



**TOWN BOARD REGULAR MEETING**  
November 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 7:07 p.m.

1. Roll call

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

Also Present:

Shane Hale, Town Manager  
Kim Emil, Assistant Town Attorney  
Rick Klimek, Chief of Police  
Scott Ballstadt, Director of Planning  
John Thornhill, Community Development Director  
Stacy Miller, Director of Economic Development  
Krystal Eucker, Town Clerk

2. Pledge of Allegiance

Town Board Member Sislowski 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 Sislowski moved to to approve the agenda as modified by removing executive sessions E.1 and E.2 as well as the Board Liaison reports, Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

4. Proclamation

- 2019 Small Business Saturday Proclamation

Mayor Melendez read the Small Business Proclamation.

5. Board Liaison Reports

- Town Board Member Baker - Tree Board, Historic Preservation Commission  
Removed from agenda.
- Town Board Member Wilson - Parks, Recreation and Culture Advisory Board; Poudre River Trail Corridor  
Removed from agenda.

- Mayor Pro Tem Bennett - Water and Sewer Board  
Removed from agenda.
- Town Board Member Rennemeyer - Chamber of Commerce  
Removed from agenda.
- Town Board Member Jones - Windsor Housing Authority; Great Western Trail Authority  
Removed from agenda.
- Town Board Member Sislowksi - Clearview Library Board; Planning Commission  
Removed from agenda.
- Mayor Melendez - Downtown Development Authority; North Front Range/MPO  
Removed from agenda.

6. Public Invited to be Heard

Mayor Melendez opened the meeting up for public comment.

Ryan Seastrom with the Colorado Oil and Gas Association, introduced himself to the Board as a Community Outreach Coordinator with the Association and his role is to serve as a liaison between the membership of about 300 companies and local governments.

B. CONSENT CALENDAR

1. Minutes of the September 11, 2019 Special Town Board Meeting, Minutes of the November 4, 2019 Special Town Board Meeting, Minutes of the November 18, 2109 Special Town Board Meeting and Minutes of the October 28, 2019 Regular Town Board Meeting - K. Eucker
2. Resolution No. 2019-72 - A Resolution Approving and Accepting Deeds of Dedication of Rights of Way and Permanent Trail and Open Space Easements Regarding a Portion of the Windsor No. 2 Ditch Trail and SH 392 Roadway Improvements Projects - K. Emil
3. Resolution No. 2019-73 - A Resolution Approving and Ratifying the Clearview Library District's Interview Committee Selections Filling Library Board Vacancies Pursuant to Section 4 of the District's Bylaws - I. McCargar
4. Resolution No. 2019-74 - A Resolution of the Windsor Town Board Approving the De-Accession of Items from the Windsor Museum Collection - E. Lucas
5. Resolution No. 2019-75 - A Resolution of the Windsor Town Board Approving the Accessioning of Items to the Town of Windsor Museum Collection - E. Lucas
6. Resolution No. 2019-76 - A Resolution Approving Submission of an Application by the Town of Windsor for Energy and Mineral Assistance Grants from the Colorado Department of Local Affairs for the Backlots Alley Improvement Program - S. Hale
7. Resolution No. 2019-77 - A Resolution Approving an Agreement for Extension of Time Between the Town of Windsor and Great Western Industrial Park Ownership Entities With Respect to the Completion of a Secondary Access Road Serving the Great Western Industrial Park - I. McCargar

8. Resolution No. 2019-78 - A Resolution Pursuant to Section 9.1 (A) of the Windsor Home Rule Charter Reaffirming the Appointment of and Amending the Terms of Representation Between the Town of Windsor and Town Attorney Ian D. McCargar - I. McCargar
9. Resolution No. 2019-79 - A Resolution Reaffirming the Appointment of Shane Hale as Windsor Town Manager and Amending the Terms and Conditions of his Employment - I. McCargar
10. Report of Bills October 2019 - D. Moyer

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

#### C. BOARD ACTION

1. Outside Agency Funding Request - Skyview School of STEM

Per Mr. Hale, on October 24, 2019, Teri Romshek with Skyview School of STEM submitted the attached short form grant application requesting \$1,000 from the 2019 outside agency funding budget to assist in support of the 5th grade class attending the AmeriTowne class. The Ameritowne class is a full day experience that teaches personal financial literacy standards to 4th, 5th and 6th graders in a fun, hands-on way. The lessons learned would be used in creating a small scale "Skyview Ameritowne" that will be used at the school for years to come.

The 5th graders did attend Ameritowne on November 6, 2019. Funds from the school's fundraising account was used to send the class. This request would be a reimbursement back to the school.

The 2019 outside agency fund had a beginning balance of \$101,903 with \$20,866.98 spent to date, leaving \$81,036.02 remaining for 2019.

**Town Board Member Rennemeyer moved to approve the outside agency funding request for Skyview School of STEM, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

2. Ordinance No. 2019-1597 - An Ordinance Pursuant to Section 3.1 of the Town of Windsor Home Rule Charter Approving a Revision to the Boundries of Municipal Election Districts within the Town of Windsor, Colorado

Per Mr. McCargar, before the Board is an ordinance on second reading. At least 180 days before a biennial election, the Town Clerk is to determine if the number of registered electors in the district containing the lowest number of registered electors is less than eighty-five (85) percent of the number of registered electors in the District containing the highest number.

There have been no changes since the first reading and staff recommends approval.

**Town Board Member Rennemeyer moved to approve Ordinance 2019-1597, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

3. Ordinance No. 2019 -1598 – An Ordinance Repealing Subsection (b) of Section 10-11-20 of the Windsor Municipal Code Concerning the Public Consumption of Alcohol within the Public Parks in the Town of Windsor

Per Mr. Lucas, this is the second reading of the proposed elimination of the sunset ordinance. First reading occurred on October 28, 2019 and no modifications have been made.

On November 26, 2018, the Town Board passed ordinance No. 2018 - 1575 which addressed public consumption of alcohol within the Town and public parks. This occurred due to amendments to the Colorado Revised Statutes which eliminated 3.2% alcohol beverages as a licensed classification and the availability of 3.2 beer.

The aforementioned ordinance, permits beer and wine in all parks with the exception of Chimney Park unless authorized by a special event license or other local licensing authority.

The Ordinance included a sunset clause of one (1) year. The intent of the sunset clause was to force a review of the policy and enable staff and Town Board to make changes if needed based upon any issues that may arise. There have been no major impacts know from the Police Department or the Parks, Recreation and Culture Department.

Staff recommends removing the sunset clause from this ordinance.

**Town Board Member Rennemeyer moved to approve Ordinance 2019-1598, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

4. Public Hearing - Conditional Use Grant (CUG) for a Public Utility Installation Including Transmission Lines and Substation - Thornton Farm 24 Property (Avery Substation) - Nicole Korbe, Public Service Company of Colorado, Applicant; and Jennifer Chester, Tetra Tech, Applicant's Representative

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

Mr. Sislowski stated, "Madam Mayor, in my capacity as the Town Board liaison for the Planning Commission I was present at the 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. Malone, the item before the Board is a Conditional Use Grant for the property of Thornton Farm 24. This Conditional Use Grant is for public utility installation including transmission lines and a substation. This application was reviewed in accordance sections 16-7 of the Municipal Code regarding Conditional Use Grants. These are uses that are not specifically allowed by right in any other zone district.

The application was before the Board on February 25, 2019. At that public hearing, there were neighborhood and Town Board concerns expressed. Due to these concerns, the applicant chose to withdraw the application. The applicant submitted a new application on August 27, 2019.

The site is located approximately 2,500 feet east of WCR 13/Latham Parkway, approximately 1,500 feet north of WCR 76, and 2,500 feet west of Northwest Estates. If approved, the applicant's intention is to subdivide the Thornton Farm 24 property to allow for the purchase of the 10-acre site from the City of Thornton.

The site is zoned residential mixed use and the Conditional Use Grant would allow for this use in the zone district.

The substation site plan shows approximately five acres of the site containing a fully-fenced facility with the proposed equipment and towers. The east-west fence lines are proposed at approximately 500 feet in length and the north-south fence lines are proposed at approximately 600 feet in length. The perimeter fence would be a 10-foot chain link fence. Ground equipment ranges in height to approximately 30 feet; towers range from 55 feet to 75 feet tall. The access to the site would be from WCR 76 immediately north of the intersection of Brian Avenue, and

the road will extend approximately 1,500 feet to the site. A storm water detention area is planned on the northern portion of the site and a landscaping plan shows mixed evergreen and deciduous trees in a landscape buffer along the north side of WCR 76, which is Town right-of-way. Right-of way for WCR 76 was dedicated to the Town at the time of the annexation of the property. The overhead transmission line would extend to the proposed substation site from the northeast (Severance and unincorporated Weld County) to the town limits.

The application was reviewed in accordance with the Municipal Code for Conditional Use Standards including character of the area, physical appearance, location of buildings, adequate provision of parking, potential effect of off-site vehicular and pedestrian traffic, potential effect of storm drainage, plating screens, operations to control hazardous conditions and general compatibility.

This application is due to the immediate need of power in the area.

The Conditional Use Grant does not have a time period as this is a long term use.

Notifications were completed in accordance with the Municipal Code.

At their November 6, 2019 meeting, the Planning Commission forwarded a recommendation of approval of the Conditional Use Grant application to the Town Board as presented with the following conditions:

1. A site plan, including landscaping, is reviewed and approved by Staff prior to construction of the facility.
2. The applicant will obtain all applicable Town and State permitting for the facility and for development operations, including an access permit from the Town Engineering Department and 10' fence per International Building Code requirements.

Staff requests the following be entered into the record:

1. Application and supplemental material
2. Staff memorandum and supporting documentation
3. Public comment documents
4. Mineral owner/lessee waiver of notification letter and waiver of object letter
5. Testimony of public hearing
6. Recommendation

Mr Baker inquired if there was any consideration for more decorative fencing.

Ms. Malone stated because this site is so far away from residential, the landscaping closer to the residential area would better mitigate than a wall would.

Mr. Baker inquired if the property is developed in the future, could the fence be changed out at some point.

Ms. Malone stated at this point there is nothing planned.

The applicant gave a brief presentation to the Board.

Jennifer Chester informed the Board that since the public hearing in February, they have been gathering stakeholder input on the project location and revised the design from the feedback during the public open house and community member conversations.

Chad Nickel, Manager of the Distribution Planning Group addressed the Board and informed them that they are responsible for planning of the distribution system. System planning review confirmed this area provides the ability to safely and reliably serve the area now and in the future while also considering the length of new transmission line requirement, length of new distribution feeder line requirements and the siting evaluation. Substations needs to be near the customers they are serving. The Cobb Lake and Windsor Substations have been serving this area but they are reaching capacity as this is a fast growing area.

As the system becomes more constrained, there is an increased risk of issues and outages, even if customers are not experiencing them now. New feeder lines will tie into the existing

distribution system to serve existing homes in surrounding subdivisions as well as newer developments and future residential and business customers.

There were multiple locations evaluated on the 288 acres owned by Thornton. The potential impacts to agricultural operations, irrigation ditches, wetlands and wildlife, surrounding community views and the technical considerations were all considered during the evaluation. A site located further to the west and north of the original proposed site has been located for this application. A public open house was held on July 9, 2019 in which 1,700 individuals were invited; 42 members of the public signed in for the open house. A website, hotline and email were dedicated for feedback on the two site options. The west site option was the favorable option.

Details of the proposed west site option:

- Over a quarter of a mile from nearest subdivision boundary – more than double the distance of the original site proposed
  
- Worked with landowner to align access drive and distribution feeder lines with Brian Avenue to accommodate potential future development
  
- Reduced transmission line length results in fewer poles, including a reduced number of large angle structures
  
- Topography provides screening by placing the site lower in elevation in order to not block mountain views from homes to the east and places the site behind a hill which screens views from WCR 76 and neighborhoods to the south
  
- Landscape easement along WCR 76 proposed to include over 140 trees
  - Mixture of deciduous, ornamental, and evergreen to provide year round interest
  - Street trees provide more immediate screening benefit to nearby residences and travelers along WCR 76 than if placed along substation fence line

The proposed west site distribution feeders, transmission lines and access to the site will avoid the wetlands.

Upon approval of the Conditional Use Grant, a minor subdivision and site plan applications will be submitted for approval. Construction of the project is projected to begin in the spring of 2020, pending permit approvals. The substation is estimated to be in service in the spring of 2021 to provide reliable electric service to the community.

Mr. Bennett inquired if there will be any issues or outages prior to the substation coming online in 2021.

Mr. Nickel stated there are a couple different causes for power outages. The substation will prevent outages due to strain on the system. It will not prevent outages due to things like car accidents.

Ms. Melendez inquired if the applicant is agreeable to the recommendations that came from the Planning Commission meeting.

Per Ms. Chester; yes, absolutely.

Mike Mitchell, 6771 Steven Street, Windsor, CO addressed the Board and is thankful to all involved that worked on moving the station.

Marsha Maeda, 6711 Steven Street, Windsor, CO thanked the Board for all the efforts that resulted in this new proposal.

Jeffrey Roybal, 224 N 6th, Windsor, CO recognized the Planning Department for their efforts.

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

5. Conditional Use Grant (CUG) for a Public Utility Installation Including Transmission Lines and Substation - Thornton Farm Annexation (Avery Substation) - Nicole Korbe, Public Service Company of Colorado, Applicant; and Jennifer Chester, Tetra Tech, Applicant's Representative  
Please see public hearing item memorandum and supporting documents.

Ms. Malone had nothing further to add.

Mr. Baker thanked the residents, staff and Xcel for their efforts.

Ms. Melendez echoed Mr. Baker's comment.

**Town Board Member Rennemeyer moved to approve the Conditional Use Grant for the public utility installation including transmission lines and substation, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

6. Public Hearing – Resolution No. 2019-80 - Final Major Subdivision - Poudre Heights Subdivision 3rd Filing

Mayor Melendez and Town Board Member Rennemeyer recused themselves from this agenda items C.6, C.7 and C.8.

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

Mr. Sislowski reminded the Board of his earlier disclosure.

Per Mr. Hornbeck, the applicant has submitted a final major subdivision plat, known as Poudre Heights Subdivision 3rd Filing. The subdivision encompasses approximately 92 acres and is zoned Residential Mixed Use (RMU).

The property was a part of the Poudre Heights Master Plan approved by Town Board in 2003 (Resolution 2003-53). That Master Plan included a total of 586 units and street connections consistent with the current proposal. The original Master Plan included 163 lots in the now built-out 2<sup>nd</sup> filing (the 1<sup>st</sup> filing did not create developable lots) and 423 lots in area currently under consideration for the 3<sup>rd</sup> filing. Town Board approved an amended Master Plan in 2014 (Resolution 2014-64) which relocated the multifamily land uses from the center and northern portions of the site to the eastern portion of the site and to reorient the internal street system. Connections to surrounding streets remained consistent with the original Master Plan.

The current proposal is summarized as follows:

- A total of 393 lots (266 single family lots & 127 multi-family lots)
- Single family minimum lot size of 6,000 square feet (average of 8,350 square feet)
- 127 multi-family lots for 2, 3, and 4 unit buildings on approximately 8 acres
- Approximately 14 acres of open space, private drives, and utility & drainage tracts
- 1 future development tract for possible clubhouse on ½-acre;
- Approximately 19 acres of public right-of-way dedication
- Extension of the B.H. Eaton Ditch Trail from Poudre Heights Park to the Poudre River Trail

The existing Poudre Heights neighborhood has two access points: Riverplace Drive on 7<sup>th</sup> Street and Green River Drive on New Liberty Road. The proposed 3<sup>rd</sup> Filing will add one additional access point to the surrounding roadway network by connecting to Merlin Lane, which intersects with New Liberty Road. The internal street network will extend Riverplace Drive, Colorado River Drive, and Yampa River Drive from their current terminus points into the 3<sup>rd</sup> Filing.

An 8.5 acre property abutting the southwest portion of the proposed development (Assessor Parcel Number 080729301002) currently has no direct road frontage is accessed via easements across surrounding properties. Should that property develop in the future it will likely need at least two points of access via improved roads, which the Poudre Heights 3<sup>rd</sup> filing will provide by dead-ending two roads at the property boundary.

At the Planning Commission hearing on this item two homeowners in Hilltop Estates expressed concern with the Merlin Lane connection due to increased traffic through their neighborhood. However, the connection between Hilltop Estates and Poudre Heights has long been planned. The Hilltop Estates subdivision plans show Merlin Lane stubbed to the property boundary adjacent to Poudre Heights. Subsequently the Poudre Heights Master Plan from 2003, and amended in 2015, shows the connection. In accordance with these plans, when the Hilltop Estates Subdivision was built Merlin Lane was stubbed out to the property boundary in anticipation of the future connection with Poudre Heights.

Connecting Merlin Lane is consistent with direction for highly connected neighborhoods that is provided in the Comprehensive Plan and in early drafts of the Transportation Master Plan. The intent of a highly connected road network is to provide more direct connections to destinations and disperse traffic to multiple roads rather than concentrating traffic on a limited number of roads, in this case Riverplace Drive and Green River Drive. Maintaining roadway connections where feasible is particularly important in the case of Poudre Heights due to limited opportunities for connections to the north due to the Poudre River and associated floodplain and to the west due to the planned Raindance golf course.

Other recent developments utilizing or installing roadway connections have also seen neighbor concern with increased traffic, but Town Board has been consistent in requiring connections needed to enhance the overall transportation system. Examples include the extension of Steeplechase Drive to Fairgrounds Avenue and the South Hill 2<sup>nd</sup> Filing connecting to Kestrel Drive and Hilltop Drive. Given all the factors outlined herein, staff recommends that Merlin Lane be constructed as shown, consistent with the Planning Commission recommendation to Town Board.

Two neighbors at the Planning Commission hearing and email expressed concerns about increased traffic in Poudre Heights due to the proposed development. The traffic study completed for the subject development indicates traffic impacts will be within an acceptable level with the exception of Riverplace Drive at 7<sup>th</sup> Street. That intersection currently experiences delays during peak hour (AM and PM rush hours) with left turns currently functioning at a level of service C (on an A – F scale) with delays of 23 seconds during AM and PM peak hours. The traffic study anticipates that buildout of the subdivision without intersection improvements would, by 2023, result in left turns with a level of service F and delays of 51 seconds for AM peak hour and a level of service D and 34 second delays for PM peak hour.

Municipal Code Section 17-10-60 requires all development to maintain a level of service D or better so improvements to the intersection are needed; however, the location of 7<sup>th</sup> Street within a floodplain limits the number of options for improvements. Solutions such as a roundabout or a left turn acceleration lane with median are not viable because they would require vertical improvements that would negatively impact flows during a flood event. Normally, a traffic signal would only be installed if signal warrants are met. Signal warrants are established by the Manual on Uniform Traffic Control Devices (MUTCD) and include thresholds such a minimum traffic volumes, school crossings, crash history, and other circumstances. In this case, it's unclear if warrants will ever be met for the intersection; however, given the floodplain constraints, the only viable solution to maintain Level of Service D or better appears to be the installation of a traffic signal.

An applicant is typically responsible for 100% of the improvements needed to serve a development. In this case, since the 1<sup>st</sup> filing of Poudre Heights is contributing to the intersection delays, a prorated contribution by the developer based on number of lots is seen as an equitable solution. The proposed 393 lots equate to 71% of the total lots in all of Poudre

Heights. Therefore, staff and Planning Commission recommend a developer contribution of 71% towards construction of a traffic signal.

Another issue raised at Planning Commission were comments by two homeowners on Dolores River Drive in the current Poudre Heights neighborhood regarding a request for a landscaped buffer between the proposed development and their properties. The proposed development abutting their properties is single family lots consistent in character and intensity with the existing neighborhood. Furthermore, as outlined above, the development of the current proposal has long been planned. Given these factors and the fact that the applicant has met all subdivision requirements, staff believes mandating a buffer at this stage of the review process would be an overly burdensome requirement.

Approximately 168 lots on the eastern and northern portions of the subdivision fall within the 100 year floodplain. Development in the floodplain is subject to extensive review by the Town of Windsor Engineering Department's Floodplain Manager and by the Federal Emergency Management Agency. The lots in the floodplain will be elevated above the 100 year floodplain by use of fill dirt and will require a subsequent Letter of Map Revision issued by (FEMA) to certify the elevation above the floodplain. The Town floodplain requirements in the Municipal Code exceed the baseline FEMA requirements by prohibiting basements and requiring a base elevation one foot above the 100 year floodplain.

The applicant held neighborhood meetings on June 24, 2015, and August 14, 2018, in accordance with Chapter 16, Article XXXI of the Municipal Code.

Notifications were completed in accordance with the Municipal Code.

At their November 6, 2019 meeting Planning Commission forwarded to Town Board a recommendation of approval of the final major subdivision as presented subject to the following conditions:

1. The applicant shall contribute 71% of the cost towards construction of a traffic signal at the intersection of Riverplace Drive and 7th Street with the Town paying the remaining 29%.
2. All remaining Planning Commission and staff comments shall be addressed.

Staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Testimony from the public hearing
- Recommendation

Mr. Wilson inquired if the oil and gas operations close to the proposed site meet the current setback requirements.

Per Mr. Hornbeck; yes.

Mr. Baker inquired if a light was at Riverplace and 7th, would Merlin Lane still be needed.

Mr. Hornbeck stated Merlin Lane was considered as a part of that analysis.

Mr. Sislowski inquired if there is timing on when the traffic light would be put in place.

Mr. Hornbeck stated payment of the traffic light would be required prior to the first building permit being issued.

Spike Rumley addressed the Board and made himself available for questions.

Mr. Bennett inquired if Mr. Rumley was in agreement with the traffic light.

Per Mr. Rumley; yes. The flooding that takes place on 7th street is right at that intersection.

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

7. Resolution No 2019-80 - A Resolution Approving the Final Major Subdivision - Poudre Heights Subdivision 3rd Filing

Mr. Hornbeck has nothing further to add.

**Town Board Member Sislowski moved to Resolution No. 2019-80, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Sislowski, Wilson; Abstain - Melendez, Rennemeyer; Motion Passed.**

8. Resolution No. 2019-81 - A Resolution Approving a Final Site Plan for Poudre Heights Subdivision 3rd Filing

Per Mr. Hornbeck, the applicant has submitted a final site plan, known as Poudre Heights Subdivision 3rd Filing – Site Plan. The site plan encompasses approximately 15 acres and is zoned Residential Mixed Use (RMU). A total of 127 townhomes are being proposed, along with HOA maintained open space. A mix of two-, three-, and four-unit buildings are proposed.

The proposal is summarized as follows:

- 127 townhome units in 47 buildings
- Driveway access is provided from private drives
- 2 car garages per unit, 20 off-street guest parking spaces, and adjacent parking on public streets for up to 135 cars
- Small yards with each unit

Building architecture is summarized as follows:

- Maximum building height of 28 feet
- Generally two story buildings which include one story elements
- Pitched roofs with varied rooflines
- Primary finish materials of brick and stone veneer, fiber cement lap siding, and hardboard wood siding with stucco finish

The application is in conformance with the Comprehensive Plan.

At their November 6, 2019 meeting, the Planning Commission did forward a recommendation of approval of the final site plan as presented; 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. Baker inquired if the townhome units with garages will have longer driveways to accommodate parking.

Mr. Hornbeck stated some of them have driveways to accommodate parking. The application does meet current parking standards.

Mr. Rumley stated each of the townhome units have a two car garage and they are accessed from the rear of the unit; the units do not have long drives for parking.

**Town Board Member Wilson moved to approve Resolution 2019-81, Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Sislowski, Wilson; Abstain - Melendez, Rennemeyer; Motion Passed.**

9. Resolution No. 2019-82 - A Resolution of the Windsor Town Board in Favor of the Efforts of the Windsor Housing Authority in Seeking Financial Support From the Colorado Housing and Finance Authority With Respect to a Senior Housing Project Proposed for a Location Within the Town of Windsor, Colorado, and Specifying the Financial Support Available in Conjunction

Therewith

Per Mr. Hale, on October 21, 2019, representatives of the Windsor Housing Authority presented a request for development fee waivers in support of an planned application to the Colorado Housing and Finance Authority. The application seeks funding to building the first phase of the Golden Meadows senior housing facility on property owned by the WHA on 15th Street in Windsor.

The fee waivers for both phases of the facility are estimated to total approximately \$651,839.00, although the first phase of the project will not require the full amount.

Nancy Salazar with the Windsor Housing Authority is available for any questions.

Mr. Sislowski inquired if this project will be a priority for Windsor residents to obtain housing. Ms. Salazar stated the housing can not be limited to Windsor residents, however when the eligibility is considered, more points can be given to Windsor residents.

Mr. Sislowski stated he struggles with this agenda item and will be voting against it this evening.

**Town Board Member Rennemeyer moved to approve Resolution No. 2019-82, Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Melendez, Rennemeyer, Wilson; Nays - Sislowski; Motion Passed.**

10. Resolution No. 2019-83 - A Resolution Approving a Settlement Agreement Between the Town of Windsor and the Poudre Tech Metropolitan District with Respect to Raw Water Dedication

Mr. Sislowski recused himself from this agenda item as he is on the Board for Water Valley.

Mr. Hale stated this Resolution approves an agreement with the Poudre Tech Metropolitan District to settle claims arising out of the over-dedication of raw water by the District between March, 2000 and July, 2019. We were first made aware of the over-dedication in June of this year. Following extensive analysis and discussions with the District, we have negotiated the settlement agreement as a full and final resolution of all claims for reimbursement and/or development credits.

The agreement provides that 172 single-family equivalent building permits will be available to the District and its assignees without further raw water dedication. The credits may be used in support of development anywhere in Windsor's water utility service area.

The District Board of Directors has approved the form of the agreement, and will take formal action following Town Board action.

**Town Board Member Rennemeyer moved to approve Resolution No. 2019-83, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Melendez, Rennemeyer, Wilson; Abstain - Sislowski; Motion Passed.**

11. Resolution No. 2019-84 - A Resolution Approving Ultimate Support Systems Incentive Agreement

Per Ms. Miller, Economic Development staff met with representatives from Ultimate Support Systems in June of 2019. Ultimate Support Systems is an R&D, warehouse, distribution facility that produces innovative technologies, software and equipment for the music Industry. They temporarily leased some space in Loveland, but they are looking to build a permanent facility in Northern Colorado. They are considering locations in Centerra in Loveland, Iron Horse in Johnstown and Diamond Valley in Windsor. They have currently identified a location at 1130 Diamond Valley Drive.

When the company requested a commercial fee estimate for the 100,000 planned facility, the fees were higher than they anticipated. They reached out to the economic development office for any possible assistance.

Ultimate Support Systems would like to start building their facility in 1st quarter of 2020. They have 20-30 more employees planned in Phase II and they also plan on building a 53,000 sq. ft. facility to lease out, neither of those are included in this current analysis.

it is being requested that the use tax be waived at \$159,286.

The economic impact analysis over 10 years leave a net fiscal benefit of over \$963,524. The incentive payback will be approximately seven and a half months and it will have no impact on the Economic Development fund as there are no enterprise fees being waived.

Mr. Rennemeyer inquires as to the nature of the business.

Ms. Miller stated Ultimate Support Systems is a company that produces musical software and/or musical equipment.

**Mayor Pro Tem Bennett moved to approve Resolution No. 2019-84, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

12. Public Hearing 2020 Budget

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

Mr. Moyer stated it is estimated that there will be an increase in sales tax collections but not a change in the rate. The mill levy will remain at 12.03 mill which has not changed since 2004. Water and stormwater rates will increase.

The budget notice was published on November 15, 2019.

Mr. Baker thanked Mr. Moyer and the finance staff for their work on the budget.

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

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

13. Resolution No. 2019-85 - A Resolution Summarizing Expenditures and Revenues for Each Fund, and Adopting a Budget for the Town of Windsor, Colorado, for the Calendar Year Beginning on the First Day of January, 2020 and ending on the last day of December 2020, and Appropriating Sums of Money to the various Funds and Spending Agencies, in the amount and for the purpose as set forth below, for the Town of Windsor, Colorado, for the 2020 Budget Year

Mr. Moyer had nothing further to add.

Ms. Melendez thanked Mr. Moyer and the finance staff for all their work on the budget.

**Town Board Member Rennemeyer moved to approve Resolution No. 2019-85, Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

14. Resolution No. 2019-86 - A Resolution Levying General Property Taxes for the Taxable Year 2019 to help defray the Costs of Government for the Town of Windsor, Colorado, for the 2020 Budget Year, Weld County

Mr. Moyer stated the mill levy in Larimer and Weld counties is at 12.03.

**Town Board Member Sislowski moved to approve Resolution No. 2019-86, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

15. Resolution No. 2019-87 - A Resolution Levying General Property Taxes for the Taxable Year 2019 to help defray the Costs of Government for the Town of Windsor, Colorado, for the 2020 Budget Year, Larimer County

Mr. Moyer stated the mill levy in Larimer and Weld counties is at 12.03.

**Mayor Pro Tem Bennett moved to Resolution No. 2019-87, Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

16. Resolution No. 2019-88 - A Resolution for Supplemental Appropriation of Funds Appropriated but not Expended in 2019

Per Mr. Moyer, new for 2020, staff is respectfully requesting the Board's permission to carry over from 2019 into 2020, the respective appropriations and associated funding for a number of capital projects that remain incomplete moving towards the end of 2019. Combined, these unfinished projects amount to \$9,545,000 in unspent balances.

Dissimilar to prior years, where unfinished capital projects were funded via a supplemental budget addition at the end of the year in which the projects were completed, carry-over projects will be fully funded and appropriated at the beginning of 2020, should this resolution be passed. There are two major reasons for this request;

1. The magnitude of the remaining expenses for the projects that will be carried over from 2019, is dictating that adequate appropriations be in place for 2020.
2. To provide ample insight and transparency into the Town's Capital Improvement Program.

**Town Board Member Rennemeyer moved to approve Resolution No. 2019-88, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

17. Finance Report September 2019

Mr. Moyer provided an overview of the September 2019 finance report that was included in packet material.

#### D. COMMUNICATIONS

1. Communications from Town Attorney  
None
2. Communications from Town Staff
  - a. Windsor Police Department October 2019 Statistical Report
3. Communications from Town Manager  
Mr. Hale stated all administrative office will be on a two hour delay tomorrow due to weather.
4. Communications from Town Board

None

E. EXECUTIVE SESSION

1. An Executive Session Pursuant to Colorado Revised Statutes § 24-6-402 (4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to cable television franchise (Brandon Dittman, Special Counsel)  
Removed from agenda.
2. An Executive Session Pursuant to Colorado Revised Statutes § 24-6-402 (4) (b) to Confer with the Town Attorney for the Purposes of Receiving Legal Advice on Specific Legal Questions Concerning the Town's cable television franchise with Comcast of Colorado IV, LLC (Brandon Dittman, Special Counsel)  
Removed from agenda.

F. ADJOURN

The meeting was adjourned at 9:13 p.m.



---

Krystal Eucker, Town Clerk