled by the Developer with consultation with the District Engineer, Northern Engineering, which has experience in the costing and construction of similar facilities.

Developer and property owner representatives will make up the District Boards in order to develop the area in accordance with approved development plans with the Town. The new District and this First Amendment will help pay for and structure the financing of public improvements and to make the lots and the property permit ready and will help absorb finished lots, homes and commercial property into the Town tax base.

Mr. Sislowski inquired if the Gallagher ratio goes down again, will the district be entitled to increase the 39 mills.

Per Mr. O'leary, yes.

Mr. Sislowksi inquired as to where the authority of District is to increase the mill levy.

Mr. O'Leary stated TABOR increases are voter increases for debt require a voter approval. A lot of the districts propose a Gallagherization question; a lot of special district attorneys will add that as part of their election question.

Mr. Sislowksi inquired as to the taxing districts.

Mr. O'Leary stated it will be Districts 2, 3, and 4.

Mr. Jones inquired as to the districts not forming home owner's associations (HOA).

Mr. O'Leary stated HOA's would not be formed as the metro districts are allowed to provide for almost all services that an HOA could provide through the metro district.

Ms. Carolyn Steffl, Special District Counsel informed the Board that a metro district has two legal limitations; one is that they have the limitations contained in the service plan and the second is that they must also have voter approval under TABOR for tax increase or a rate increase.

The service plan amendment is proposing:

- Creation of a new District No. 4. That district has not be organized yet and will need an election to organize and it will need to have a TABOR election.
- Another TABOR election will take place for Districts 1, 3 and 4. District No. 2 does have residents and the proposal from the Districts is to keep the maximum debt for District No. 2 at \$8 million. That used to be the debt limitation for all three districts.
- Increase the debt limitation for Districts 1, 3 and 4 so they would be required to conduct a TABOR election in order to increase the debt.

The Districts have provided notice by publication of this public hearing and to the landowners within Districts 1, 3 and 4 by mailing and also with any tax entities within a three mile boundary. A notice will also be provided to all residents within District No. 2 prior to second reading.

Mr. Bennett clarified that notifications were done by mail.

Ms. Steffl confirmed that notifications were done by mail and the notifications were also published in the newspaper.

Mr. Baker inquired that when the service plan was originally approved, all \$8 million of improvements went on District No. 2.

Ms. Steffl stated at that time there was District No. 1, 2, and 3 and it was most of the square footage that is seen now but there was 260 acres that was proposed as future inclusion.

Mr. Baker inquired if the other districts still contribute to paying down that debt.

Ms. Steffl stated the plan is to have two debt issuances; one will be issued in 2021 and one in 2025. Once debt will be paid by District No. 2 and a separate debt that will be paid by the other districts because of the higher amount that they can go. All of the districts will be capped at that same mill levy for residential.

Gloria Belden, PO Box 323, Windsor, CO commented on the increase of traffic in Windsor with new development.

**Town Board Member Rennemeyer moved to close the public hearing, Town Board Member Baker seconded the motion. Roll Call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowksi, Wilson; Motion Passed.**

4. Ordinance No. 2019-1583 - An Ordinance of The Town Board Of The Town Of Windsor, Colorado, Approving the First Amendment to the Service Plan for the Ridge at Harmony Road Metropolitan District Nos. 1-4, and Authorizing the Execution of an Intergovernmental Agreement Between the Town and the Districts

Mr. McCargar recommends approval on first reading. A public hearing will convene at second reading for the benefit of District No. 2 residents.

**Town Board Member Sislowski moved to approve Ordinance 2019-1583, Mayor Pro Tem Bennett seconded the motion. Roll Call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

5. Ordinance No. 2018-1581 - An Ordinance Repealing and Re-Adopting Portions of Chapter 7, Article IV of the Windsor Municipal Code with Respect to Trees In, Over and Upon Public Streets in the Town of Windsor

Per Mr. Lucas, before the Board is the second reading of the proposed ordinance. No changes have been made to the proposed ordinance. Consideration of the addition of a Homeowner Landscaping Assistance Program is included in the narrative as well as a subsequent attachment which outlines the program. These options are presented in response to the Board discussion that ensued during the first reading on December 10, 2018.

As seen below, the code currently means that any trees, shrubs or hedges in, over or upon the public right of way of any street, alley, sidewalk or other public place within Town is the Town's responsibility to maintain. With the continued buildout of the community as well as continued maturity of trees, shrubs and hedges throughout town, complaints and concerns regarding trees and shrubs impeding sidewalks, traffic signs and sight lines have increased and the burden of maintenance is entirely placed upon the forestry division staff and its associated budget.

Staff recommends adoption of the ordinance on second reading as well as direction from the Board in regard to how they would like to proceed when homeowners are unable to pay for work needed. The options presented include placing a lien on the property or utilizing the proposed Homeowner Landscaping Assistance Program if eligible and funding exists.

Mr. Baker inquired if the assistance program is a reimbursement plan

Mr. Lucas stated it could be done that way, if a homeowner didn't have the money, the Town could choose to cut them a check and require a receipt for the work performed.

Ms. Melendez inquired if the jobs could be taken care of internally by town staff.

Mr. Lucas stated that some of them could be done by town staff.

Ms. Melendez inquired as to a homeowner's tree that has encroached into the right-of-way and now there is a fence going up but that fence won't cure the problem.

Mr. McCargar stated if a homeowner places anything in the Town's right-of-way, if need be, the interference will be removed at the expense of the homeowner.

Dr. Jones inquired if the Town is equipped to take care of most instances.

Mr. Lucas stated there are a lot of issues that need to be addressed. Windsor has the equipment and ability to resolve the issues but there is not an abundance of staff time to resolve the issues.

Dr. Jones inquired as to what will happen if the \$10,000 budget is exhausted and there is still more work to be done.

Mr. Hale stated that would be up to the Board on the direction they would like to go.

The Mayor opened the meeting up for public comment.

Gloria Belden, PO Box Windsor, CO commented that public notices should go through the Windsor Beacon and let them have the honor and respect to help the Town make decisions.

**Town Board Member Rennemeyer moved to approve Ordinance 2018-1581, Town Board Member Wilson seconded the motion. Roll Call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

6. Resolution No. 2019-06 -A Resolution Approving an Intergovernmental Agreement for the Acquisition of Real Property for Water Treatment Facilities

Per Mr. McCargar, following considerable study and negotiation, a 150-acre site for a future water treatment plant has been identified. Approval of the attached IGA will facilitate the acquisition of the property by four interested entities: the Town of Windsor, the Town of Severance, the Town of Eaton, and the Fort Collins-Loveland Water District.

Each of the entities is contributing 25% of the \$1M purchase price. The property will be held in common until the formation of a water treatment authority. The treatment authority will be formed once we are confident the NISP project is a "go". Once the treatment authority is formed, the land will be transferred to the authority, and held by the authority for water treatment purposes.

If the NISP project is not approved, or if a participant withdraws from the treatment plant group or NISP project, the land will either be retained by one or more of the participants or sold to a third party. The IGA lays out how the parties buy out one another, or sell the property to a third party.

Dr. Jones inquired if there was an appraisal done on the property.

Mr. McCargar stated the group feels this is a reasonable price for 150 acres.

Mr. Sislowksi inquired if the appraisal is required to purchase real property.

Mr. McCargar stated there were negotiations and the municipalities have determined that this is one of four parcels that were recommended. The dollar amount is within the range that the broker has recommended.

Mr. Sislowksi inquired if there will be any issues on the property when things move forward.

Mr. McCargar stated a survey will be completed as part of the contract.

Ms. Melendez inquired if the property is in Larimer County.

Mr. McCargar stated it is in Weld County.

Mr. Bennett inquired if there were mineral rights with the property.

Mr. McCargar stated that has not been discussed in detail.

Mr. Rennemeyer inquired if Windsor is the first to take action on this.

Mr. McCargar stated Windsor is the first to take action with Eaton, Severance and the Fort Collins-Loveland Water District taking action soon.

**Town Board Member Jones moved to approve Resolution No. 2019-06, Mayor Pro Tem Bennett seconded the motion. Roll Call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowksi, Wilson; Motion Passed.**

7. Financial Report November 2018

Mr. Moyer gave a brief presentation of the financial report that was included in packet material.

**Town Board Member Rennemeyer moved to Motion, Town Board Member Wilson seconded the motion. Roll Call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowksi, Wilson;**

D. COMMUNICATIONS

1. Communications from Town Attorney

Mr. McCargar informed the Board that the Supreme Court announced its decision in the Martinez Case which would overturn the Court of Appeals decision. This is a victory for the oil and gas industry in that the Court of Appeals had interpreted the statute in a certain way that would have required the Oil and Gas Commission in its rule making to make oil and gas regulations subject to the environment.

2. Communications from Town Staff
  - a. Windsor Liquor Licensing Report - 4th Quarter 2018
  - b. Site Plan Summary – Valley Center 4th Filing Lots 1-3

3. Communications from Town Manager

Mr. Hale informed the Board that a meeting with CDOT took place to review Highway 392 and 257 and if there is any way to reroute those roads. There will be a report coming soon.

Mr. Hale reported that the Town connected a new generator to Town Hall and when that was connected it took out the broadcast modulator which is the piece of equipment that covers the signal for the meetings to be broadcast on Channel 8. The meetings are still available on YouTube.

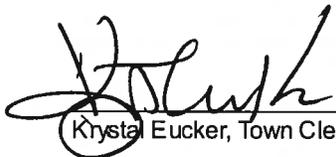
4. Communications from Town Board

Dr. Jones commented on how nice the Christmas Lights were in downtown this year.

E. ADJOURN

**Town Board Member Rennemeyer moved to moved to adjourn, Town Board Member Baker seconded the motion. Roll Call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

The meeting was adjourned at 8:41 p.m.



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Krystal Eucker, Town Clerk