



TOWN BOARD REGULAR MEETING
January 27, 2020 - 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 7:22 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
Rick Klimek, Chief of Police
Aaron Lopez, Commander
Scott Ballstadt, Director of Planning
Eric Lucas, Director of Parks, Recreation and Culture
Paul Hornbeck, Senior Planner
Janine Hegeman, Stormwater Coordinator
Kim Emil, Town Prosecutor/Assistant Town Attorney
John Thornhill, Community Development Director
Krystal Eucker, Town Clerk

2. Pledge of Allegiance

Town Board Member Bennett 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 with the addition of the Life Saving Awards Presentation, 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. Presentation

- Tree Board-End of Year Review

Alison O'Connor gave a presentation to the Board on what the Tree Board worked on in 2019 and what they are planning for 2020.

- The Tree Board is doing presentations at the Clearview Library in partnership with the Larimer and Weld County Extension Offices.
- A Tree Symposium was held in February of 2019 with a walking turnout of 50 individuals.

- The 2020 Sick Tree Day will be in June 23, 2020.
- The Arbor Day theme for 2020 will be "Plant Small, Grow Tall" and presentations will take place at the schools as well as the tree sale.

- Life Saving Awards

Chief Klimek presented Life Saving Awards to Sargent Rick Cook and Officer Josh Dunworth for their work on a call on May 17, 2019. An AED was used along with CPR to save an individual's life.

Chief Klimek presented Life Saving Awards to Sargent Rick Cook, Officer Marshall Allan and Officer Kyrie Rosson for their work on a drug overdose call on October 14, 2019. The officers used NARCAN as an aid in reviving the individual.

5. Board Liaison Reports

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

Town Board Member Baker had no update on the Tree Board as the next meeting is the following evening.

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

Town Board Member Wilson had no update on PReCAB.

Mr. Wilson reported the Poudre River Trail Corridor Board had a joint meeting with Larimer County, Weld County, City of Greeley and the City of Fort Collins to start looking at the entire Poudre River Corridor and not just the Trail.

- Mayor Pro Tem Bennett - Water and Sewer Board

Mayor Pro Tem Bennett had no update.

- Town Board Member Rennemeyer - Chamber of Commerce

Town Board Member Rennemeyer gave a reminder of the annual nominations for the Chamber Business Community Awards program will open this week; members can submit nominations for each category. Nominees will be notified in February to attend the April 9, 2020 awards program. A candidate forum will be held on March 17, 2020 at the Community Recreation Center; candidates for Windsor Town Board seats in District 1, 3 and 5 as well as the Mayor seat.

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

Town Board Member Jones reported the Windsor Housing Authority met last week and put the final touches on the application that will be submitted to the State of Colorado.

Dr. Jones reported the Great Western Trail Board has decided to reduce the scope of the project due to the property dispute.

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

Town Board Member Sislowski reported the Clearview Library Board will be meeting this week.

Mr. Sislowski reported the Planning Commission met and the item presented at that

meeting is also on tonight's agenda.

- Mayor Melendez - Downtown Development Authority; North Front Range/MPO
Mayor Melendez reported the DDA will be applying for the DOLA grant to complete the undergrounding project on the back alley between 4th and 5th Street. The demolition of buildings on the property from 5th to 6th Street has been on hold so Xcel can remove utilities.
A joint meeting with the DDA and Town Board will take place on February 12, 2020 to look at the Brinkman plan and what that proposal will be.

6. 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 December 9, 2019 Regular Town Board Meeting, Minutes of the January 6, 2020 Special Meeting and Minutes of the January 13, 2020 Regular Town Board Meeting - K. Eucker
2. Resolution No. 2020-03 - A Resolution Authorizing a Change of Street Name for St. Andrews Drive to Bay Hill Drive in The Villages At Ptarmigan Subdivision - P. Hornbeck
3. Report of Bills December 2019 - D. Moyer

Town Board Member Rennemeyer moved to approve the consent calendar as presented, Town Board Member Sislowski 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. 2020-04 - A Resolution Approving 2020 Outside Agency Funding Requests

Town Board Member Rennemeyer moved to postpone Resolution No. 2020-04 to the regular Town Board Meeting on February 10, 2020, 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.

2. Resolution No. 2020-05 - A Resolution Approving a Master Plan Amendment – Future Legends – Jeff Katofsky, Future Legends, LLC., owner/ applicant; Rob Van Uffelen, Galloway & Company, applicant's representative

Per Mr. Hornbeck, the owner/ applicant Mr. Jeff Katofsky of Future Legends, LLC., represented by Mr. Rob Van Uffelen of Galloway & Company, Inc., is requesting to amend a portion of the Altergott Farms Annexation Master Plan, specifically Lot 1, Block 3 of the Diamond Valley Subdivision and Tract A of Diamond Valley Subdivision Fifth Filing for the project known as Future Legends. Tract A was transferred from the Town of Windsor to the property owner earlier in 2019, and is the former Diamond Valley Park. The site is approximately 132 acres in size and is zoned Limited Industrial (IL).

The Master Plan depicts the following uses:
Stadium (3,400 seats)

- Two inflatable domes with multiuse sports fields (94,000 square feet each)

- 8 baseball fields
- 1 baseball miracle field
- 8 soccer/multiuse fields
- Sand volleyball
- Dormitory (30,000 square feet)
- Two hotels (270 total rooms)
- Extended stay facility (50 rooms)
- Medical office building (40,000 square feet)
- General retail uses (80,000 square feet)
- E-Gaming/ Theatre (280 seats)
- Parking (1200+/- stalls)

Other elements on the site include:

- Town master drainage channel to convey storm-water north to south through the site
- Town trail following the general alignment of the drainage channel
- Major Greeley waterlines traversing the site

Two primary access points are proposed as follows:

- An intersection on Eastman Park Drive
- An intersection with Diamond Valley Drive between Jackson Ct. and Logistics Dr.

Additional access points proposed include:

- Parking lot accessed from Diamond Valley Drive
- Emergency access from the Garden Drive which could serve as an additional public exit during events

A traffic study is currently being prepared for the site and subsequent site plans will need to adhere to the findings of the study.

The Master Plan shows four phases of construction:-

- Phase 1 – two soccer/ multi-use fields approved by administrative site plan in November, 2019 and currently under construction
- Phase 2 – stadium, hotels, and inflatable domes
- Phase 3 – remainder of sports fields
- Phase 4 – retail uses, medical office building, e-gaming/ theater facility, extended stay facility

The application is in conformance with the Comprehensive Plan as well as the Strategic Plan.

At their January 15, 2020 meeting, Planning Commission forwarded to Town Board a recommendation of approval of the Master Plan amendment subject to the following conditions:

1. All outstanding staff and Planning Commission comments shall be addressed.
2. Master Plan approval shall not be deemed to release any portion of the Property from the requirements and limitations of the First Amended and Restated Agreement for Cooperative Development and use of Diamond Valley Property dated January 28, 2019. Release of any such requirements and restrictions shall be effective only upon official action of the Windsor Town Board taken at a regular or special meeting in accordance with the Town's Home Rule Charter.
3. Due to the absence in the record of a transportation impact study (TIS), the type and extent of access improvements to the property from Eastman Park Drive shall be determined based upon the Town's transportation consultant review of the applicant's forthcoming TIS. All other traffic study findings as determined by the Town's transportation consultation review shall be incorporated into the Master Plan as recommended.
4. Permanent structures shall be setback from plugged and abandoned oil and gas wells in accordance with any such setback requirement in place at the time of site plan submittal.
5. As a condition of the first subdivision approval for the Property, the portion of "Area E" providing east-west access to the site as depicted in this Master Plan shall be dedicated as a privately-maintained permanent public access easement to remain open for street and parking purposes associated with Town of Windsor Parks and Recreation-related

uses.

6. A 20-foot-wide easement for a future Town-owned 12-inch water line along the eastern property boundary of Area D shall be dedicated to the Town as a condition of the first subdivision approval for the Property. The water line, if installed, shall be installed at the expense of the Town or parties benefitted by the water line.
7. All Planning Commission and staff comments being address.

Staff Requests the following be entered into the record:

- Application and supplemental material
- Staff memorandum and supporting documents
- Any testimony received during the public meeting
- Recommendation

Mr. Baker inquired about the traffic impact study and if there will be amendments based on that study.

Mr. Hornbeck stated the concern is the access to Diamond Valley Drive and whether that is a traffic signal or roundabout. There will be site plans reviewed as well for the different phases. That traffic study will need to be completed to implement those site plans.

Dr Jones inquired if there should be a rezoning to accommodate the plans.

Mr. Hornbeck stated the industrial zone allows for the commercial uses so there is no need to rezone.

Dr. Jones inquired if there are any abandoned wells.

Mr. Hornbeck stated there is one abandoned well on the southern portion of the site and the reason for the condition is that the Town does not have a requirement for setback from plugged and abandoned wells although knowing that is a potential items that may be looked into, Windsor wants the site to conform to any regulations that may be adopted.

Dr. Jones inquired if the parking will be adequate.

Mr. Hornbeck stated the parking is adequate.

Dr. Jones inquired if there is a timeline for the future phases.

Mr. Larry Thomas with Hensel Phelps addressed the Board and stated the goal get in the ground in April. Construction will come in three phases; 1A will be the stadium, hotels and the field and dormitory, Phase 1B would be the retail portion and phase 2 would be the last of the retail.

Mr. Sislowski inquired about area E.

Mr. Hornbeck stated it is a Town of Windsor access point.

Mr. Baker inquired if there will be parking beyond what MLB requires if there are more than one event at the facility.

Mr. Hornbeck stated there is the potential for overflow parking on the southeast corner.

Mayor Pro Tem Bennett moved to approve Resolution No. 2020-05, 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.

3. Resolution No. 2020-06 - A Resolution Approving Modifications to the Road Impact Fee Schedule Pursuant to Section 17-15-100(b) of the Windsor Municipal Code

Per Mr. Ballstadt, Section 17-15-100(b) of the Municipal Code which requires the Town to perform an annual review of the Road Impact Fee Table and make adjustments to account for inflation. Based on the most recent 2 year annual data calculations of Q2 Colorado Construction Cost Index (CCI) figures published by the Colorado Department of Transportation (CDOT), the 2019 annual adjustment results in an increase of 3.18%.

Town Board Member Rennemeyer moved to approve Resolution No. 2020-06, Town

Board Member Jones seconded the motion. Roll call on the vote resulted as follows; Yeas - ; Motion Passed.

4. Resolution No. 2020-07 - A Resolution Setting Public Hearing Dates for the Overland Annexation

Per Mr. Hornbeck, the property owner/applicant Ms. Zada Ann Steidl and Mr. Eric J. Steidl, represented by Ms. Julia Malisos, has submitted a petition to annex approximately 173 acres to the Town of Windsor and zoned Residential Mixed Use (RMU). A Planned Unit Development (PUD) zoning overlay is being reviewed concurrently with the annexation.

The purpose of this resolution is to make certain findings of fact concerning the annexation, determining substantial compliance with the Colorado Municipal Annexation Act (Act). The Act requires that after a conforming annexation petition has been submitted, Town Board shall set a hearing date to determine if the allegations made in the petition are supportable and if the property is eligible for annexation. Said hearings will be held on March 4, 2020 by the Planning Commission and March 9, 2020 by the Town Board.

Town Board Member Rennemeyer moved to approve Resolution No. 2020-07, 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.

5. Resolution No. 2020-08 - A Resolution Approving an Intergovernmental Agreement for Co-Regulation of Overlapping MS4 Permit Areas Between the Town of Windsor and City of Loveland

Per Ms. Hegeman, Loveland has approved a development proposal to be undertaken at or near Fairgrounds Avenue from Travers Stakes to Crooked Stick, and although the bulk of the Site is within Loveland, construction activity at the Site will necessarily take place across both Loveland's and Windsor's MS4 regulated areas. Both Windsor's and Loveland's MS4 regulations contemplate shared MS4 permit oversight where overlapping MS4 areas are under construction. Per this IGA, Loveland will assume all MS4 responsibilities for the Site, and will forward all MS4 inspection reports to Windsor.

Staff recommends approval of Resolution 2020-08.

Town Board Member Wilson moved to approve Resolution No. 2020-08, 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.

6. Resolution No. 2020-09 - A Resolution Approving the Form of a Draft NISP Phase 1 Asset Acquisition Agreement, and Authorizing the Mayor to Execute Same Upon Presentation

Per Mr. McCargar, the Phase 1 Agreement is the legal tool by which Northern Water's NISP Enterprise will contract with each NISP Participant to assemble approximately \$20M for the initial acquisition of various assets and contract rights that will be later needed for the diversion, storage, collection, and distribution of water yielded by the NISP Project. The Phase 1 Agreement is in addition to the annual agreements the participants execute for the operation, maintenance, legal, administrative, improvements, and other costs of developing NISP. Windsor's financial commitment under the Phase 1 Agreement will be \$1.65M, a proportional amount reflecting its 3,300 AF share of total NISP capacity.

Town Board Member Rennemeyer moved to Resolution No. 2020-09, 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.

7. January 2020 Community Development Report

Mr. Balstadt provided an overview of the Community Development Report that was included in packet material.

D. COMMUNICATIONS

1. Communications from Town Attorney

None.

2. Communications from Town Staff

a. Windsor Police Department November and December 2019 Statistical Report

3. Communications from Town Manager

Mr. Hale informed the Board of the monthly strategic plan report that was included in packet material.

a. Monthly Envizio Report

4. Communications from Town Board

None

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

The meeting was adjourned at 8:30 p.m.



Krystal Eucker, Town Clerk