



**TOWN BOARD REGULAR MEETING**  
February 24, 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 7:08 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  
Eric Lucas, Director of Parks, Recreation and Culture  
Alexa Spykstra - Events Coordinator  
Tara Fotsch - Manager of Recreation  
Jessica Humphries - Administrative Services Director  
Krystal Eucker, Town Clerk

2. Pledge of Allegiance

Town Board Member Rennemeyer 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, 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. Board Liaison Reports

- Town Board Member Baker - Tree Board, Historic Preservation Commission  
Town Board Member Baker had no report.
- Town Board Member Wilson - Parks, Recreation and Culture Advisory Board; Poudre River Trail Corridor  
Town Board Member Wilson reported the Parks, Recreation and Culture has been working on their strategic plan and had their public outreach for that plan. They are also working on some dedications in Town.
- 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 reported the Chamber conducted normal business at their last meeting. The Candidate Forum is scheduled for March 17, 2020 for candidates in the Windsor Municipal Election. On April 9, 2020, in lieu of the normal annual awards dinner, an awards ceremony will be held recognizing different significant individuals in the community.

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

Town Board Member Jones reported the Windsor Housing Authority meeting was cancelled due to lack of a quorum.

Dr. Jones reported the Great Western Trail Authority met with their engineer and a request for bids will be going out on March 10, 2020.

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

Town Board Member Sislowksi had no update for the Library Board.

Mr. Sislowksi reported the item on the Planning Commission agenda is on this evening's agenda.

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

Mayor Melendez reported the DDA met and they will be moving forward with the ally design and the undergrounding project. There are two firms that responded to the RFP and they will be interviewed in the next week or so to choose a firm for the ally design. The DDA is also looking at placing a lodging tax on the November ballot.

5. 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 February 10, 2020 Regular Town Board Meeting and Minutes of the February 12, 2020 Special Town Board Meeting - K. Eucker
2. Resolution No. 2020-12 - A Resolution Approving an Amended Fee Schedule for MS4 Inspection Services in Accordance with an Agreement Between SAFE BUILT Colorado, LLC and the Town of Windsor - J. Hegeman

**Town Board Member Rennemeyer moved to approve the consent calendar with the correction to the minutes that Dr. Jones was in attendance at the 02/12/20 Special Meeting, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowksi, Wilson; Motion Passed.**

C. BOARD ACTION

1. Public Hearing - Ordinance No. 2020-1601 - An Ordinance Amending Section 16-31-10(a)(2) of the Windsor Municipal Code Regarding Posting Requirements and Sign Specifications

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

Per Mr. Ballstadt, currently, Planning and Engineering staff coordinate to post on-site metal public hearing signs for applications and properties requiring public hearings. This requires the Town to purchase and maintain an inventory of metal signs that currently require storage space at Public Works facilities. Planning and Engineering then coordinate to have staff retrieve signs from Public Works, take them to project sites to be installed and photographed. Upon completion of the public hearing, the same coordination takes place to have the signs retrieved and returned to storage.

The proposed ordinance will shift these sign posting requirements to the proponents of such applications. Applicants will be given specific instructions as to where they can purchase temporary corrugated plastic signs with specific text from local sign companies (estimated \$60 - \$65 per sign), as well as providing how and where the signs should be mounted (please see attached examples).

This is consistent with direction other jurisdictions are taking and will result in Town savings of direct costs, storage and staff resources.

Staff recommends approval of the Ordinance on first reading.

Mr. Rennemeyer inquired if staff will still be involved to make sure the signs are up when they are supposed to be up.

Mr. Ballstadt stated in the internal process, it will most likely be a requirement to have a photo submitted with a time stamp.

Mr. Baker inquired if this will really be a cost savings for the Town.

Mr. Ballstadt stated the Town has not had to purchase new signs yet although it is getting to that point where there have been enough public hearings lately that new signs would need to be fabricated. There is coordination between the Planning Department, construction inspectors and the Engineering Department to work with Public Works to post the hearing notices.

Mr. Hale stated another consideration that has nothing to do with costs, last year the Avery Substation was not posted properly which resulted in a delay in the project. This process would shift the responsibility of the posting to the applicant.

Dr. Jones inquired as to what the signs are like now.

Mr. Ballstadt stated the signs are metal and two-sided. There are some that reference an annexation and some that say land use proposal; there may be some that are specific to conditional use grants. The signs also direct any inquiries to the Planning Department. There will be more information required on the signs the applicant post in this ordinance.

Mr. Bennett inquired as to who has the current legal responsibility to post the hearing notice.

Mr. Ballstadt stated it is currently the responsibility of the Town although this ordinance would put the responsibility of the sign posting on the applicant. If the applicant fails to post the notice, the public hearing would be postponed until the hearing was posted in accordance with the Municipal Code.

Ms. Melendez inquired as to what other municipalities do it this way.

Mr. Ballstadt stated he believed Loveland and Fort Collins are both doing something similar.

Ms. Melendez inquired if other options were looked at.

Mr. Ballstadt stated there were no other options discussed. If the Town maintains the sign inventory, it would probably remain status quo as it may get confusing to have different options for sign posting.

Ms. Melendez opened the meeting up 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, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

2. Ordinance No. 2020-1601 - An Ordinance Amending Section 16-31-10(a)(2) of the Windsor Municipal Code Regarding Posting Requirements and Sign Specifications

Mr. Ballstadt had nothing further to add.

Mr. Sislowski inquired if this ordinance will be universal for all posting requirements.

Mr. Ballstadt stated this ordinance does not present any changes to the time frames currently in the Municipal Code. There are statutory requirements for annexations and rezonings.

Ms. Melendez inquired if there were any developers contacted about the proposed change.

Per Mr. Ballstadt; no, this was strictly about posting the sign.

Ms. Melendez commented that she will be voting no on this ordinance this evening as it feels like it has not been well vetted and there are too many questions about placing the responsibility on the applicant.

Mr. Sislowski also mentioned there was not a clear cost benefit analysis of the change either.

Mr. Bennett commented that it is not just the cost of the sign but staff time and logistics. Mr. Bennett stated he will also vote no at this time as there needs to be more questions answered.

Dr. Jones inquired if it would be appropriate to table this item for the time being.

Mr. McCargar stated a motion to postpone the item indefinitely would allow for some questions to be answered.

Mr. Hale suggested bringing the item before a work session to have some more discussion regarding the details of the ordinance.

Ms. Melendez commented that a significant change like this does warrant a work session.

Dr. Jones inquired if it would take long to get numbers gathered regarding the costs benefit analysis.

Mr. Ballstadt stated the numbers may not take long but other questions may need to be answer.

Mr. Baker commented that he would like to hear about the durability of the sign as well as making sure it is in the correct spot at the right time.

Mr. Sislowski commented that he would like to know how many times a year these signs be posted.

Ms. Melendez commented that she would like more information on recycling or reusing the signs.

**Town Board Member Sislowski moved to postpone Ordinance No. 2020-1601 indefinitely, 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. 2020-13 - A Resolution Approving an Agreement for Business Retention Incentives Between the Town of Windsor, Colorado, and Vestas Blades America

Per Ms. Young, in February staff was contacted by Upstate Colorado regarding a potential state-wide incentive request for Vestas. Windsor economic development staff immediately started working with Upstate Colorado, the state Office of Economic Development &

International Trade (OEDIT) office, the company's corporate tax department, and other municipal economic developers in the state on the potential equipment expansion for Vestas. All three Vestas locations have the opportunity to receive a significant manufacturing equipment investment to produce advanced blade technology. The OEDIT staff is in support of incentives for Vestas through the state's strategic fund grant but is requiring matching financial support through the counties and municipalities in the form of personal property tax rebates.

The expansion and upgrades to the existing facility and new equipment upgrade will allow Vestas to keep up with the current production demands and remain competitive within the company's worldwide operational structure. Currently other Vestas blade manufacturing locations have a competitive financial advantage over Colorado.

Personal property tax rebate incentives will help the Windsor location tackle the current challenges they are experiencing. Their wind energy tax credits will be expiring the end of 2019 and there is pressure on their industry to be competitive with the oil/gas industry. Vestas also is up against considerable operating setup costs here in Colorado compared to other countries. Other competing countries/locations do not charge personal property tax on equipment.

In February staff was contacted by Upstate Colorado regarding a potential state-wide incentive request for Vestas. Windsor economic development staff immediately started working with Upstate Colorado, the state Office of Economic Development & International Trade (OEDIT) office, the company's corporate tax department, and other municipal economic developers in the state on the potential equipment expansion for Vestas. All three Vestas locations have the opportunity to receive a significant manufacturing equipment investment to produce advanced blade technology. The OEDIT staff is in support of incentives for Vestas through the state's strategic fund grant but is requiring matching financial support through the counties and municipalities in the form of personal property tax rebates.

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Mr. Wilson inquired if there had been any changes since the executive session.  
Ms. Young stated there has not been.

Mr. Wilson commented that he feels like it would be beneficial to visit Vestas and meet the management staff as they are a top employer in Windsor.  
Mr. Young stated she will look into setting up a tour.

**Town Board Member Rennemeyer moved to approve Resolution 2020-13, 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. Public Hearing - Conditional Use Grant (CUG) - Kyger Reservoir Trailhead Parking Area - Wade Willis, Town of Windsor, Applicant

**Town Board Member Rennemeyer moved to open 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.**

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. Mezzetti, the applicant, Mr. Wade Willis, Open Space and Trails Manager for the Town of Windsor, is requesting a Conditional Use Grant (CUG) to allow gravel parking at the Kyger Reservoir trailhead located west of County Road 13 (Colorado Boulevard), south of County Road 68.5 (Jacoby Road), north of SH 392/Main Street. Currently, the Town's Municipal Code does not address gravel parking areas located within or adjacent to natural areas; therefore, the entire parking area would need to be paved unless a CUG for the gravel parking lot is granted. Approval of the CUG request, along with an approved site plan, would allow for the construction of a permanent gravel parking lot located at the trailhead for the Kyger Reservoir Trail, which is generally more compatible with the surrounding natural area. The CUG request is for the gravel parking lot use only. Staff is currently reviewing a site plan submitted by the applicant for the parking area, as well as public improvement plans for the Kyger Trail (administrative reviews). There will be no expiration for the subject CUG. The applicant hopes to commence construction in March 2020.

Section 16-7-50 of the Municipal Code outlines the factors to be evaluated prior to granting of a conditional use:

1. **The character and quality of the area in which the use will be located.** The subject property is located west of Colorado Boulevard (County Road 13) and south of County Road 68.5 (Jacoby Road), and north of SH 392/Main Street. The subject site is generally surrounded by undeveloped land, and open space and Kyger Reservoir to the west. The east side of Colorado Boulevard consists of undeveloped parcels within unincorporated Weld County.
2. **The physical appearance of the use, including suitability of architectural and landscaping treatment.** The subject site will be used as a parking area for the Kyger Trail trailhead. The overall property is undeveloped natural open space and will remain in an undeveloped state, with the exception of trail and parking area improvements. The gravel parking, as opposed to asphalt paving, preserves the natural aesthetic of the area. Accessible parking spaces, however, must be paved to comply with ADA (Americans with Disabilities Act) requirements. No buildings are proposed as part of this CUG application.
3. **Appropriate location of the building or buildings on the lot.** No buildings are proposed as part of this CUG application.
4. **Adequate provision of parking, loading and circulation facilities.** Nineteen total parking stalls are proposed, seventeen standard and two accessible parking stalls. Accessible parking stalls are located adjacent to the 10' wide concrete trail and will be striped, paved, and signed as required for ADA conformance.
5. **Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.** The gravel parking area is mitigated by the paved apron reducing the possibility of gravel being tracked onto Colorado Boulevard (CR 13).
6. **Potential effect of the use on storm drainage in the area.** The proposed access drive and parking area will be a gravel base, thus allowing for storm water infiltration; therefore, reducing impacts on area storm drainage.
7. **Adequacy of planting screens where necessary.** The subject property is undeveloped natural open space; therefore, no new landscaping is proposed as part of the this CUG application.
8. **Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.** The proposal does not include use or storage of hazardous or noxious material.
9. **The general compatibility of the proposed use with the area in which it is to be located.** Subject property is zoned Recreation and Open Space (O) district. The layout and general compatibility of the proposed use is consistent with the existing zoning and surrounding area uses.

At the February 19, 2020 meeting, the Planning Commission forwarded a recommendation of approval of the Conditional Use Grant application to the Town Board as presented with no expiration date.

Staff requests the following be entered into the record:

- Application and supplemental material
- Staff memorandum and supporting document
- Testimony received during the public hearing
- Recommendation

Mr. Baker inquired if there was a fence around the parking area.

Mr. Willis stated there is a two-rail post and dowel fence around the parking lot.

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

5. Conditional Use Grant (CUG) - Kyger Reservoir Trailhead Parking Area - Wade Willis, Town of Windsor, Applicant

Please refer to attached staff memorandum.

Ms. Mezzetti had nothing further to add.

**Town Board Member Rennemeyer moved to approve the conditional use grant as presented with no expiration date, 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.**

6. Resolution No. 2020-14 - A Resolution Appropriating Additional Sum of Money to Defray Expenses in Excess of Amounts Budgeted for the Town of Windsor, Colorado, for 2019 Supplemental Budget for 2019

Per Mr. Moyer, Resolution No. 2020-14 is a housekeeping item to comply with the State of Colorado budget law. The majority of the numbers are items that Windsor has accepted from developers including infrastructure. There were checks written for unexpected items such as the sewer vac truck, Crossroads design work and GPS survey equipment for the Engineering Department.

Mr. Wilson inquired if the Town will be receiving some cost savings due to selling the vac truck we had to the Town of Severance.

Mr. Hale stated it was intended to be purchased in 2020 although do to the opportunity to purchase the truck this year at the demo price, that was a cost saving to the Town.

Ms. Melendez commented that this resolution is not due to any budget deficit or over-expenditure of any kind.

**Town Board Member Rennemeyer moved to approve Resolution No. 2020-14, 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.**

7. Resolution No. 2020-15 – A Resolution Appropriating Additional Sums of Money to Defray Expenses in Excess of Amounts Budgeted for the Town of Windsor, Colorado

Per Mr. Hale, the Town and the DDA have been working collaboratively to spur development and investment into the Downtown. The opportunity to apply for a \$1M grant from the

Department of Local Affairs in order to defray the costs of improving the alleyway adjacent to the DDA backlots has been presented to potentially leverage outside dollars towards redeveloping this key parcel in Downtown. In order to be competitive in the grant process, the Town must show that the project is currently budgeted.

**Town Board Member Rennemeyer moved to approve Resolution No. 2020-15, 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.**

8. Resolution No. 2020-16 - A Resolution Approving and Agreement for Extension of Time Between the Town of Windsor and Future Legends, LLC

Per Mr. McCargar, approval of this Resolution will extend specific deadlines built into the Amended and Restated Agreement for Cooperative Development and Use of Diamond Valley Property dated January 28, 2018 ("Development Agreement").

You may recall that the Development Agreement requires the completion of a 370 X 500-foot multi-use field by March 1, 2020. Future Legends has requested an extension of time, due to weather and site evaluation constraints. Staff is comfortable with the attached Agreement for Extension.

The extension agreement assures that the Town will have priority use of (a) the existing ball fields in the northwest corner of the property and (b) two new artificial turf multi-use fields identified as Fields 1 and 2 on Exhibit A to the agreement by June 1, 2020.

Fields 3 and 4 will be built by June, 2021. This agreement does not allocate priority use of those fields, but we believe a global agreement for use of all facilities will be mutually-approved by then.

All fields built under this agreement will be run through the Town's site planning process to assure the details are acceptable to the Town.

Mr. Rennemeyer inquired of the the Town will still be able to move forward with programs.  
Mr. Lucas stated the fields will be grass and will let the grass sit for at least 3 months so fall sports will be able to utilize the field.

Ms. Melendez inquired if the applicant is in agreement with the conditions of the agreement.  
Per the applicant; yes ma'am.

**Mayor Pro Tem Bennett moved to approve Resolution No. 2020-16, 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.**

9. Economic Development Update

Ms. Miller gave an overview of the Economic Development Report that was included in packet material.

Mr. Baker inquired if the Kana Hotels will be eligible for more incentives had they completed the three hotels.

Ms. Miller stated there were two phases; phase one was the 96-room hotel and phase two was the additional two hotels with the shared services in between. There were certain requirements that needed to be met for phase one which they have almost completed and then in phase two, they would have had to pull building permits and be completed in January of this year and they did not meet that deadline.

Dr. Jones inquired if there is any interest from anyone about putting a super market in the



Crossroads area.

Ms. Miller stated she has not been contacted by anyone although the Economic Development staff has been reaching out for interest in doing so.

D. COMMUNICATIONS

1. Communications from Town Attorney

Mr. McCargar informed the Board that 16 years ago today that the Windsor Town Board appointed him as Assistant Town Attorney, working with John Frey.

2. Communications from Town Staff

a. Windsor Police Department January 2020 Statistical Report

3. Communications from Town Manager

Mr. Hale gave a reminder of the Regional Elected Officials Meeting on February 27th beginning at 5:30.

Mr. Hale also announced that Mr. Lucas has been promoted to the Public Services Director.

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 8:41 p.m.



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Krystal Eucker, Town Clerk