



TOWN BOARD REGULAR MEETING

April 22, 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 7:06 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
Terry Walker, Director of Public Works
Dennis Markham, Waste Water Treatment Plant Supervisor
Rick Klimek, Chief of Police
Stacy Miller, Director of Economic Development
Carlin Malone, Chief Planner
Krystal Eucker, Town Clerk

2. Pledge of Allegiance

A moment of silence was held in honor of the two construction workers; Christopher Lee Ramirez and Jorge Baez Valadez

Sawyer and Nolan Hale led the pledge of allegiance.

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

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

4. Proclamation

- Mental Health Awareness Month

Mayor Melendez read the Mental Health Awareness Month Proclamation.

Rachel Iverson with Larimer County Behavioral Health Services thanked the Board for the Mental Health Awareness Month Proclamation.

- Economic Development Week

Mayor Melendez read the Economic Development Week Proclamation.

Ms. Miller thanked the Board for the Proclamation.

5. Presentation

- 2019 Arbor Day Poster and Poetry Award Presentation

Alison O'Connor, Chair of the Windsor Tree Board thanked the Town Board for the time to acknowledge the award winners this evening. All posters will be on display at the Art and Heritage Center through April 28th.

Mayor Melendez greeted the award winners and took photos with each one.

6. Board Liaison Reports

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

Town Board Member Baker thanked the Tree Board for another wonderful Arbor Day celebration. The May Tree Board meeting has been cancelled.

Mr. Baker reported the Historic Preservation Commission meeting was cancelled due to the snow storm and has been rescheduled to April 24, 2019 at 5:45 p.m.

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

Town Board Member Wilson reported the Village East and Windshire parks will open the first week of June.

Mr. Wilson reported the Town of Windsor along with Timnath and Larimer County are pursuing a Great Outdoors Colorado Grant to finish the Poudre River Trail on the west end of town which will connect Windsor, Timnath and Larimer County under I-25.

- Mayor Pro Tem Bennett - Water and Sewer Board

Mayor Pro Tem Bennett reported Water and Sewer Board received a report regarding the snow pack and water supply for next year which is positive. They also went on a tour of the waste water treatment plant.

- Town Board Member Rennemeyer - Chamber of Commerce

Town Board Member Rennemeyer reported the Chamber has been interviewing for the Executive Director position and have come to a list of finalist. The individual chosen has not formally accepted the position yet.

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

Town Board Member Jones reported the Great Western Trail Authority will be putting out a request for bids on May 14, 2019 for the seven mile stretch of the Trail from Severance to Eaton. The bid opening will be June 2, 2019. There are also two trail head designs underway; one in Severance and one in Eaton.

Dr. Jones reported the Windsor Housing Authority met and have been having weekly meetings with the Golden Meadows architect and contractor; meet and greets have been

held at Century III to find out what kind of amenities the residents would desire at the new facility. Representatives of the Windsor Town Board and the Windsor Housing Authority will be meeting with Severance tomorrow night to discuss forming a joint housing authority between the two communities.

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

Town Board Member Sislowski reported the Planning Commission met on April 17, 2019 and a major subdivision was filed for Water Valley 27th Filing.

Mr. Sislowski reported the Library Board will meet on April 25, 2019 and will start working on a strategic plan as well as reviewing their bylaws.

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

Mayor Melendez reported the the next MPO meeting is May 2, 2019 at the Riverside Library and Culture Center in Evans, CO.

7. Public Invited to be Heard

Mayor Melendez opened the meeting up for public comment.

Seth Sandstrum, 10101 15th Street, Greeley, CO addressed the Board as he is a Scout Leader with the Boy Scouts in Windsor. Mr. Sandstrum asked the Board for their consideration to help the troop in the Scouting for Food movement which will collect food for the Windsor Food Pantry. The last several years have been difficult to gather donations as the Town has continued to grow. Due to the growth in Windsor, the Troop is having difficulty visiting all the homes in Windsor with flyers for the event.

Ms. Melendez referred Mr. Sandstrum to the Town Manager to assist in connecting Mr. Sandstrum and his Troop with the individuals hosting events in Windsor.

B. CONSENT CALENDAR

1. Minutes of the April 8, 2019 Regular Town Board Meeting - K. Eucker
2. Resolution No. 2019-35 - A Resolution Pursuant to Section 16.8 of the Windsor Home Rule Charter Authorizing the Acquisition of Certain Property Rights by Negotiation and, If Necessary, by Eminent Domain for the Windsor No. 2 Ditch Trail and SH 392 Roadway Improvements Projects - Ian D. McCargar
3. Report of Bills First Quarter 2019

Town Board Member Sislowski 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, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

C. BOARD ACTION

1. Public Hearing for Ordinance 2019-1587 - An Ordinance Revising and Readopting the Methodology and Cash In-Lieu Payments pursuant to the Intergovernmental Agreement Concerning Land Dedication or Payments In-Lieu for School Purposes entered into by the Town of Windsor and Weld County School District RE-4

Town Board Member Rennemeyer moved to open 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.

Per Mr. McCargar, in order to address increased demands on the Weld County RE-4 School District due to residential growth and related student population increases, the Town first entered into an intergovernmental agreement (IGA) regarding land dedication or cash in lieu payments with the District in 1999. Subsequent ordinances were passed in 2000 and 2007 to update the methodology to reflect the increasing per acre value of land.

The fee has not been revised since 2007 as the District preferred not to change fees during the economic downturn. With increased land development costs and record residential building permits being issued the past three years, the District is proposing that both Windsor and Severance update the methodology for calculating land dedication and cash-in-lieu fees paid with new residential building permits to more accurately reflect student yields and school construction costs. The enclosed materials outline the District's proposed changes to the developed land value and methodology for calculating land dedication and in-lieu payments.

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

Town Board Member Rennemeyer moved to to close 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. 2019-1587 - An Ordinance Revising and Readopting the Methodology and Cash In-Lieu Payments pursuant to the Intergovernmental Agreement Concerning Land Dedication or Payments In-Lieu for School Purposes entered into by the Town of Windsor and Weld County School District RE-4

Mr. McCargar commented that this will amend the code language, particularly the table of fees. Mr. Sislowski did point out that this agreement is about to expire so the discussions have began to extend the agreement which will come before the Board in the form of a resolution relatively soon.

Mayor Pro Tem Bennett moved to to approve Ordinance No. 2019-1587, Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson;

3. Resolution No. 2019-36 - A Resolution Approving and Adopting an Intergovernmental Agreement for Reimbursement of Construction and Related Expenses for Roadway Improvements in the Town of Windsor, Colorado, Between the Town of Windsor and the Poudre Tech Metropolitan District (New Liberty Road and 7th Street)

Per Mr. Hale, agenda items 3 and 4 are identical although they are for separate areas. In response to increased traffic and citizen complaints, a traffic signal warrant study was done in 2018 at the intersections of 7th Street/New Liberty Road and WCR 13/New Liberty Road. An intersection should meet at least one of the nine warrants defined in the Manual on Uniform Traffic Control Devices (MUTCD) to qualify for signal installation. Both intersections met two warrants and were close to meeting a third in early 2018.

The 2019 budget includes \$348,000 for each of the two signals; a total of \$696,000. Traffic signals were budgeted in lieu of roundabouts due to cost differential. For example, Windsor constructed the roundabout at 7th Street and Eastman Park Drive in 2017 at a cost of \$1.1 million.

In January, staff received some inquiries and comments concerning the plan to install traffic signals at the two subject intersections versus roundabouts. Martin Lind's design and construction team laid out the attached sketches and cost estimates for roundabouts. These

estimates were presented during the February 25, 2019, Town Board work session. As you can see, the cost estimates (approx. \$650k per roundabout) are significantly lower than expected.

As an alternative to traffic signals, it's proposed that the Raindance Metro District will construct a roundabout at WCR 13/New Liberty Road and the Water Valley Metro District will construct the one at 7th Street/New Liberty Road both in 2019.

If approved by the Town Board, Windsor will reimburse the Raindance Metro District for the cost of the roundabout at WCR 13/New Liberty Road. Windsor will reimburse the Water Valley Metro District for the roundabout at 7th Street/New Liberty Road. Both reimbursements will occur in 2019.

The attached IGA's carry out these terms. The IGA's are virtually identical. They call for the Town to be an active participant in the planning of the improvements, and provide for reimbursement only after the Districts have complied with their requirements for infrastructure funding.

Mr. Rennemeyer confirmed that they will be paid for this year out of the road impact fee and then it will be paid back from the 2020 budget.

Mr. Hale stated because there is a fund balance, there will be one less project and the fund balance will start out lower.

Dr. Jones inquired if the roundabouts will be the same size as the one at Eastman and 7th.

Mr. Hale stated they will be closer in size to the one on Eastman and 7th.

Mr. Baker inquired if the street lights are part of the road impact fee.

Mr. Hale stated those would have been paid for out of the traffic impact fund as well.

Mr. Rennemeyer inquired as to the costs of the New Liberty and 7th roundabout and if that includes the costs of right of way acquisition on the northwest corner.

Mr. McCargar stated the permanent right-of-way acquisition at that corner is very small, approximately 400 square feet so there is not a lot of permanent right-of-way but there will be a need for a significant amount of temporary construction easement space for traffic control. The permanent right-of-way is not a significant expenditure.

Ms. Melendez inquired if the reimbursement plan is agreeable to the metro districts.

Per Mr Hale; yes it is and a discussion took place with the CFO today so they know that these items were on the agenda this evening.

Town Board Member Rennemeyer moved to to approve Resolution 2019-36, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

4. Resolution No. 2019-37 - A Resolution Approving and Adopting an Intergovernmental Agreement for Reimbursement of Construction and Related Expenses for Roadway Improvements in the Town of Windsor, Colorado, Between the Town of Windsor and the Raindance Metropolitan District (New Liberty Road and Weld County Road 13)

Mr. Hale had nothing further to add.

Dr. Jones inquired if there right-of-way issues at this intersection as well.

Mr. McCargar stated Windsor will need some right-of-way although the details have not been obtained yet.

Mr. Rennemeyer inquired if by passing both of the resolutions this evening, the Board is approving the expenditure of any right-of-way acquisition that may be needed.

Mr. McCargar stated that will be part of the expenditure but it will be in addition to the construction costs that were presented to the Board as part of the work session

materials.

Mr. Hale stated if there are unforeseen expenditures that arise, those details will come back before the Board for guidance.

Mr. McCargar stated when the right-of-way does come to Windsor, it will come in the form of a deed that will be presented to the Board for acceptance.

Town Board Member Wilson moved to approve Resolution No. 2019-37, Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

5. Resolution No. 2019-31 - A Resolution Approving the First Amendment to the Weakland Annexation Agreement, and Authorizing the Mayor to Execute Same

Per Mr. Hale, the Town approved the Weakland Annexation on August 22, 2016 and entered into the Weakland Annexation Agreement at that time. One of the provisions of the agreement is that the property owner install an industrial pre-treatment facility prior to introducing any brewery effluent into the Town's sanitary sewer system.

Staff met with property owner earlier this year and discussed his desire to connect to the Town's sanitary sewer system. One major difference between 2016 and now is that the property owner actually knows its Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS) levels, and discharge quantities. The 2016 estimates (upon which the pre-treatment requirement was based) were much higher than what the brewery is actually producing. Wastewater Facilities Supervisor Dennis Markham has reviewed the effluent analysis and is recommending that the Town waive the requirement of installing a pre-treatment facility.

The other highlights of this Amendment include representative sampling of brewery effluent and a maximum amount of discharge that would trigger a possible additional capacity charge, which protects both parties. Staff believes that the Town will approve assessment of a brewery surcharge for increased TSS and BOD levels (standard practice in Loveland, Ft. Collins and Longmont) when we update the Town's rate charges in 2020. Under this scenario, it is highly unlikely that the property owner will need to pay for any additional plant investment fees. The property owner understands that the Town intends to implement a monthly surcharge next year, and the Amendment does not limit this utility management authority.

The Amended Agreement incorporates these concepts, including an adjustment to the Plant Investment Fee routinely assessed as a condition of sanitary sewer service. This adjustment has been approved by Mr. Markham.

Mr. Rennemeyer inquired if a lift station will be required.

Mr. Hale stated there is a small force main system in place.

Mr. Weakland stated they have a lift station that will lift way more than is needed for their facility.

Ms. Melendez inquired as to what the monthly payment will be.

Mr. Hale stated the monthly installment will be \$1,030.27.

Town Board Member Rennemeyer moved to to approve Resolution No. 2019-31, 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. Public Hearing – Great Western Industrial Park Subdivision, Fourth Filing, Lot 1 Block 1 (Intersand) - Modification of Building Height per Sec. 16-10-50 – Dean Brown, Great Western Industrial Park, LLC, applicant; Mark Cevall, Redland, applicant's representative

Town Board Member Baker moved to to open the public hearing, 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.

Mr. Sislowski stated, "Madam Mayor, in my capacity as the Town Board liaison for the Planning Commission I was present at the Commission meeting during which this matter was previously presented. I wish to state that my participation in the Planning Commission proceedings has in no way influenced me in my capacity as a Town Board Member this evening. I will make my decision and cast my vote this evening based solely on the evidence presented during this public hearing."

Per Ms. Malone, the applicant is requesting approval of a height modification in order to exceed the maximum building height allowed in the Heavy Industrial (HI) zoning district. The maximum height allowed in the HI zoning district is seventy-five (75) feet, in accordance with Sec. 16-10-50(b)(3). The facility proposed includes a tower with a height of 140 feet.

For comparison, a number of buildings in the immediate vicinity have been approved with similar heights, including Owens-Illinois at 150 feet, Halliburton at 119 feet and Front Range Energy at 147 feet. The water tanks at the Walmart distribution center on Crossroads Boulevard are 158 feet in height.

Section 16-10-50(c)(2) of the Municipal Code states, in part:

- a. Views. A building or structure shall not substantially alter the opportunity for, and quality of, desirable views from public places, streets and parks within the community.*
- b. Light and shadow Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be designed so as not to have a substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property*
- c. Privacy. Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be designed to avoid infringing on the privacy of adjacent public and private property, particularly adjacent residential areas and public parks.*
- d. Neighborhood scale. Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be compatible with the scale of the neighborhoods in which it is situated in terms of relative height, height to mass, length to mass and building or structure scale to human scale.*

The application is consistent with various goals of the Comprehensive Plan.

At their April 17, 2019 meeting, the Planning Commission forwarded a recommendation of approval to the Town Board for the height to not exceed one hundred forty (140) feet.

The application materials demonstrate the Municipal Code review criteria for height modifications of views, light and shadow, privacy, and neighborhood scale are not negatively impacted.

Staff requests the following be entered into the record:

- Applicant and supplemental material
- Staff memorandum and supporting documentation
- All testimony presented during the public hearing
- Recommendation

The applicant's representative, Mark Cevall addressed the Board and stated the user of this property is very excited to come to Windsor. The company is called Intersand and they will bring about 20-30 employees with the first phase, with potential expansion that could easily

double the number of employees. The building that Intersand is proposing does fit well with the character of the neighboring industrial park.

Dr. Jones inquired as to the nature of the business.

Mr. Cevall stated Intersand is a production company that makes kitty litter. The company is based in Canada and this will be their first facility in the United States.

Town Board Member Rennemeyer moved to to close 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.

7. Resolution No. 2019-38 – A Resolution Regarding Great Western Industrial Park Subdivision, Fourth Filing, Lot 1 Block 1 (Intersand) - Modification of Building Height per Sec. 16-10-50 – Dean Brown, Great Western Industrial Park, LLC, applicant; Mark Cevall, Redland, applicant's representative

Ms. Malone had nothing further to add.

Town Board Member Sislowski moved to to approve Resolution No. 2019-38, Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

8. Financial Report January 2019

Mr. Moyer provided an overview of the January 2019 financial report that was included in packet material.

Mr. Bennett inquired if there is an easy way to do a side by side comparison of the GEO codes from year to year.

Mr. Moyer stated they could put something together.

Mr. Baker commented that he liked the new line graph on page five but it is kind of hard to delineate which is which.

Mr. Moyer stated it will be worked on for next time.

Ms. Melendez inquired if the salaries and benefits is the normal expenditure each month.

Mr. Moyer stated in the summer months that number will be greater due to seasonals.

That number also includes pension plans and benefit packages. That number may also include Workman's Compensation that is paid all in January.

9. Economic Development Update

Ms. Miller introduced President Rich Werner from Upstate Colorado.

Mr. Werner stated Upstate Colorado spends a lot of time on connecting, facilitating, marketing and advocating.

Connect

- Work to Retain and Expand Existing Business
- Work with State and local entities to build an understanding of the region, MDEDC
- WELD WORKS, Revolving Loan Fund, Bright Futures

Facilitate

- Lead Distribution and Prospect management
- Economic Data: Demographic reports, laborshed information, Rankings, Incentives

- negotiations, etc.
- WELDBWORKS, Revolving Loan Fund, Bright Futures

Market

- National conferences, trade shows, individual visits with companies, site selectors and Real estate consultants.
- Targeted advertising
- NOCO REDI Initiative
- Sponsorship of Site Connect platform for Windsor

Advocate

- Regional Engagement, industry facilitation, Pro Business Legislative advocacy

Mr. Werner stated Upstate has been working with all of the economic development partners on an initiative called NOCO REDI, Northern Colorado Regional Economic Development Initiative. We looked at how we are marketing the region as a whole and collectively which includes industry cluster studies so that we can see where the markets are going and where we should be concentrating efforts and resources moving forward.

D. COMMUNICATIONS

1. Communications from Town Attorney

None.

2. Communications from Town Staff

Chief Klimek informed the Board that the Drug Take-back day on April 27, 2019 from 10:00 a.m. - 2:00 p.m.

- a. Site Plan - Kang Subdivision Qualified Commercial Site Plan - 101 Main - M. Berry
- b. Windsor Police Department March 2019 Statistical Report

3. Communications from Town Manager

Mr. Hale reminded the Town Board of the Community Clean-up Day on April 26-27, 2019.

4. Communications from Town Board

Dr Jones inquired as to the status of the Sports Park.

Mr. Lucas stated CNSP is in the final process of submitting their plan to the Town.

Dr. Jones inquired as to the widening of Harmony Road.

Mr. Hale stated the developer is completing that project but there has not been much communication with the developer.

E. ADJOURN

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

The meeting was adjourned at 8:51 p.m.



Krystal Eucker, Town Clerk