



## TOWN BOARD REGULAR MEETING

February 25, 2019 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

### MINUTES

#### A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:00 p.m.

##### 1. Roll call

Mayor Kristie Melendez  
Mayor Pro Tem Ken Bennett - Absent  
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  
Rick Klimek, Chief of Police  
Stacy Miller, Director of Economic Development  
Dennis Wagner, Director of Engineering  
Scott Ballstadt, Director of Planning  
John Thornhill, Water Resource Manager  
Millissa Berry, Senior Planner  
Krystal Eucker, Town Clerk

##### 2. Pledge of Allegiance

Town Board Member Jones 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 amended by switching the order of items C.4 and C.5, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

##### 4. Board Liaison Reports

- Town Board Member Baker - Tree Board, Historic Preservation Commission  
Town Board Member Baker reported there has not been a Historic Preservation Commission meeting since the last update.

Mr. Baker reported the Tree Board held a tree symposium in which 52 people attended. After being surveyed, they stated they would attend this event again.

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

Town Board Member Wilson reported the recycle center is scheduled to reopen at the new location on February 27, 2019. The mother statue for Boardwalk Park is almost complete and will be installed next to the father and son on Mother's Day weekend. The Board and staff will be reviewing policies including smoking in the parks which will go through public comment. President's Day recorded 1,950 visitors at the CRC which was the second highest day of the year.

Mr. Wilson reported work is being done to connect the Poudre River to a flood plane as years ago the river was straightened out. The work will also include adding habitats for wildlife and planting of native species of plants and trees. The Poudre River Trail Authority revamped their website which now individuals can subscribe to notifications.

- Mayor Pro Tem Bennett - Water and Sewer Board

Mayor Pro Tem Bennett - Absent

- Town Board Member Rennemeyer - Chamber of Commerce

Town Board Member Rennemeyer reported the Chamber heard a presentation from Xcel Energy regarding the substation. The Chamber continues to grow as there were 15 new businesses that joined the Chamber in January. The Chamber is not going to be providing food for the all town BBQ but they will be providing ice cream sandwiches,

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

Town Board Member Jones reported the Great Western Trail Authority will be meeting on March 7, 2019.

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

Town Board Member Sislowksi reported the Planning Commission had a fairly small agenda but the Avery Substation was presented.

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

Mayor Melendez reported the next MPO meeting is March 7, 2019. Ms. Melendez reported the Downtown Development Authority met and the backlot agreement was discussed. A special meeting was held to sign the development agreement for the American Legion parcel on 4th Street. The selection kickoff for the DH & M cottage study was completed. Also discussed was the possibility of being the organization or working with another entity regarding a lodging tax.

5. Public Invited to be Heard

Mayor Melendez opened the meeting up for public comment.

Ann Kling, Clearview Library District Director addressed the Board and thanked Mr. Sislowksi for his participation in the Board Member interview process. Ms. Kling also invited the Board to the Better Angels workshop on March 23, 2019 from 12:00-3:00.

B. CONSENT CALENDAR

1. Minutes of the February 11, 2019 regular Meeting and the February 13, 2019 Special Meeting -

K. Eucker

2. Resolution No. 2019-14 Declaring the Applicability of Certain Provisions of the 2018 International Fire Code and 2018 International Fire Code Standards for Those Portions of the Town Within the Boundaries of the Windsor-Severance Fire Protection District
3. Resolution No. 2019-15 - A Resolution Approving an Amendment to an Intergovernmental Agreement for Radio Site and Maintenance of the Timnath Radio Tower Between Weld County and the Town of Windsor, and Authorizing the Mayor to Execute Same
4. Resolution No. 2019-16 - A Resolution Approving the Accessioning of Items to the Town of Windsor Museum - E. Lucas
5. Resolution No. 2019-17 - A Resolution Ratifying Appointments to the Clearview Library Board of Directors

Mr. McCargar informed the Board that that Resolution No. 2019-15 made reference to a December 3, 2018 date which has been corrected on the final draft.

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

#### C. BOARD ACTION

1. Public Hearing – Conditional Use Grant (CUG) for a Public Utility Installation, Including Transmission Lines and Substations in the Residential Mixed Use Zone District – Thornton Farm 24 Annexation – Derek Holscher of Public Service Company of Colorado (Xcel Energy), 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, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

Mr. Sislowski stated, "Madam Mayor, for the record, I would like to point out that in my capacity as Town Board liaison to the Planning Commission, I was present at the Planning 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. Berry, the applicant, Public Service Company of Colorado is requesting a Conditional Use Grant (CUG) to allow a public utility installation including transmission lines and substations on the recently annexed Thornton Farm 24 property located northwest of the intersection Weld County Road 15 and Weld County Road 76. The property is zoned Residential Mixed Use (RMU) which allows any principal, accessory or conditional use permitted in any residential district. The Single-family Residential zone district calls for a CUG for public utility installations including transmission lines and substations. This conditional use grant considers the use as well as the height of structures, including the towers and fence, proposed.

The proposed public utility installation is for a new 230-kilovolt (kV) substation and a 2-mile long over-head transmission line (approximately 0.5 miles being within the Town of Windsor). In addition, underground distribution lines are planned from the substation westward to WCR 13 along WCR 76. The purpose of the facility is to enable Public Service Company of Colorado to accommodate existing and future energy demands in the region.

The substation would be constructed on a 10-acre portion of the Thornton Farm 24 property. The site is located approximately 500 feet north of WCR 76 near the intersection of WCR 76 and Brian Avenue. If approved, the applicant's intention is to subdivide the Thornton Farm 24 property to allow for the purchase of the 10-acre site from the City of Thornton.

The substation site plan shows approximately 6 acres of the site containing a fully-fenced facility with the proposed equipment and towers. The east-west fence lines are proposed at approximately 500 feet in length and the north-south fence lines are proposed at approximately 600 feet in length. The perimeter fence would be a 10-foot chain link fence. Ground equipment ranges in height to approximately 30 feet; towers range from 55 feet to 75 feet tall. The access to the site would be from WCR 76 immediately north of the intersection of Brian Avenue. A storm water detention area is planned on the southern portion of the site and a landscaping plan shows evergreen trees along the south perimeter of the detention pond. The overhead transmission lines travel north from the substation site to the town limits. Please see the presentation and application materials for additional details on the facility.

The conditional use would not have an expiration date. The facility is planned to operate for the long-term.

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

1. The physical appearance of the use, including suitability of architectural and landscaping treatment.
2. Appropriate location of the building or buildings on the lot.
3. Adequate provision of parking, loading and circulation facilities.
4. Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.
5. Potential effect of the use on storm drainage in the area.
6. Adequacy of planting screens where necessary.
7. Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.
8. The general compatibility of the proposed use with the area in which it is to be located.
9. Notifications were prepared in accordance with the municipal code.

The Planning Commission held a public hearing in regard to this CUG on February 6, 2019. Community members requested additional landscaping and/or the addition of a screen wall (as seen at other utility station sites around the region) and for the site to be located farther north on the Thornton property. During the meeting, the applicant indicated that relocating the station would be difficult but that a wall and/or additional landscaping – particularly on the east and west perimeter of the property - could be provided. The requirement for additional landscaping and / or a wall was not included in the action taken by the Planning Commission. Staff recommends that the requirement for a wall and additional landscaping on the west and east perimeter be included as specific conditions of approval by the Town Board.

A neighborhood meeting is not required for this CUG application. The applicant did hold a community meeting with neighbors on November 16, 2018 to discuss the proposal.

The plan set was sent to referral agencies, including area utility providers, Colorado Department of Transportation, Colorado Department of Parks and Wildlife, and Weld RE 4, for review. Staff received comment back from the School District citing no impact. No other comments from referral agencies were received.

Staff has received comments from community members and residents from adjacent neighborhoods. Concerns included visual impacts of the facility to residents in the area, potential impacts of the site development on the wetlands to the south of the site, impacts to regional bird populations, and negative impacts to property values. These comments were expressed at the 2018 public hearings for the Thornton Farm 24 Annexation.

The applicant has also submitted a number of support letters for the facility primarily to address

the increasing demand for the service in the region.

Public comment documents received by staff and minutes from the Thornton Farm 24 Annexation public hearings are included in the meeting packet.

The 2016 Comprehensive Plan does not specifically address utility provider substations. However, it does discuss the importance of maintaining and enhancing quality facilities and infrastructure to support the community. ).

Although the use will have visual impacts on the area, the proposed location of the site off of WCR 76 and site plan details, such as landscaping, have been made in an effort to reduce these impacts. The use of public utility installations including transmission lines and substations is conditionally allowed in the zone district and found to be necessary to meet the demand for energy in the region.

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

1. A site plan, including landscaping, is reviewed and approved by staff prior to construction of the facility.
2. Landscaping is required on the southern portion of the property to assist in screening the facility from vantage points from the south.
3. The applicant will obtain all applicable Town and State permitting for the facility and for development operations, including an access permit from the Town Engineering Department and 10' fence per International Building Code requirements.

Staff requests the following be entered into the record:

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

Dr Jones inquired if staff recommended screening on the east and west as well as the southern portion.

Ms. Berry stated originally staff did not require screening on the east or west side.

The applicant's representative by Derek Holscher addressed the Board and gave a brief overview of the of the project. Public Service Company of Colorado is proposing to construct the Avery Substation and Transmission Line Project. The project, which is several years in the making consists of:

- A new 10 acre electric distribution substation located in Windsor, north of CR 76 and east of Latham Parkway
- Approximately 1.5 miles of new overhead double circuit 230 kilovolt (kV) electric transmission line - Weld County, Severance and Windsor
- Overhead and underground distribution feeder lines to serve Windsor, Severance and Timnath, and portions of unincorporated Larimer and Weld Counties

Project need and urgency:

- The current system serving this area does not have the capability to reliably serve the existing and additional load growth anticipated for the area.
- Avery Substation will also assist in providing partial back-up to the existing Cobb Lake and Windsor Substations, located on the outer edges of the growth areas.
- In the past three years, demand on the system has caused multiple outages affecting over 8,000 homes and businesses.
- These power interruptions put our residents, businesses, hospitals, schools, daycare centers and senior facilities at risk, and affect future growth.

Project Timeline

- September 2012: Planning for the new substation begins and a public open house at the Windsor Recreation Center helps narrow down potential locations for a new substation

- May 2014: Second public open house in Windsor
- May 2015: Based on need, the Colorado Public Utilities Commission approved a Certificate of Public Convenience and Necessity
- June 2015-July 2016: Further Analyzed and narrowed potential sites based on public input, availability to purchase and various environmental constraints
- August 2016: Third public open house; 600 individuals were invited and over those, 37 attended the open house and 180 comments revealed a preference for area 2
- November 2017: Negotiations began with the City of Thornton on 10 acres of their land near the public's preferred substation area
- September 2018: Received approval from Weld County for 1/3 of the project's transmission line; another 1/3 does not require land use permit approvals through the own of Severance.
- November 2018: Met with representatives from the Roth Subdivision
- December 2018: Land use permits submitted to the Town of Windsor for the substation site and the lat 1/3 of the transmission line
- Today: Seeking approval from the Town of Windsor, secure remaining land rights for the project, obtain construction permits, begin construction in April 2019.

Negotiations with City of Thornton due to future development pushed the site out of the preferred site number 2.

One concern that was brought up was the wetlands to the south of the project. A consultation with Colorado Parks and Wildlife determined there were no adverse impacts to the wildlife. Currently there is agriculture practices in place and a County Road bisects the wetland with loud traffic. The substation access and distribution locations are designed to avoid the wetlands. The site will also contain on-site detention to prevent erosion and siltation into the wetlands.

Ms. Sislowksi inquired as to why this project couldn't be moved further north.

Mr. Holscher stated moving the project further north was discussed with the City of Thornton although their preference was this area. The topography was also considered as to assist in screening and accessibility to the site in an emergency was a factor.

Mr. Baker inquired if this will serve the growth in Timnath, Severance and Windsor.

Mr. Holscher stated that is correct.

Mr. Baker commented that Windsor's policy is that development pays their own way so shouldn't new development be impacted the most with this facility but this is being proposed right next to existing homes.

Mr. Holscher stated the theoretical load center which is essentially the best place to build a substation is just to the west at the intersection of CR 13 and 76. Once the site moves away from the area, liability starts to do down. There are certain engineering perimeters, environmental constraints and the willingness of the landowner to sell the property. After looking at over 20 sites and of those there was one person that was willing to work with Colorado Public Service Company of Colorado.

Mr. Baker read an excerpt from the Mayor of Timnath, "The Town Council discussed the three locations at their August 9th meeting and prefer the substation be located east of County Road 1 in Weld County and on the far east side of site number 2 of the attached map. The Town prefers Route I as shown on the attached. This will prevent the lines and the substation from being in the view corridor of most of our new or pending development."

Mr. Holscher stated that was just one of the 180 comments that was received from the open house.

Mr. Wilson asked the applicant to go over the natural topography again.

Mr. Holscher stated the natural topography drains from the north to the south so from CR 76 one would be looking up at the site.

Dr. Jones inquired as to why the site couldn't be moved further north.

Mr. Holscher stated he is not the property owner but there were notations with the City of Thornton for over a year on the topic of moving the site further north as well as some

language in the body of the agreement. There were several options presented to the City of Thornton to move the site further north but at the end of the day the property owner has their thoughts on how they want to use the property. The City of Thornton downs plan to convert the irrigated agricultural land into dryland.

Ms. Melendez confirmed that the City of Thornton owns that property and after a year of negotiations, the only location that they would give in terms of this this 288 acres is what is being presented this evening. They would not allow the site to be moved further north.

Mr. Holscher stated that is correct.

Mr. Sislowski inquired if eminent domain is an option if needed.

Mr. Holscher stated that would be the last option.

Ms. Melendez inquired as to what brought the applicant to this particular site.

Mr. Holscher stated there were many factors in looking at sites; this site is closest to the load center and would be the most reliable site. The landowner was willing to work with the applicant and there was no floodplain, wetlands or soil condition issues. Transmission line routes had the least amount of constraints for this site and it was the shortest transmission route.

Ms. Melendez inquired as to what the urbanized definition is that was referred to in the packet.

Ms. Berry stated the property is in the Town's growth management area but will need to look into where urbanized is located in the packet to get the context.

Ms. Melendez inquired about the chain link fence and if the applicant could go above and beyond the chain link fence.

Ms. Berry stated the proposal by the applicant is for a 10' chain link fence although the applicant indicated at the Planning Commission meeting that they would consider other screening devices such as a wall.

Ms. Melendez inquired as to what would need to be done to make assurances instead of just considerations.

Ms. Berry stated it would be recommended that it be included in the action as a requirement.

Ms. Melendez inquired if the applicant would be agreeable to the terms if the Board wanted some that provided more assurances about either the landscaping or the screening.

Per Mr. Holscher; yes and this is typical when it comes to substations as the jurisdiction will impose conditions of approval.

Mr. Sislowski inquired as to how the site moved.

Mr. Holscher stated area 2 was presented at the open house meeting in 2016 and the majority of support was for that site. That is when the City of Thornton was approached to begin locating a substation site. Once negotiations began with the City of Thornton we saw that area 2 was not becoming a possibility as the City of Thornton has some concerns.

Mr. McCargar inquired about the irrigation canal on the site and if it is turning back onto the substation site from the east/northeast.

Mr. Holscher stated he believed that the canal is fed from the norther end and runs down.

There were approximately 13 Individuals who commented during the public hearing. One individual was in support of the conditional use grant due to the need of improvements to the electric grid to accommodate the growth in the area. The other individuals were opposed to the conditional use grant due to the following reasons:

- Feels the applicant is being deceptive with the location of the project
- Existing, long term residents in the area are being encroached on
- Concerns for the wildlife and birds that reside on or near the wetlands on the property
- Concerns for the loss of habitat for birds at the wetlands
- Concerns for the transmission wires and structures being harmful to large birds

- Exhaust all other sites/options
- Re-examine the original preferred Area 2 site
- Impacts on long term residents of the area
- Lack of visual analysis of the site
- Exploring options to move the site to the north of the property
- Health/cancer risks to individuals in the area from radiation
- Views of the substation from surrounding residents
- Decrease in home values

Eric Vannoy, 36925 Gaylin Ave, Windsor, CO 80550 - Opposed  
 Marcia Maeda, 6711 Steven Street, Windsor, CO 80550 - Opposed  
 Laurie Langhorn, 6855 Steven Street, Windsor, CO 80550 - Opposed  
 Rich Werner, Upstate Colorado Economic Development, 821 7th Street, Greeley, CO - In Support  
 Joan Glabach, 37076 Soaring Eagle Circle, Severance, CO - Opposed  
 Vicki Lake, owns property in the area - Opposed  
 Barbara Hyink, 37124 Cullison Ridge Road, Severance, CO - Opposed  
 Terri Vannoy, 36925 Gaylin Ave, Windsor, CO 80550 - Opposed  
 Rosalin Leautaud, 36933 CR 15, Windsor, CO - Opposed  
 Michael Mitchell, 6771 Steven Street, Windsor, CO 80550 - Opposed  
 Ruth Conley, 5898 Chantry Drive, Windsor, CO - Opposed  
 Ronald Maeda, 6711 Steven Street, Windsor, CO - Opposed  
 Heather Best, 6664 Steven Street, Windsor, CO 80550 - Opposed

Mr. Holscher stated a purchase and sale agreement is in place with the City of Thornton, contingent upon approval of the project. There was a site close to I-25 that was presented at the open house meeting but it was never said that it was the preferred site.

Ms. Melendez inquired if there was an impact analysis completed for this project.  
 Mr. Holscher stated there was a sighting study completed.

Ms. Melendez inquired if there is any consideration of the site moving north.  
 Mr. Holscher stated at this time it would be no as it was ultimately a property owner decision. It was petitioned to relocate on their property but it came down to this area and they were not going to entertain any other site than the 10 acres currently in front of the Board.

Ms. Melendez inquired if the Corp of Engineers is involved in this project since the wetlands are close.  
 Mr. Hale stated the Corp of Engineers is involved if the wetlands are moved but this site looks to be outside the wetlands.  
 Mr. Holscher stated the operation and construction of the facility will be staying clear of the wetlands.

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

2. Conditional Use Grant (CUG) for a Public Utility Installation, Including Transmission Lines and Substations in the Residential Mixed Use Zone District – Thornton Farm 24 Annexation – Derek Holscher of Public Service Company of Colorado (Xcel Energy), Applicant

Ms. Berry had nothing further to add.

Mr. Sislowski commented that there is a need for additional power grid although he does not feel the application is consistent with the surrounding area. Also, regarding the location of the site on the property and the City of Thornton not being open to relocating the site on the property. Mr. Sislowski is not feeling compelled that other alternatives are not available that would be more consistent with this region as opposed to 800 feet from an existing building.

Dr. Jones commented that he gets that no one wanted to see this. When the site was annexed, the City of Thornton stated Xcel Energy would be requesting a site for the substation. Dr. Jones stated he has worked with Colorado Parks and Wildlife in the past and they are very picky so if there were any issues they would be known. Dr. Jones stated he is in favor of the proposal.

Mr. Baker stated there is no dispute that the substation is needed however, Mr. Baker does not believe this application meets the criteria for the CUG standards and regulations and will be voting no.

Mr. Wilson stated he is in agreement with Dr. Jones.

Ms Melendez stated in order to take the vote this evening some assurances need to be made and some of them may not be able to be made without the input from the City of Thornton regarding moving the site. Ms. Melendez inquired if the CUG could be postponed.

Mr. McCargar stated it could be postponed for a specific purpose to have the City of Thorn here to discuss from their point of view if there are any alternative sites available.

Ms. Melendez suggested postponing the CUG for a period of time to allow Xcel to go back to the City of Thornton to provide them with this additional information that has been provided at the public hearing and work to come to a compromise on an alternative site.

Mr. Baker inquired if staff could discuss alternative sites other than moving the site north and why the other sites are non-negotiable.

Mr. McCargar stated if there are or are not alternative sites available, it would have been good to have the City of Thornton here to inform the public and the Board of that.. A postponement for the purpose of asking the City of Thornton to appear at the Board meeting to explore alternative sites is a safer course as it relates to suitability of the site. If the Board entertains a postponement, it is recommended that only be done if Windsor can be assured that Thornton can attend and have personal knowledge of the project.

Mr. Hale inquired if it is improper to have Windsor staff meet with Thornton staff and share concerns of the citizens and the Board.

Mr. McCargar stated it would not be improper to have staff explore that with Thornton and bring that back to a public hearing so what the Board would be doing is directing that a continuation of the public hearing be had before a determination is made tonight and that the purpose of that public hearing is to hear from Thornton whether there is a viable alternative site.

Mr. Hale suggested that the public hearing be continued until March 25, 2019.

Mr. McCargar stated to make the record clear, the Board will not take action on the CUG this evening which will be postponed and staff will be directed to reach out to Thornton and that a public hearing will be reopened on March 25, 2019 for the purpose of hearing evidence on alternative sites in the control of the City of Thornton.

Ms. Melendez inquired the applicant is amenable to delay the CUG for 30 days.

Mr. Holscher stated in lieu of getting the project denied, I think we would be willing to do the postponement. Mr. Holscher would like to accelerate the date. The spring and summer loads are coming and the Town will see those affects. Construction needs to begin immediately.

Mr. Hale stated two weeks seems like a short turnaround to get the City of Thornton at the meeting to have a discussion.

Mr. Sislowski commented that there is also the issue of eminent domain if needed and would also to know how long that would take and what that would cost.

Mr. Holscher stated at this point that is not a viable option.

Mr. McCargar stated what is being discussed is postponing action on the matter that is currently before the Board, pending the reopening of the public hearing to explore the availability of alternative sites within the control of the City of Thornton. That could be

through negotiations or it could be through eminent domain but rather than getting back into whether it is or it isn't viable at this stage is not recommended.

Mr. McCargar recommended the motion as follows: Motion to postpone this agenda item, pending a reopening of the public hearing on the question of whether there are alternative sites available within the control of the City of Thornton and that that public hearing be reopened for this purpose only in this room at 7:00 p.m. on March 25, 2019.

**Town Board Member Sislowski moved to postpone this agenda item, pending a reopening of the public hearing on the question of whether there are alternative sites available within the control of the City of Thornton and that that public hearing be reopened in this room for this purpose only at 7:00 p.m. on March 25, 2019., Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

3. Resolution No. 2019-18 - A Resolution Authorizing and Directing the Town Manager to Make Application to Northern Colorado Water Conservancy District for Annually-Renewable Perpetual Water Contracts for Rights to Use Colorado-Big Thompson Project Water Under Colorado Revised Statutes Section 37-45-131

Per Mr. Thornhill, Northern Colorado Water Conservancy District ("Northern Water") has established various rules and procedures regarding the acquisition of Colorado Big Thompson ("C-BT") units. When the Town of Windsor acquires units by purchase or dedication, Windsor must apply for a Temporary Use Permit for the delivery and beneficial use of the units. Once the permit is granted, Windsor must apply before March 1st of the following year, for the cancellation of the Temporary Use Permit and for the conversion of those units into an Annually Renewable Perpetual Water Contract under C.R.S 37-45-131. Because these contracts are with a public entity, they are intergovernmental agreements and require Town Board approval. These contracts are perpetual so long as the Town pays the annual assessment fee as determined by Northern Water.

**Town Board Member Sislowski moved to approve Resolution No. 2019-18, Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

4. Ordinance No. 2019-1583 - An Ordinance of The Town Board Of The Town Of Windsor, Colorado, Approving the First Amendment to the Service Plan for the Ridge at Harmony Road Metropolitan District Nos. 1-4, and Authorizing the Execution of an Intergovernmental Agreement Between the Town and the Districts

Per Mr. McCargar, before the Board on second reading is the ordinance approving an amended and restated service plan for The Ridge at Harmony Road Metropolitan Districts No.'s 1-4. The Executive Summary included in packet material has been presented previously, and fairly characterizes the nature and reasons for amended terms.

The ordinance was approved on first reading on January 14, 2019. Second reading was put off to allow full notice to District 2 residents who, although not fiscally affected by the amendments to the service plan, were deemed entitled to notice by the Town's Special Counsel for special district matters. The Districts have completed the notification, and are requesting final adoption of the ordinance.

Per Mr. O'Leary, before the Board on second reading is Ordinance 2019-1583 for the consideration of approval of a service plan amendment. The amendment includes an increase in the amount of acreage, the need for additional capital improvements and the request for additional debt authorization for all the property that does not currently have residents. There will be no increases in fees and there will be a cap in dept authorization for District 2 and there is a cap on the mill levy that is consistent with the Town model. A lot of the changes that have occurred in both the service plan and the amended and restated IGA are to be consistent with the current Town model.

The meeting was opened up for public comment.

Ruth Conley, 5898 Chantry Drive, Windsor, CO 80550 addressed the Board and inquired about the school and green space that was planned for the area.

Mr. McCargar stated the approval of a metropolitan district does not affect the overall development plan but it may fund public improvements that are needed for development but it won't affect the overall appearance of the development.

Mr. Mark stated they are in the process of dedicating a 10 acre school site and dedicated approximately five acres to the Town for a park site.

**Town Board Member Rennemeyer moved to approve Ordinance no. 2019-1583, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

5. Resolution No. 2019-19 - A Resolution Approving an Amended and Restated Intergovernmental Agreement Between the Town of Windsor and The Ridge at Harmony Road Metropolitan Districts No.'s 1-4, and Authorizing the Mayor to Execute Same

Per Mr. McCargar, the approval of an amended and restated service plan for the Ridge at Harmony Road Metropolitan Districts triggers the need for amendment of the intergovernmental agreement previously approved. The attached Amended and Restated Intergovernmental Agreement ("Amended IGA") accomplishes this step.

The Amended IGA brings the contractual relationship between the Town and the Districts into alignment with updated service plan. By doing so, we create contractual rights to enforce the terms of the service plan, above and beyond the mere terms of the service plan.

**Town Board Member Rennemeyer moved to approve Resolution No. 2019-19, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

6. Economic Development Update

Ms. Miller provided an overview of the creation of the Economic Development Department. In 2009, the community formed a committee to look into what they wanted for Windsor and it was determined they wanted a voice for economic development. In 2010, a State of Colorado Economic Development Assessment was completed. From that, the Town of Windsor Economic Development Task for was created in January of 2011. Ms. Miller was hired and began employment on April 1, 2011.

Windsor's Economic Development Department Priorities

- Primary Employment- Business retention and expansion and business attraction
- Retail Business
- Ombudsman - Business advocate

Windsor partners with other agencies including the State Office of Economic Development and International Trade, Metro Denver Economic Development and Upstate Colorado.

Economic Development Activity:

- Groundbreaking for Kum & Go
- Meeting with State NCRTA
- State EDC Commission Meeting
- The Ranch Master Plan
- Commercial Real Estate for Women Conference
- EDCC Annual Conference
- Larimer/Weld County Marketing Pan
- State Demographer's Summit

Ms. Miller provided the Board with a business prospect report:

- 117 prospects in 2018
- 89 total active prospects

- 29 prospect visits
- 13 company announcements
- 88 business visits
- 102 misc company assists
- 233 community outreach and events

D. COMMUNICATIONS

1. Communications from Town Attorney

Mr. McCargar informed the Board that the DDA approved the agreement, letter of intent and negotiating agreement with Brinkman which will be before the Board on March 11, 2019.

2. Communications from Town Staff

None

- a. University of Northern Colorado Thank You Letter

3. Communications from Town Manager

None

4. Communications from Town Board

Ms. Melendez stated the Town has recently lost two Windsorites, Sandy Brug and Carrie Ann Lucas. This is a great loss to the community as these two women truly exemplified real courage and overcame extreme obstacles with their physical health and needs.

E. ADJOURN

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

The meeting was adjourned at 9:31 p.m.



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Krystal Eucker, Town Clerk