



TOWN BOARD REGULAR MEETING

April 27, 2020 - 7:00 PM

Zoom Meeting, Click on the link <https://windsorgov.zoom.us/j/91614310435> OR join by telephone at 888-788-0099 (Toll Free) or 877-853-5247 (Toll Free) Webinar ID: 916 1431 0435

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
Eric Lucas, Director of Parks, Recreation and Culture
Jessica Humphries - Administrative Services Director
John Thornhill, Director of Community Development
Dean Moyer, Director of Finance
Krystal Eucker, Town Clerk

2. Pledge of Allegiance

Mayor Melendez asked that all rise for the pledge of allegiance.

3. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration

Mayor Pro Tem Bennett moved to remove item C.6 from the agenda and approve as amended, 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.

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 Poudre River Trail is closed from Kodak to 95th Avenue in Greeley until mid May.
- 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 had no update.
- Town Board Member Jones - Windsor Housing Authority; Great Western Trail Authority
Town Board Member Jones reported the Windsor Housing Authority will be presenting to CHAFA for housing credits.

Dr. Jones reported the Great Western Trail Authority conducted a remote meeting today and will be meeting with the contractors to finalize plans for construction 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 options for handling the current COVID crisis and what steps will be taken on recovery efforts.

5. Public Invited to be Heard

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

Mayor Melendez gave an update on the COVID-19 restrictions and guidelines.

B. CONSENT CALENDAR

1. Minutes of the March 9, 2020 Regular Meeting, March 23, 2020 Regular Meeting and the March 26, 2020 Special Meeting - K. Eucker
2. Resolution No. 2020-31 - A Resolution Approving an Intergovernmental Agreement between the Windsor Downtown Development Authority and the Town of Windsor Concerning Funding for the 2020 Downtown Parking Study Update - K. Emil
3. Resolution No. 2020-32 - A Resolution Approving an Intergovernmental Agreement with the Town of Severance for Police Services - A. Lopez
4. Resolution No. 2020-33 - A Resolution Authorizing A Change of Street Name for Orchard Blossom Drive to Blossom Grove Drive in the Raindance Subdivision 2nd Filing - S. Mezzetti
5. Resolution No. 2020-34 - A Resolution Approving Easements Necessary for a City of Greeley Water Pipeline Through Town-Owned Real Property, and Authorizing the Town Manager to Take All Steps Required in Association Therewith - - Ian D. McCargar, Town Attorney

Mr. Baker inquired if the parking study in item B.2 will be put off during the COVID-19 pandemic.

Mr. Hale stated the study will be put on hold until business is back to normal.

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

C. BOARD ACTION

1. Public Hearing on Ordinance No. 2020-1607- Future Legends Sports Park Metropolitan District Service Plan Amendment

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. McCargar introduced Mr. Bill Ankele counsel for the Districts as well as Carolyn Steffl, Special Counsel for the Town. This legislative public hearing is statutorily-required whenever a material modification is made to an approved metropolitan district service plan. The original service plan for the FLSP Metro District was approved in September, 2019.

The attached materials provide further detail for the requested service plan amendment. In addition to the applicant's representatives, Windsor Special Counsel Carolyn Steffl will be in attendance to answer any questions.

Per Mr. Ankele, this Firm represents the Future Legends Sports Park Metropolitan District Nos. 1-2 (the "Districts"). On behalf of the Districts, we submit for your review and consideration an Amended and Restated Service Plan (the "Amendment") for the Districts. The original service plan for the Districts was approved by the Town Board in September, 2019 (the "Original Service Plan") in order to provide public improvements and services within the Future Legends Sports Park Complex (the "Project"). Since approval of the Original Service Plan, due to changes in the proposed development, and social and economic factors beyond the control of the Districts, the Districts desire the approval of the Amendment in order to adapt to such changes and circumstances. The Amendment proposes the following:

1. Addition of an Inclusion Area – The Original Service Plan included Initial District Boundaries of approximately 100 acres between the two Districts. The Districts are proposing the addition of an Inclusion Area in order to allow additional territory to be included into the Districts. Since approval of the Original Service Plan the developer of the Project acquired approximately 22 acres adjacent to the Districts to further develop the Project and increase the amount of assessed value for the construction of public improvements. With the addition of an Inclusion Area, upon petition by the owner of the property, the District will be authorized to include the property into one of the Districts without obtaining additional consent from the Town Board. It is currently anticipated that the 22 acres will be included into District No. 2 immediately following approval of the Amendment by the Town Board. A legal description of the Inclusion Area is attached to the Amendment as Exhibit A-2, and a map of the Inclusion Area is attached to the Amendment as Exhibit C-2.
2. Adjustments to Mill Levy Caps – Under the Original Service Plan, the Districts are limited to a Maximum Aggregate Mill Levy of 39 mills in order to provide debt service and operations and maintenance costs of the Districts. Recently Weld County deauthorized their participation in the PACE lending program, which has created a significant funding shortfall for the Project. The Districts are proposing adjustments to the mill levy caps in the Original Service Plan in order for all the Districts to make up for the shortfall.
 - First, the Districts proposed to remove the Maximum Aggregate Mill Levy Cap in order to allow the Districts to operate within separate mill levy limitations related to debt service, and operations and maintenance, respectively.
 - Second, the Districts proposed to establish a Maximum Debt Mill Levy of 50 mills. The increase in the debt service mill levy in order to fund additional public improvements that would have been funded by participation in the PACE lending program which is no longer possible. The increase in the debt service mill levy will also allow the Districts to make up for a projected shortfall in available project funds due to recent interest rate increases in economic markets resulting from the COVID-19 global pandemic. Current financial projections indicate that in order to produce the same amount of available project funds to the Districts anticipated in the Original Service Plan, the Districts will need to impose 50 mills for debt service in today's economic climate. An updated Financial Plan is attached to the Amendment as Exhibit F.
 - Third, the Amendment proposes that the Operations and Maintenance Mill Levy is

not limited. The Districts anticipate providing a variety of services within the Project and operating and maintaining a number of public improvements for the benefit of the Districts, the Project, the Town, and the public at large. The Districts believe that a limitation on the operations and maintenance mill levy would unnecessarily limit the Districts' ability to provide the necessary and essential operations and maintenance services to the standard expected for the Project. The Districts understand the Town's concern as it relates to the mill levy burden imposed by special districts in the Town, and are sensitive to such concerns. Typically limitations on mill levies within residential areas are intended serve to protect residential property owners. The Districts include only commercial development which is anticipated to be owned by the developer of the Project, or by commercial owners who the Districts believe can bear the increased debt service mill levy, and operations and maintenance mill levy.

3. The Districts have updated the Preliminary Infrastructure Plan attached to the Amendment as Exhibit D, and the Maps Depicting Public Improvements attached to the Amendment as Exhibit E.

In addition to the above described changes, the Districts have proposed incidental language clean up's or clarifications where necessary. The Districts are excited to help bring the exciting Future Legends Sports Park to the Town and appreciate the Town Board's consideration of the proposed Amendment at its April 27, 2020 regular meeting.

Mr. Spilborghs stated there has been close to \$1 million laid down in sod at the facility and the master plan has been approved. The stadium is on track to break ground on June 1, 2020.

Per Ms. Steffl, Special Counsel for the Town of Windsor stated the Town has received an application to approve an Amended and Restated Service Plan for Future Legends Metropolitan District Nos. 1-2 (the "Amended Service Plan"). The service plan for Future Legends Metropolitan District Nos. 1-2 (the "Districts") was approved in September 2019 (the "Original Service Plan").

A special district is required to amend its service plan if there are any material modifications, defined as "changes of a basic or essential nature, including but not limited to the following: . . . a decrease in the financial ability of the district to discharge the existing or proposed indebtedness . . ." Sec. 32-1-207(2)(a), C.R.S. In this case, the Districts are facing some decreased financial ability to discharge the proposed indebtedness due to: a) decreased projected assessed valuation at full build-out and b) increased interest rates in the bond market. Therefore, they have proposed a service plan amendment that would increase the maximum debt service mill levy, without raising the overall debt cap, to ensure that the Districts have the financial ability to discharge the proposed indebtedness. Other changes are proposed as well. This memorandum summarizes the major changes to the service plan and the statutory criteria for approval or disapproval of the Amended Service Plan.

Proposed Service Plan Revisions

1. Inclusion Property Added Under the Original Service Plan, the District boundaries include approximately 100 acres. The Amended Service Plan would allow the Districts to include an additional 22 acres of property (Lot 1, Block 3, Diamond Valley Subdivision), which is owned by Future Legends, LLC, the developer of the Districts. The attorney for the Districts explained that the inclusion property is expected to be developed with ball fields, so the inclusion is not likely to have a big impact on the public infrastructure costs nor the future assessed valuation. This proposed change is consistent with the Special District Act and the Town Code.
2. Changes to Preliminary Infrastructure Plan (Exhibit D) The Amended Service Plan includes an updated Preliminary Infrastructure Plan, as a result of changes in the overall project financing. The developer originally planned that public infrastructure would be financed in part by the Districts and in part under the C-PACE program. Now, the C-PACE funding has been replaced with proposed funding by a Business Improvement District ("BID"). As a result, the amount of District funding for each type of public improvement has shifted. The District's estimated costs for water, sewer and stormwater infrastructure have decreased (as some costs would be financed by the BID), and the

District has estimated for a new category of improvements - site electrical, communications (telephone) and raw water. Overall, the estimated costs of the District's public improvements decreased from approximately \$32.5 Million in the Original Service Plan to \$30 Million in the Amended Service Plan, but the overall debt limit has stayed the same at \$40,750,000. The proposed Public Improvements may be financed by the Districts under the Special District Act, and the Financial Plan shows the ability to finance these improvements, with the amendments noted below. The Amendment's proposed Maximum Debt Mill Levy of 50 mills exceeds the Town's standard limitation of 34 mills, per Town Code Secs. 19-1-20(h) and 19-1-30(a) and the model service plan. Likewise, the unlimited Operations and Maintenance Mill Levy and Aggregate Mill Levy varies from the standard limits of 39 mills set forth in Town Code Sec. 19-1-20(h) and the model service plan. The Town Board has discretion to approve such deviations from the Town Code's Service Plan policy. Section 19-1-10 of the Town Code states "This policy is intended as a guide only. Nothing in this Article is intended, nor shall it be construed, to limit the discretion of the Town Board, which retains full discretion and authority regarding the terms and limitations of all district service plans." The Town Board can weigh the public benefits to be provided by the Districts versus the limits contained in the Town Code. The Districts plan to serve commercial developments, which tend to have more sophisticated owners who can evaluate the risks / benefits of purchasing land within the Districts. Therefore, the Town Board may be comfortable with relaxing some limitations intended to protect residential property owners, if the Board finds that there is a big public benefit provided by the Districts. Representatives of the District will be present at the Board meeting on April 27th to present evidence to support the larger Debt Mill Levy and the unlimited Operations and Maintenance Mill Levy.

3. Changes to Financial Plan (Exhibit F) The Districts have revised their Financial Plan to reflect updated plans for development of the property and new projected assessed valuation at full build-out. Overall, the projected assessed valuation of the property within the District decreased from \$43,652,702 in the Original Service Plan to \$37,100,173 in the Amended Service Plan. In order to establish that the Districts can repay the debt with the lower assessed valuation, the Amended Financial Plan shows that the debt will be repaid through a mill levy of 50 mills (instead of 34) and higher developer-imposed Project Retail Fees (1.75% instead of 1%) and project Lodging Fees (6% instead of 3%). With the changes proposed, the Financial Plan shows that the Districts would have the ability to repay the debt with a large annual surplus, which may mean that actual mill levies or fees could be lower than the projected rates.
4. Increase in Maximum Debt Mill Levy Rate and Removal of Maximum Operations and Maintenance Mill Levy and Aggregate Mill Levy The Amended Service Plan proposes to increase the Maximum Debt Mill Levy from 34 mills to 50 mills. Even though the overall debt limit remains unchanged at \$40,750,000, the District is asking for an increase in the Debt Mill Levy limit to repay the same amount of debt due to a decrease in projected valuation of property within the District after full build-out (from \$43,652,702 in the Original Service Plan to \$37,100,173 in the Amended Service Plan) and increased cost of borrowing. In addition, the Amended Service Plan proposes to allow the Districts to impose unlimited mill levies for operation and maintenance expenses, by removing the Maximum Operations and Maintenance Mill Levy and the Maximum Aggregate Mill Levy. The Original Service Plan contains a Maximum Operations and Maintenance Mill Levy of 39 mills and a Maximum Aggregate Mill Levy of 39 mills. The Districts' attorneys have explained that they do not know what amount of funds will be required for operations, maintenance, repair and replacement of the many ball fields and public facilities, so they want to provide maximum flexibility to the Board of Directors of the Districts to set the mill levies as needed.

Statutory Criteria Based on my review of the Amended Service Plan, it meets the requirements of the Special District Act, Sec. 32-1-101, et seq., C.R.S.

The Board will have a policy decision whether to approve the increased mill levies, deviating from the standard mill levy caps set forth in the Town Code, and other changes. The Board must consider the following criteria:

1. There is sufficient existing and projected need for organized service in the area to be served by the proposed Districts;
2. The existing service in the area to be served by the proposed Districts is not adequate for

- present and projected needs;
3. The proposed Districts are capable of providing economical and sufficient services to the area they intend upon serving;
 4. The area to be included within the proposed Districts has, or will have the financial ability to discharge the proposed indebtedness on a reasonable basis.

Only criteria 4 is implicated by the proposed amendment, and the amended Financial Plan shows the financial ability to discharge the proposed indebtedness, if the Town Board approves the increase to the Maximum Debt Service Mill Levy.

Mr. Sislowski inquired if there is anything in the standard agreement that relates to a financial check.

Ms. Steffl stated there is a requirement of an annual report to the Town.

Mr. McCargar inquired of Mr. Ankele was comfortable with the record and if Mr. Ankele could provide the Town of Windsor a copy of the presentation.

Mr. Ankele stated the statutory requirements for the public hearing have been met and will provide a copy of the presentation to the Town of Windsor.

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. 2020-1607 - An Ordinance of the Town Board of the Town of Windsor, Colorado, Approving the Amended and Restated Service Plan for the Future Legends Sports Park Metropolitan District Nos. 1-2, and Authorizing the Execution of an Amended and Restated Intergovernmental Agreement Between the Town and the Districts

Mr. McCargar has nothing further to add. This is the action item that follows the public hearing. **Town Board Member Rennemeyer moved to approve Ordinance No. 2020-1607, 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. Public Hearing on Ordinance No. 2020-1608 - Declaring the Organization of the Future Legends Sports Park Business Improvement District, Describing the Boundaries and Service Area of the District, Giving it the Corporate Name Specified in the Petition, Establishing and Appointing a Board Of Directors, and Approving the 2020 Operating Plan and 2020 Budget

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. McCargar, this legislative public hearing is statutorily required before creation of a Business Improvement District ("BID"). The owners of the former Diamond Valley Park property have petitioned for the creation of the BID, and now must present relevant evidence in support of their petition.

The applicant's representative will be on-hand to make the presentation in support of the BID, and Windsor Special Counsel Carolyn Steffl will be available to answer any questions.

Per Mr. Ankele, a BID is an entity that was authorized by the legislature a number of years ago in response to needs in commercial areas to provide public infrastructure but to also provide for business development support. It is an entity that has been used a fair amount in Colorado and one of the reasons that it is useful in this case is that it has the power to provide for any public improvement. Metro districts have a limited list of functions and powers that they can exercise. BID's can do any public improvement and that gives an opportunity to fund a lot of things that

could not be funded through the metro district that they couldn't afford to fund with the 50 mill cap.

Through some work with our bond counsel and financial advisors we've been able to structure a BID that overlays the metro district and provides supplemental funding to other types of improvements; it provides a significant amount of additional financing to help shore up the shortfall that we're experiencing. The boundaries would be coterminous with the number 2 district boundaries, the mill levy would be the same as in the metro district. It is organized in a slightly different way; a metro district is organized by filing a service plan and getting the service plan approved and then going to election in November to authorize a debt and taxes to be imposed. A BID can be formed by a petition of the property owners within the boundaries of the district. The petition would be filed directly with the town requesting that a BID be organized and the town has the ability to authorize and create the BID. We don't get to go out and do any financing however, until we go to an election in November because we're still subject to the Tabor Amendment.

This proposal is requesting the organization of the entity by petition and approval of an operating plan which is something that the Town approves on an annual basis. The Town Board initially approves the appointment of the Board of Directors of the business improvement district although we also have the ability to request an election to have the board members appointed in the future.

Per Ms. Steffl, the Town has received a petition for organization of a Business Improvement District ("BID") (a special financing district created by a municipality for commercial areas) submitted by the owner of the sports park property, Future Legends, LLC. That owner recently learned that the County will not be providing C-PACE funding, so it would like to organize a BID as an alternative funding mechanism.

Key Features of Proposed Future Legends BID

The Town has the authority to organize a BID, upon receipt of a petition from the property owners and after holding a public hearing. The Future Legends BID would be a quasi-municipal corporation and political subdivision of the state organized and operating under the Business Improvement District Act, §§ 31-25-1201 through 31-25-1228, C.R.S.

The Petitioner has proposed that the initial boundaries of the District include approximately 61 acres of property within the Future Legends Sports Park Metropolitan District Nos. 1 and 2 (the "Metro Districts"). Future Legends, LLC purchased an additional 22 acres of property that cannot be within the initial boundaries of the BID because it is zoned agricultural; however, it will be in the service area of the BID and will be automatically added to the BID if it is rezoned to anything other than residential or agriculture. § 13-25-1208(3), C.R.S.

A petition to form a new BID must be signed by the owners of at least 50% of the assessed valuation of real and personal property in the service area of the District and at least 50% of the acreage in the boundaries of the District. Future Legends, LLC meets both conditions.

Board of Directors

The Town Board serves as the ex officio Board of a BID unless it organizes a separate Board of Directors for the BID, consisting of electors of the BID. § 31-25-1209(1), C.R.S. BID electors are defined as individuals who are U.S. citizens, residents of Colorado, and over 18 years old, and also reside in the BID or own or lease taxable real or personal property within the BID or are the designee of a corporate owner or lessee of taxable property. § 31-25-1203(4)(a), C.R.S.

If the Town Board organizes a BID Board of Directors, the Town Board appoints each Director (if possible, no more than one-half of the BID Directors may be affiliated with one owner or lessee of property in the BID.) The BID Directors serve at the pleasure of the Town Board, which may remove a Director or the entire BID Board for inefficiency, neglect of duty or misconduct in office, after notice and an opportunity to be heard. § 31-25-1209(1)(e), C.R.S.

The Petitioner for the Future Legends BID proposed that the Town Board organize a Board of Directors for the BID which would consist of five electors appointed by the Town Board. The Petitioner suggested that the original Directors be the same as the Directors for the Metro Districts, and it will confirm the eligibility of all such individuals to serve on the BID Board before the Town Board's second reading of the ordinance. Future Legends, LLC is planning to lease a

small amount of undeveloped property to each proposed Director to qualify him/her as an elector. The BID electors can petition the Town Board to allow them to elect their own Directors (instead of Town Board appointment), and Petitioner's attorney has indicated that it will consider making that request in the future.

Operating Plan and Budget

Each year, the BID is required to submit a proposed Operating Plan and budget for the next year to the Town Board by September 30th. Then, the Town Board reviews and approves or disapproves the Operating Plan and budget within 30 days. § 31-25-1211, C.R.S. The BID cannot impose taxes or fees or issue bonds until an Operating Plan has been approved.

The Petitioner submitted a proposed 2020 Operating Plan and Budget for the Town Board. BIDs do not have a Service Plan, like the Metro Districts, so the mill levy caps and limitations are contained in the Operating Plan. The Ordinance organizing the Future Legends BID would also approve the 2020 Operating Plan and Budget.

Under the 2020 Operating Plan, the Future Legends BID can issue up to \$40,750,000 of debt, the same amount authorized for the Metro Districts. The debt can be repaid through a mill levy up to 50 mills, which will be in addition to the mill levy imposed by the Metro Districts. The Operating Plan estimates the cost of the public improvements at approximately \$22,500,000, but the Petitioner asks for a debt cap of \$40,750,000 to provide flexibility.

The 2020 Operating Plan includes a financial projection that demonstrates the ability of the BID to repay debt of \$40,750,000, with a mill levy of 50 mills, assuming that the development projections are accurate.

The 2020 Operating Plan contains no limit on the mill levy imposed for operations and maintenance costs.

Powers

A BID has the power to construct, finance, operate and maintain public improvements, including but not limited to: streets, sidewalks, curbs, gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuary, fountains, identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, rest rooms, information booths and public meeting facilities. § 31-25-1203(5), C.R.S.

In addition, a BID can provide services, including: consulting with respect to planning or managing development activities, promotion or marketing of district activity, organization, promotion, marketing, and management of public events, activities in support of business recruitment, management, and development, security for businesses and public areas located within the district, snow removal or refuse collection, and providing design assistance. § 31-25-1212, C.R.S.

A BID may finance its services through property taxes or special assessments, with approval from the Town, and, if needed, TABOR elector approval.

The Petitioner proposes that the Future Legends BID have all of the statutory powers, subject to limitations in the Operating Plan approved each year.

Dissolution

BIDs have perpetual life, unless extinguished by ordinance after all debt is retired. § 31-25-1225, C.R.S.

Criteria for Approval of Organization of BID

The Town Board will be asked to take several actions, through the draft ordinance: a) approving organization of the BID, b) establishing a Board of Directors for the BID and (per the 2020 Operating Plan) appointing the initial Directors, c) approving the 2020 Operating Plan, d) approving the 2020 Budget, and e) finding that the service area of the District is a location for new business or commercial development (a statutory requirement for areas that are not already developed per § 31-25-1203(10), C.R.S.).

The Town Board may approve organization of the Future Legends BID if it finds that:

1. It appears that an organization petition has been duly signed and presented in conformity with the Business Improvement District Act. The Petition for organization of the Future Legends BID contains the required information per § 31-25-1205, C.R.S. The petition must be signed by the owners of at least 50% of the assessed valuation of real and

personal property in the service area of the proposed District and at least 50% of the acreage in the legal boundaries of the proposed District. § 31-25-1205(2), C.R.S. Future Legends, LLC owns all of the property within the proposed boundaries and the proposed service area and, therefore, meets the 50% thresholds.

2. The allegations of the organization petition are true. The allegations in the organization petition appear to be true.
3. The types of services or improvements to be provided by the proposed district are those services or improvements that best satisfy the purposes of the Business Improvement District Act; and The purpose of the Business Improvement District Act is to allow for BIDs that will: a) serve a public purpose; b) promote the health, safety, prosperity, security, and general welfare of the inhabitants thereof, the property owners therein, and all the people of the state; c) promote the continued vitality of commercial business areas within municipalities; and d) be of special benefit to the property within the boundaries of any district created. § 31-25-1202(1), C.R.S. The Petitioner has explained that the BID will provide needed funding for public infrastructure for the improvement of the property, so there is sufficient support to make this finding.
4. The Town Board has jurisdiction to organize the BID. Per § 31-25-1204, C.R.S., “[t]he governing body of every municipality is hereby vested with jurisdiction to create and establish one or more districts within the boundaries of the municipality.” The property within the proposed boundaries and service area of the Future Legends BID is within the boundaries of the Town of Windsor, so the Town has jurisdiction.

Criteria for Approval of the Operating Plan and Budget

The statutes do not set forth specific criteria for approval of the annual Operating Plan and Budget. The Town Board will want to review both to make sure that they are comfortable with the proposed taxes and fees because a BID may not impose such taxes and fees without the Town Board’s approval of an Operating Plan. In addition, the Town Board will want to be comfortable that the BID will have the financial ability to discharge the proposed indebtedness and that the Operating Plan is in the best interests of the Town and its residents and property owners. The Town Board will also want to review the proposed structure and nominees for the Board of Directors of the District.

Mr. McCargar feels the record is completed and Mr. Ankele will provide a copy of the presentation to the Town of Windsor.

Town Board Member Rennemeyer moved to close the public hearing, 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.

4. Ordinance No. 2020-1608 - Declaring the Organization of the Future Legends Sports Park Business Improvement District, Describing the Boundaries and Service Area of the District, Giving it the Corporate Name Specified in the Petition, Establishing and Appointing a Board Of Directors, and Approving the 2020 Operating Plan and 2020 Budget

Mr. McCargar had nothing further to add.

Town Board Member Rennemeyer moved to approve Ordinance 2020-1608, 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. Resolution No. 2020-35 - A Resolution Approving a Permit for the Purpose of Allowing the Use of Golf Carts on Public Roadways within the Neighborhoods known as RainDance

Per Chief Klimek, Resolution 2020-35 is a request from RainDance to allow golf cars on permitted roadways which is similar to other areas in Town.

Dr. Jones inquired if it is planned to link RainDance with Water Valley for gold cart use. Chief Klimek stated there is plans in the future to link the two.

Town Board Member Jones moved to approve Resolution No. 2020-35, 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.

6. Resolution No. 2020-36 - A Resolution Approving the 2020 Amended and Restated Intergovernmental Agreement Between the Town of Windsor and the Windsor Downtown Development Authority Regarding Continued Town Support of the Windsor Downtown Development Authority

Item was removed from the agenda.

7. Finance Report January 2020

The Finance Report was included in packet material.

8. Administration of Oath to Newly Elected Town Board Members

Mr. Baker stated it has been a pleasure to serve the Town of Windsor. Mr. Baker also and thanked Town Staff for all they have done and his wife for all that she has done the last 8 years.

Dr. Jones stated he has been honored to be elected to govern the Town of Windsor at different times over the last six decades.

Mayor Melendez thanked the citizens of Windsor for their confidence to lead the Town and the numerous other elected officials that she has worked with over the years. Mayor Melendez also thanked her husband and daughter for supporting her through the years and thanked her mother for all the articles that have been collected over the years.

Ms. Eucker asked Mr. Tallon, Mr. Charpentier, Mr. Bennett and Mr. Rennemeyer to stand and raise their right hands as she recited the Oath of Office to which the newly seated responded, "I will."

D. COMMUNICATIONS

1. Communications from Town Attorney

Mr. McCargar thanked the outgoing Town Board Members for their service and welcomed the newly elected officials.

2. Communications from Town Staff

Town staff also thanked the outgoing Town Board Members for their service and congratulated the newly elected officials.

- a. Windsor Police Department March 2020 Statistical Report

3. Communications from Town Manager

Mr. Hale congratulated the newly elected officials and gave a reminder of the Special Meeting on April 28, 2020.

4. Communications from Town Board

Town Board Members thanked the outgoing Board Members for their service.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:24 p.m.

A handwritten signature in black ink, appearing to read 'Krystal Eucker', written in a cursive style.

Krystal Eucker, Town Clerk