



TOWN BOARD REGULAR MEETING

March 25, 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
Dennis Wagner, Director of Engineering
Scott Ballstadt, Director of Planning
Janine Hegeman, Stormwater Coordinator
Dean Moyer, Director of Finance
Carlin Malone, Chief 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

Mayor Pro Tem Bennett moved to strike item C.1 from the agenda and approve as amended, 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.

4. Proclamation

Mayor Melendez read the National Service Day Proclamation and presented the proclamation to Haley Shipley with United Way of Weld County.

- National Service Day Proclamation

Mayor Melendez read the National Service Day Proclamation. Haley Shipley with United Way of Weld County addressed the Board and thanked the Board for the proclamation.

5. Board Liaison Reports

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

Town Board Member Baker reported the Tree Board meets on March 26, 2019 at 5:00 at the Community Recreation Center.

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

Town Board Member Wilson reported Parks, Recreation and Culture Board is still reviewing various rules related to parks and open space. A tree in Main Park that is 111 years old is being removed due to damage is sustained in the 2008 tornado. The tree will be moved to the park at Village East for kids to play on.

Mr. Wilson reported there have been some closures and detours on the Poudre River Trail over the last couple weeks. Mr. Wilson thanked the Town for communicating the closures and detours through social media.

- Mayor Pro Tem Bennett - Water and Sewer Board

Town Board Member Bennett reported the Water and Sewer Board received two presentations; MS4 illicit discharge detection and elimination as well as the stormwater ordinance that is on this evening's agenda.

- Town Board Member Rennemeyer - Chamber of Commerce

Town Board Member Rennemeyer reported the majority of The Chamber meeting pertained to discussion on recruiting a new executive director; approximately 80 applications have been received. A committee is being formed to review applications. The Chamber is planning to provide ice cream sandwiches at the first concert of the Summer Concert Series.

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

Town Board Member Jones reported the Great Western Trail Authority will meet next week.

Dr. Jones reported the Windsor Housing Authority is meeting with architects regarding the new Golden Meadows Senior Housing Development in Windshire. Construction could commence on the project in the summer of 2020. The Town Board and Windsor Housing Authority members will be attending the Severance Town Board meeting on April 9, 2019 to discuss the option of creating a Windsor/Severance Housing Authority.

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

Town Board Member Sislowski reported the Raindance 7th filing was presented at the last Planning Commission meeting which is on this evening's agenda.

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

Town Board Member Melendez reported the DDA is working on the backlot development agreement, the potential move of the American Legion, demolition of 512 Ash and a site plan approved for the new parking lot and wrapping up the Wayfinding plan. A discussion also took place regarding the lodging tourism tax and Main Street Quarterly Reporting.

6. Public Invited to be Heard

Mayor Melendez opened the meeting up for public comment.

Jo Ann Finnegan, 1525 Walnut Street, Windsor, CO addressed the Board and asked about the flex field at the high school. Ms. Finnegan has been trying to figure out who is in charge of maintaining that field and have been told that it is a joint operation between the school district and the Town of Windsor.

Mr. Hale obtained Ms. Finnegan's information and will find the answer to the question.

Francine Henderson from North Range Behavioral Health informed the Board of the Strengthening Families Program, a 7 week program is being hosted in Severance, CO. The program will be held on Thursday evenings from April 11th through May 23rd; there is no costs to families. More information can be obtained at 970-374-1389.

B. CONSENT CALENDAR

1. Minutes of the March 11, 2019 Regular Town Board Meeting - K. Eucker
2. Advisory Board Appointments - K. Eucker
3. Resolution No. 2019-22 - A Resolution Accepting and Approving Deeds of Dedication for Utilities Easement and Right of Way concerning the Eagle Crossing-Steeplechase

Town Board Member Rennemeyer moved to approve the consent calendar as presented, Town Board Member Jones 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. Conditional Use Grant (CUG) for a Public Utility Installation, Including Transmission Lines and Substations in the Residential Mixed Use Zone District - Thornton Farm 24 Annexation - Derek Holscher of Public Service Company of Colorado (Xcel Energy), Applicant

Item C.1 has been stricken from the agenda.

2. Public Hearing - Final Major Subdivision – Raindance Subdivision 6th Filing (Formerly Raindance Subdivision 7th Filing) – David B. Nelson, Raindance Land Company, LLC, owner; Martin Lind, Raindance Land Company, LLC, applicant; Tom Siegel, Water Valley Land Company applicant's representative

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

Mr. Sislowski stated, "Mr. Mayor, for the record, I would like to point out that in my capacity as Town Board liaison to the Planning Commission, I was present at the Planning Commission meeting during which this matter was previously presented. I wish to state that my participation in the Planning Commission proceedings has in no way influenced me in my capacity as a Town Board Member this evening. I will make my decision and cast my vote this evening based solely on the evidence presented during this public hearing.

Per Ms. Ballstadt, the applicant has submitted a final major subdivision plat, known as Raindance Subdivision Sixth Filing. Please note this subdivision was known as Raindance Subdivision Seventh Filing during the preliminary plat process. The subdivision encompasses approximately 108.76 acres and is zoned Residential Mixed use with a Planned Unit

Development (PUD) overlay.

Final Plat characteristics:

- 125 single-family lots
- Lot size range: 6,600 sf to 1 acre
- 40 6,600 sf lots
- 40 7,700 sf lots
- 45 1 acre lots
- Acre lots adjacent to Hilltop Estates / Pelican Hills Subdivision transitioning into smaller lots adjacent to Raindance 1st and 2nd Filings
- Density: 1.3 dwelling units / acre
- Product: 1 & 2-story houses with attached garages; custom homes on acre lots
- 1.27 acre neighborhood / pocket park (owned and maintained by metropolitan district)
- 7 tracts for open space / agriculture use / park = ~ 38 acres
- Extension of trail system

At the March 20, 2019 regular meeting, the Planning Commission forwarded a recommendation of approval to the Town Board subject to the following conditions:

- All outstanding comments on the subdivision plat shall be addressed prior to recording the subdivision plat.
- The applicant shall enter into a development agreement with the Town prior to recording of the plat.

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

Notifications were completed in accordance with the Municipal Code.

Staff requests the following be entered into the record:

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

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

The applicant had nothing to enter into the record.

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, Sislowski, Wilson; Motion Passed.

3. Resolution No. 2019-23 - Final Major Subdivision – Raindance Subdivision 6th Filing (Formerly Raindance Subdivision 7th Filing) – David B. Nelson, Raindance Land Company, LLC, owner; Martin Lind, Raindance Land Company, LLC, applicant; Tom Siegel, Water Valley Land Company applicant’s representative

Ms. Ballstadt had nothing further to add.

Dr. Jones inquired if the agricultural uses are for general use of the individuals in that filing.

Mr. Ballstadt stated there are agricultural tracts that are adjacent to County Line Road and along Fairgrounds Avenue but does not believe there are any associated with this particular filing. The agricultural use may have not been the correct term as the area is open space and not for agricultural use.

Town Board Member Rennemeyer moved to approve Resolution No. 2019-23, 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.

4. Resolution No. 2019-24 - A Resolution Appropriating Additional Sums of Money to Defray

Expenses in Excess of Amounts Budgeted for the Town of Windsor, Colorado for 2018

Per Mr. Moyer, the Finance Department is working on closing out fiscal year 2018 and part of that process is to approve a supplemental budget. Adjustments have been made to the budget to stay in compliance with State budget law and auditor requirements.

Town Board Member Rennemeyer moved to approve Resolution 2019-24, 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.

5. Ordinance No. 2019-1586 - An Ordinance Amending Chapter 13 of the Windsor Municipal Code With Respect to the Establishment of Municipal Separate Storm Sewer System Regulations

Per Ms. Hegeman, before the Board is the first reading of Ordinance 2019-1586 regarding the amendment to Chapter 13 of the Municipal code, titled "Article V, Stormwater Quality." This amendment will align the Town's Municipal Code with the requirements of the Municipal Separate Storm Sewer (MS4) permit, which was issued to Windsor by the State of Colorado and effective February 1, 2017. Under this permit, the Town is authorized to discharge stormwater to the Cache la Poudre River, and must implement pollutant restrictions, prohibitions, regulations, reduction requirements, and other conditions to meet the intent of the permit: reducing pollutants in the Waters of the State. There are five specific programs that must be implemented to ensure the quality of the stormwater discharge. There is a compliance schedule for implementation; two programs, the Construction Sites program and the Illicit Discharge Detection and Elimination program, have an enforcement component and the compliance schedule calls for full implementation of these programs by July 1, 2019. Having this ordinance in place prior to that date will allow for the Town to educate the public and implement the regulations in an orderly manner.

Dr. Jones inquired as to what the plan is to education the public on the program.

Ms. Hegeman stated social media and the Windsor's website will be used as well as education in schools and the Windsor newsletter.

Ms. Melendez stated a water utility insert was created which will go out in the next billing cycle that will talk about the program as well.

Dr. Jones inquired as to mobile car washing and if that will be prohibited.

Ms. Hegeman stated residential car washing is allowed under the permit although a mobile car wash would be a business. Mr. Hegeman will check with the State on guidance around that situation.

Mr. Sislowski inquired as to nuisance/abatement and if that was similar to the nuisance/abatement that is already within the Municipal Code.

Mr. McCargar stated this ordinance has gone through a lot of changes over the last six months, particularly since Ms. Hegeman's arrival. When the ordinance was first drafted, the idea was that we would incorporate by reference the nuisance/abatement rules that were already in the books. The two nuisance/abatement references are very similar but this is custom to this type of nuisance.

Mr. Bennett inquired as to who will be doing inspections in 2020.

Ms. Hegeman stated she would be doing the inspections and staffing is being looked at for the 2020 budget.

Mr. Baker inquired if contractors and developers have been contacted regarding the ordinance.

Ms. Hegeman stated a preliminary meeting with stakeholders in the development community has taken place and once the ordinance passes, additional meetings will be held.

Town Board Member Baker moved to approve Ordinance No. 2019-1586, 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.

6. Resolution No. 2019-25 - A Resolution pursuant to Section 16.8 Of The Windsor Home Rule Charter Authorizing the Acquisition of Certain Property Rights by Negotiation and, if necessary, by Eminent Domain for the Windsor Harmony Road Improvement Project

Per Mr. McCargar, the Town needs to acquire additional land at the Southwest corner of WCR 15 and Harmony Road to allow for the widening of Harmony Road, movement of drainage and irrigation facilities and related improvements west of the intersection. The Town needs to acquire "fee simple," or total ownership of the land needed for the road and improvements. Additionally, the contractor requires the use of some additional adjoining land on a temporary basis to enable construction of the improvements. The proposed Resolution authorizes the Town's consultants and attorneys to negotiate an agreement to acquire these property interests from the owners voluntarily or, should the parties fail to reach an agreement, by condemnation. Should condemnation be necessary the Resolution also authorizes the attorneys to seek "immediate possession" which is the right to take possession of and use the property before the final trial determining compensation so that the project may proceed without delay.

Town Board Member Rennemeyer moved to approve Resolution No. 2019-25, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

7. Resolution No. 2019-21 – A Resolution Pursuant to Section 16.8 of the Windsor Home Rule Charter Authorizing the Acquisition of Certain Property Rights by Negotiation and, if Necessary, by Eminent Domain for the Windsor LCR5/SH392 Roadway Improvement Project

Mr. McCargar stated Resolution 2019-21 is the same type of situation as the previous agenda item. This is a distinct project for improvements at the intersection of SH 392 and LCR 5.

Mr. Sislowski confirmed that there is some property on SH 392 as well as LCR 5 that would be included.

Mr. McCargar stated that is correct.

Mr. Rennemeyer inquired as to what the timeline is to make the acquisitions.

Mr. McCargar stated the Harmony Road acquisition is ahead of the LCR 5 and SH 392.

Dr. Jones inquired the LCR 5 acquisition is enough to accommodate the roundabout that has been discussed.

Mr. McCargar stated the roundabouts are north of this property acquisition. This property acquisition is separate from the roundabouts.

Mr. Rennemeyer inquired if Windsor will make the land acquisition on behalf of CDOT for SH 392.

Mr. McCargar stated because it is within Windsor's corporate limits, Windsor will seek that acquisition then work with CDOT when the time comes to completing the improvements.

Mr. Hale stated it is his understanding that Windsor would acquire the property and then dedicate the property to CDOT.

Town Board Member Wilson moved to approve Resolution 2019-21, 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.

8. Great Western Metro District No. 4 Inclusion and Boundary Change

Mr. O'Leary addressed the Board and stated Great Western Metropolitan District 1-7, specifically District No. 4. In 2014, there was a future inclusion area that was defined and was expanded to include what is now the 7th annexation which was recently approved. As part of the future inclusion area, typically under service plans, the initial boundaries are defined as well as the future expansion areas. The reason they are called future inclusion areas is because it is unknown what district it will go into and there could be a precondition for that inclusion into the district. In this particular instance, the property had not been defined as inclusion property as the property had not been annexed into Windsor although that annexation has now been completed. The 7th annexation is now requesting to be included into District No. 4 which is one of the Great Western Industrial Park area districts. There are plans to amend and update the service plan that was done in 2006 before there was 700-900 additional acres. In the interim, it is being requested that the 7th annexation be included into the boundary of the district so any improvements or financing can move forward.

Mr. Sislowski inquired if this is something that can be completed administratively.

Mr. O'Leary stated it can but we decided to come back and reintroduce ourselves and answer any questions that the Board may have.

Mr. McCargar stated it is a courtesy that Mr. O'Leary is coming in front of the Board to inform the Board what he is doing and what he is asking the Town Manager to do. Mr. McCargar has asked Mr. O'Leary to submit the format for an approval letter that Mr. Hale can sign.

9. The Ridge at Harmony Road Metro District Internal Boundary Adjustment

Mr. O'Leary stated there has recently been an amendment to the service plan and a lot of the future inclusion area; approximately 256 acres was previously defined as a future inclusion area. Due to the increase in capital costs and the amount of debt, it was proposed to create a commercial district which was District No. 4. District 4 will be conducting an election in November. Since the time of the service plan amendment submittal, finished lots within District No. 3 are being developed and completed by four builders, with the remaining 169 acres (noted in the attached map with a black marker "1") which will need to develop and finance additional infrastructure separately from residential lots owned by homeowners. It will be proposed through a separate service plan amendment that a new District No. 5 be formed in November, but that proposal will be submitted separately through a Second Amendment to the Service Plan to be submitted in the near future. A proposed map for that District No. 5 is attached for your reference and will be handled through an amendment which creates a new District No. 5. In the interim, the developer and petitioner requests that the 169 undeveloped acres be moved from District No. 3 to District No. 1, while we are waiting for submittal, review and approval of a second amendment to the Service Plan.

Mr. Sislowski inquired if each district will have taxing authority.

Mr. O'Leary stated each district will have a taxing authority and an election.

Mr. McCargar stated a letter will be prepared by Mr. O'Leary for Mr. Hale for his approval signature.

10. Community Development Report

Mr. Ballstadt provided an overview of the Community Development report that was included in packet material.

Dr. Jones inquired as to who provides the drone videos at Randance.

Mr. Ballstadt stated TST Consulting provides the drone videos at Randance.

D. COMMUNICATIONS

1. Communications from Town Attorney

None.

2. Communications from Town Staff

a. Police Department Monthly Statistics Report February 2019

b. Windsor Liquor License Authority - 1st Quarter Report

3. Communications from Town Manager

None.

4. Communications from Town Board

Ms. Melendez gave a reminder of the CDOT SH 392/257 Network Feasibility Study Public Open House on March 28, 2019 from 4:00-6:30 at the Windsor Fire Station #1. Ms. Melendez will be speaking for a Greeley Tribune article; 60 Ideas in 60 Minutes. .

E. ADJOURN

Town Board Member Rennemeyer moved to to adjourn, Town Board Member Jones 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 8:18 p.m.



Krystal Eucker, Town Clerk