



**TOWN BOARD REGULAR MEETING**  
March 23, 2020 - 7:00 PM  
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

**MINUTES**

1. Alternate Viewing Options

- Alternate Viewing Options

A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:08 p.m.

2. 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  
Dean Moyer, Director of Finance  
Scott Ballstadt, Director of Planning  
Jess Humphries, Director of Administrative Services  
Krystal Eucker, Town Clerk

3. Pledge of Allegiance

Ms. Melendez asked that those present rise for the pledge of allegiance.

4. 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.**

5. Board Liaison Reports

- Town Board Member Baker - Tree Board, Historic Preservation Commission  
Town Board Member Baker had no update.
- Town Board Member Wilson - Parks, Recreation and Culture Advisory Board; Poudre River Trail Corridor  
Town Board Member Wilson had no report.
- 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 accepted the resignation, effective immediately from the Chamber President. The Chamber is in the process of forming a hiring committee to review the applications that have been received.
- Town Board Member Jones - Windsor Housing Authority; Great Western Trail Authority  
Town Board Member Jones reported the Great Western Trail Authority advertised on March 10, 2020 for the completion of five miles of the Trail.
- Town Board Member Sislowski - Clearview Library Board; Planning Commission  
Town Board Member Sislowski had no report.
- Mayor Melendez - Downtown Development Authority; North Front Range/MPO  
Mayor Melendez reported the DDA discussed ways to be supportive of the local businesses. The DDA wanted to see what the Town was doing prior to decisions being made.

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 February 24, 2020 regular Town Board Meeting - K. Eucker
2. Resolution No. 2020-21 - A Resolution Adopting the 2020 Transportation Master Plan

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

C. BOARD ACTION

1. Resolution No. 2020-22 - A Resolution Declaring a Local Disaster Emergency and Ratifying the Town Manager's Prior Declaration

Per Mr. McCargar, the Town Manager, pursuant to his authority under §24-33.5-709, C.R.S., declared a Local Disaster Emergency on March 17, 2020 at 8:03 am (a true and accurate copy of the Town Manager Declaration is attached and incorporated herein by reference), due to the impacts, both current and anticipated, caused by the Novel Coronavirus 19 (COVID-19). Since both the President of the United States and the Governor of Colorado issued emergency declarations, in order to protect the interests of public health and safety proactively, the Town Manager issued the Declaration, thereby allowing the Town to implement and take advantage of the emergency management and operations plans and resolutions of the Town. That Declaration is valid for seven (7) days from signing.

The purpose of this Resolution before you is to ratify the Declaration of the Town Manager, and to continue the Declaration of a Local Disaster Emergency by official action, until such a time as the Town Manager deems the emergency has passed. This Emergency Declaration will allow the Town to be able to take proactive measures and activate our Emergency Operations and Response Plans to better respond to the impact of the COVID-19 event.

Mr. Sislowski inquired as to this resolution be rescinded by the Town Manager and the declaration that was issued by the Town Manager allows for it to be rescinded by the Town Board.

Mr. McCargar stated what's before the Board tonight is a Resolution that extends the Declaration but also provides specifically for how it will be rescinded and in this case it would be rescinded by the Town Manager presumably after consultation with members of the Town Board

**Town Board Member Rennemeyer moved to approve Resolution 2020-22, seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

2. Ordinance No. 2020-1605 - An Emergency Ordinance Concerning the Coronavirus (COVID-19) Public Health Emergency and Authorizing the Exercise of Emergency Powers in Association therewith

Per Mr. McCargar, this Ordinance follows the Declaration of the Local Disaster Emergency and further declares a Public Health Emergency related to the COVID-19. This Ordinance establishes the necessary organization, powers, and authority to enable the Town to use all available resources to prepare for, respond to, and recover from the effects of the local public health emergency. This Ordinance grants Broad powers as permitted by law and by our *Home Rule Charter*.

Mr. Baker inquired about the duration and it being rescinded by the Mayor but is that really a vote of the Town Board.

Mr. McCargar stated it was set up to not require a vote; the idea being the evaporation of the emergency would become apparent.

Dr. Jones inquired as to allocating funds and if there are some boundaries that the Town Board would need to approve any large expenditures.

Mr. McCargar stated be believed if there was expenditures the Town Manager would come back to the Board with a supplemental budget for approval.

Mr. Sislowski has concerns regarding consultation instead concurrence of with the Mayor as well as the ability of the Town Manager to suspend town board and commission meetings.

Mr. McCargar stated when the Ordinance was being drafted, the reference to Town Board referred to the governing body of the Town of Windsor and Town boards refer to the various other boards and commissions. For the records, this Ordinance does not give the Town Manager the ability to suspend legislative body meetings.

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

**Town Board Member Sislowski moved to change the word in section 6, line 2 to be changed to concurrence of the Mayor instead of consultation with the Mayor, seconded the motion. Roll call on the vote resulted as follows; Yeas - ; Motion Died for lack of Second.**

**Town Board Member Rennemeyer moved to approve Ordinance 2020-1605, 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.**

3. Public Hearing - Condition Use Grant (CUG) for two temporary modular classrooms and temporary parking area – Timberline Church – Joe Luethmers, Owner/Applicant; Sam Eliason United Civil Group, Applicant's Representative

**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.**

Per Mr. Ballstadt, the applicant, Mr. Joe Luethmers, Timberline Church, represented by Mr. Sam Eliason, United Civil Group, is requesting a Conditional Use Grant (CUG) to allow two temporary modular classrooms and a temporary recycled asphalt parking area in the RMU zone district for a three-year period. A conditional use grant is required because the proposed use is not specifically included as a use-by-right in any zoning district per Section 16-7-10 of the Town's Municipal Code, Intent of Conditional Use Grants. The applicant is requesting allowance of the mobile classrooms and parking area until the time when Timberline Church has relocated to another site.

Section 16-7-50 of the Municipal Code lists the following standards and requirements for conditional use grants, with staff analysis below:

(a) Approval of a conditional use grant shall be based on the evaluation of such factors as the following:

(1) The character and quality of the area in which the use will be located. The area surrounding the proposed uses to the north, south, and west are developed with commercial and residential uses. This area is also part of a master planned community (Water Valley South). The property to the east of the proposed uses is undeveloped land zoned I-L (Limited Industrial). The applicant has indicated that the temporary use is for accommodating an existing use during a period of transition to another site. The number of available parking spaces will increase, traffic should not change due to this request, and the modularity (temporary classrooms) should not impact adjacent properties.

(2) The physical appearance of the use, including suitability of architectural and landscaping treatment. The modular classrooms will be located adjacent to the southern side of the existing building currently used for church activities (360 Crossroads Blvd) and between the building and Rancho Drive. The proposed parking area will be located southwest of the existing building, east of Crossroads Blvd, and north of Rancho Drive and Water Valley South 16th Filing (single-family residential). There are plans to landscape around the parking lot and the proposed playground area.

(3) Appropriate location of the building or buildings on the lot. The two proposed temporary buildings (modularity) location will utilize the same access to and from the site as the existing church building. The modularity will be adjacent to the existing paved parking lot and proposed parking area. Additionally, this location is in close proximity to the existing church building.

(4) Adequate provision of parking, loading and circulation facilities. Adequate parking appears to be included. As stated, the proposed temporary parking area will provide additional parking spaces for the use. The number of church members is not proposed to change with this request.

(5) Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion. There will be an increase in the number of on-site parking spaces, drive aisles and access. According to the applicant's narrative, children will access the main entrance and be led to and from the main building and the modular classrooms.

(6) Potential effect of the use on storm drainage in the area. The existing storm sewer system, constructed with the subdivision of Water Valley, was designed to convey developed runoff from this lot (Lot 1) via a proposed inlet near Crossroads Blvd to a detention pond in Water Valley. The inlet will be installed as part of the CUG, matching the current drainage design.

(7) Adequacy of planting screens where necessary. Plant screening is proposed around the parking area and playground. The proposed location for the uses would have a small impact on the adjacent neighborhood visually and was one of the few areas not impacted by utility/drainage easements.

(8) Provision of operational controls where necessary to avoid hazardous conditions or

eliminate potential air or water pollutants or other noxious influences. Staff has not identified any hazardous conditions, pollutants, or other noxious influences with the request for temporary modular classrooms and the temporary recycled asphalt parking area.

(9) The general compatibility of the proposed use with the area in which it is to be located. As previously mentioned, the request is for temporary modular classrooms and a temporary parking area for an existing use (church). The location of the modulars should have the least impact on the neighborhood aesthetically and physically, as the buildings will be located on the northeast side of the property. The parking area should also have minimal visual impacts and is also a temporary use.

The proposal is consistent with the Comprehensive Plan Residential Areas Framework goal.

Notifications were completed in accordance with the Municipal Code.

At their March 18, 2020 meeting, the Planning Commission forwarded to the Town Board a recommendation of approval for a three (3) year period of the conditional use grant, as presented.

Staff requests the following be entered into the record:

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

Dr. Jones inquired if there was already a modular there.

Mr. Ballstadt stated there is a modular there and they will be using the restrooms in the modulars.

Mr. Sislowski inquired as to the need of the two additional units.

Mr. Joe Luethmers stated the reason they are looking at the modulars is that there needs to be a little more growth in the church congregation. There are enough children but there is not enough space. When the congregation grows, they will be able to finance the move to the hill.

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.**

4. Condition Use Grant (CUG) for two temporary modular classrooms and temporary parking area – Timberline Church – Joe Luethmers, Owner/Applicant; Sam Eliason United Civil Group, Applicant's Representative

Mr. Ballstadt had nothing further to add.

**Town Board Member Rennemeyer moved to approve the conditional use grant for two temporary modular classrooms and temporary parking area 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.**

5. Ordinance No. 2020-1602 - An Ordinance Approving the Overland 368 Annexation to the Town of Windsor

Per Mr. Ballstadt, before the Board is second reading of the ordinance approving the Overland 368 Annexation to the Town of Windsor. There have been no changes to the ordinance or project since first reading. The memo from first reading is included in packet material for additional background information.

Mr. Hornbeck stated the annexation agreement has not been finalized yet, the annexation ordinance will not be recorded until the agreement has been finalized.

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

**Town Board Member Sislowski moved to approve Ordinance No. 2020-1602 with the additional provision that conditions recording on execution and approval of the annexation agreement, 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. Ordinance No. 2020-1603 - An Ordinance Approving the Overland PUD Overlay Rezoning

Per Mr. Ballstadt, before the Board is second reading of the ordinance approving the Planned Unit Development overlay zoning for the Overland project. There have been no changes to the ordinance or project since first reading. The memo from first reading is included in packet material for additional background information.

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

**Town Board Member Rennemeyer moved to approve Ordinance No. 2020-1603., 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.**

D. COMMUNICATIONS

1. Communications from Town Attorney

Mr. McCargar reminded the Board of the executive session this evening.

2. Communications from Town Staff

Ms. Eucker informed the Board that election ballots have been mailed out and can be returned through the mail or dropped off at the Community Recreation Center.

a. Windsor Police Department February 2020 Statistical Report

b. Site Plan Review - Diamond Valley Subdivision 8th Filing, Lot 1 - Ultimate Support Systems

3. Communications from Town Manager

Mr. Hale reminded the Board of the Special Meeting on March 26, 2020.

4. Communications from Town Board

Ms. Melendez thanked Town of Windsor staff for the work they have done to continue with the Board Meetings and communicating any Town updates.

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 Brinkman Exclusive Negotiation Agreement. (Shane Hale, Town Manager; Ian D. McCargar, Town Attorney)

2. An executive session pursuant to C.R.S. § 24-6-402 (4) (b) to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions concerning Brinkman Exclusive Negotiation Agreement (Ian D. McCargar, Town Attorney)

**Town Board Member Rennemeyer moved to go into executive session pursuant to C.R.S. § 24-6-402 (4) (b) to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions concerning Brinkman Exclusive Negotiation Agreement AND 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 Brinkman Exclusive Negotiation Agreement., 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.**

Upon a motion duly made, the Town Board returned to the Regular Meeting at 9:37 p.m.

The Executive Session was closed and the Town Board returned to the Regular Meeting.

Upon returning to the Special Meeting, Mayor Melendez advised that if any participants in the Executive Session believed the session contained any substantial discussion of any matters not included in the motion to convene the Executive Session, or believed any improper action occurred during the Session in violation of the Open Meetings Law; such concerns should now be stated. Hearing none, the Regular Meeting resumed at 9:37 p.m.

F. ADJOURN

**Town Board Member Rennemeyer moved to adjourn, 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.**

The meeting was adjourned at 9:37 p.m.



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Krystal Eucker, Town Clerk