



TOWN BOARD REGULAR MEETING

June 10, 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
Myles Baker
Barry Wilson
Paul Rennemeyer
Tom Jones
David Sislowski

Also Present:

Shane Hale, Town Manager
Ian McCargar, Town Attorney
Rick Klimek, Chief of Police
Scott Ballstadt, Director of Planning
Dean Moyer, Director of Finance
Karl Gannon, Budget Analyst
Paul Hornbeck, Senior Planner
Krystal Eucker, Town Clerk

2. Pledge of Allegiance

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

4. Proclamation

- Cattle Baron's Ball Day

Mayor Melendez read the Cattle Baron's Ball Day Proclamation.

5. Presentation

- Officer and Civilian of the Year

Chief Klimek presented Sargent Aaron Lopez with the Optimist Annual Officer of the Year Award.

Chief Klimek also presented Susannah Vargas with the Optimist Civilian of the Year Award.

The selection of both awards was determined by nominations from other employees and then selected by the awards committee.

6. Board Liaison Reports

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

Town Board Member Baker had no update.

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

Town Board Member Wilson reported the Parks, Recreation and Culture Board went on a tour of potential future projects.

Mr. Wilson reported the Poudre River Trail Corridor Board has discussed for some time the connection on the west side of Windsor to Timnath and Fort Collins. There will be a tunnel under I-25 but the hurdle has been gaining access to land between Windsor and Timnath; Larimer County has since signed an agreement so that issue has been resolved. The Board has also been looking at local jurisdictions regarding e-bikes to develop a uniform regulation along the Trail.

- Mayor Pro Tem Bennett - Water and Sewer Board

Town Board Member Bennett reported the Water and Sewer Board meets this Wednesday morning at 6:30 a.m.

- Town Board Member Rennemeyer - Chamber of Commerce

Town Board Member Rennemeyer reported the Chamber kicked off the summer at Boardwalk park on June 6, 2019 and 3,000 ice cream sandwiches were handed out. There were three new businesses that had ribbon cuttings recently and three new business have joined the Chamber.

The Library will be hosting the Chamber for three different focus groups on June 14th at noon, June 20th at 10:00 a.m. and June 25th at noon; the focus groups are designed to get feedback from the community as far as the future of the Chamber of Commerce. A meet and greet is scheduled for Friday at 5:00 at High Hops to meet the new Chamber President and CEO.

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

Town Board Member Jones reported the Great Western Trail Authority was hoping to be opening bids for the completion of the Trail between Severance and Eaton this week but there is now a property line dispute east of Severance. An attorney has been retained to work on the issue.

Dr. Jones reported the Windsor Housing Authority continues the weekly planning meetings with the architects and contractor for Golden Meadows Senior Development with construction to potentially commence next summer. A proposal was also discussed to form a joint Severance and Windsor Housing Authority; the proposal went to a vote and it was voted down.

- Town Board Member Sislowksi - Clearview Library Board; Planning Commission
Town Board Member Sislowksi reported the Library will meet later this month but they did have a kick off meeting on June 5, 2019 for the new strategic planning effort.

Mr. Sislowksi reported the Planning Commission heard the Highland Meadows conditional use grant which is on this evening's agenda.

- Mayor Melendez - Downtown Development Authority; North Front Range/MPO
Mayor Melendez reported the MPO met on June 6, 2019. A presentation was received from the CDOT Executive Direction regarding the future and vision of where CDOT is headed and what they hope to look like in the near future. In the next six months CDOT will be visiting all of the counties in Colorado and they hope to get feedback from citizens. After the summer there should be a report on the direction that CDOT is headed. The I-25 project secured \$310 million which will complete the full build out of segments 7 and 8. Funding is still needed to complete 5 and 6.

7. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the May 13, 2019 Regular Town Board Meeting
2. Resolution No. 2019-41 - A Resolution Approving the First Amendment to the Intergovernmental Agreement between the Town of Windsor and the Weld County School District Re-4 dated August 16, 1999, concerning Land Dedications or Payments In Lieu for School Purposes
3. Resolution No. 2019-42 - A Resolution Approving and Accepting a Deed of Dedication for Right of Way and Temporary Construction Easement from Marcus B. Chapman for 7th Street and New Liberty Road Roundabout Improvements
4. Resolution No. 2019-43 - A Resolution Re-affirming and Ratifying an Intergovernmental Agreement Dated January 7, 2018 Regarding the Northern Colorado Drug Task Force
5. Report of Bills May 2019

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

C. BOARD ACTION

1. Presentation of 2018 Annual Audit Report

Mr. Moyer introduced Mr. Randy Watkins with Anton Collins Mitchell LLP.

Mr. Watkins reviewed the 2018 Annual Audit Report Wrap Document and the 2018 Financial Report that was included in packet material.

Mr. Sislowksi inquired as to the schedule of uncorrected misstatements.

Mr. Watkins stated occasionally an insignificant difference will be identified between the supporting schedule and the trial balance numbers. Its a really small number so with management approval, the adjustment is not corrected. The error is not sufficient to the auditors.

Mr. Sislowski inquired as to the other mechanism in place that addressed the concern related to credit card statements and if there should be a review of the policy.

Mr. Moyer stated he looks at the credit card statements every month when they are paid. The supervisor, department head and Mr. Moyer check the credit card statements before they are paid but a few were missed in the process.

Mr. Watkins stated the policy is fine and it was a handful of situations.

Mr. Sislowski pointed out an error on page 123 of 267; State of Revenues in Proprietary funds in the storm drainage.

Mr. Watkins stated that is an error that will be corrected in the final internal review process.

2. Resolution No. 2019-44 – A Resolution Accepting the Audit Report for 2018 Prepared by Anton Collins Mitchell LLP, Certified Public Accountants

Mr. Moyer recommends approval Resolution 2019-44 as presented.

Dr. Jones inquired about the Windsor Building Authority and if that is currently a functioning group.

Mr. Moyer stated the Windsor Building Authority meets once a year since there isn't much to do but review the last meeting minutes and discuss what will be done for the next year. That was the vehicle used to secure the funding for he police station.

Mr. Hale commended Mr. Moyer and his staff for the great oversight and controls of the budget.

Town Board Member Rennemeyer moved to to approve Resolution No. 2019-44, Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

3. Ordinance No. 2019-1588 – An Ordinance Amending the Windsor Municipal Code Concerning Renewal Requirements for Sales Tax License and Requirements for Business Licenses in the Town of Windsor, Colorado

Mr. Moyer stated this is the second reading of Ordinance 2019-1588 regarding business licensing and sales tax licensing.

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

Mayor Pro Tem Bennett moved to to approve Ordinance 2018-1588, 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. Public Hearing – Conditional Use Grant Extension – Highland Meadows Golf Course Subdivision 13th Filing, Lot 1 (Power 2 Play Sports) Temporary Gravel Parking – Jon Turner, Hillside Commercial Group, applicant/ Mike Walker, TB Group, applicant's representative

Town Board Member Rennemeyer moved to to open the public hearing, Mayor Pro

Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

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 Mr. Hornbeck, the applicant is requesting an extension to a Conditional Use Grant (CUG) approved in 2017 which allowed temporary gravel parking west of and adjacent the Power to Play site at 6004 Fairgrounds Avenue. The CUG expired March 27, 2019 and this request is to extend the CUG approval to allow for construction of a permanent parking lot. Staff is currently reviewing a site plan submitted by the applicant which proposes permanent paving of the parking area and establishing pad sites for future commercial development. This site plan includes shared, permanent parking between retail users and the existing Power to Play facility. The applicant hopes to commence construction in August.

At their June 5, 2019 meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of the conditional use grant extension.

Staff requests the following be entered into the record:

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

Municipal Code Section 16-7-50 lists the following criteria for review of conditional use grants:

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

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

Mr. Sislowski inquired as to why the applicant is needing an extension

Mr. Turned stated the 16th fling was submitted about a year ago which is the commercial and parking lot. There was an email that there was staff changes and there was a drop period where the project didn't progress. Also, the paving is planned to be scheduled in coordination of the closing of the facility when the courts are being redone which is in August.

Ms. Melendez inquired as to the parking and pad sites.

Mr. Hornbeck stated there will be retail pad sites and there would be shared parking.

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

Town Board Member Rennemeyer moved to 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.

5. Conditional Use Grant Extension – Highland Meadows Golf Course Subdivision 13th Filing, Lot 1 (Power 2 Play Sports) Temporary Gravel Parking – Jon Turner, Hillside Commercial Group, applicant/ Mike Walker, TB Group, applicant’s representative

Mr. Hornbeck had nothing further to add.

Town Board Member Rennemeyer moved to approve the extension of the conditional use grant for Highland Meadows, 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. 2019-45 - A Resolution Approving and Adopting an Intergovernmental Agreement Between Weld RE-4 School District and the Town of Windsor for the School Resource Officer Program

Chief Klimek informed the Board that the SRO agreement between the Town of Windsor and Weld RE-4 School District is being changed for the 2019-2020 school year.

The additional SRO officer will be responsible for the Windsor Middle School and the remaining elementary schools within the Town of Windsor. The Charter Schools are not part of this agreement.

There has also been a change to the funding formula; Weld Re-4 will now pay fifty percent (50%) of the employment cost for both SRO positions.

Mr. Baker inquired if the additional officer is currently in the budget.

Chief Klimek stated this is one of the officers that Windsor budgeted for at the beginning of the year.

Ms. Melendez inquired as to the total cost of the SRO.

Chief Klimek stated it is approximately \$83,000 per officer and the school district will be paying 50% of that.

Dr. Jones inquired as to how much the current SRO contribution is.

Chief Klimek stated currently Windsor provides 70% and the school district provides 30%.

Ms. Melendez inquired if there has been a resolution passed by the School Board.

Chief Klimek stated it will be passed a resolution this coming Monday.

Town Board Member Rennemeyer moved to approve Resolution 2019-45, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson;

7. Financial Report April 2019

Mr. Moyer gave a overview of the financial report that was included in packet material.

Mr. Baker inquired about the Brands incentive net collections from the last report.

Mr. Moyer stated it is actually net collections in the report; we can get gross numbers out.

Mr. Sislowski confirmed that there is no local tax on fuel.

Mr. Moyer stated that is correct.

D. COMMUNICATIONS

1. Communications from Town Attorney

Mr. McCargar reminded the Board that he will not be attending the CML conference but will be on vacation next week. There is also an executive session this evening.

2. Communications from Town Staff

Chief Klimek informed the Board that Weld County Communications is moving forward with the tower site on Highway 14.

a. Windsor Police Department April 2019 Statistical Report

b. Highland Meadows Golf Course Subdivision 16th Filing L3&4 - Commercial Center - Site Plan Review

3. Communications from Town Manager

Mr. Hale reminded the Board of the Transportation Master Plan Open House at Windsor/Severance Firestation No. 1 beginning at 4:00 p.m.

4. Communications from Town Board

Ms. Melendez gave a reminder of Coffee with the Mayor this Saturday beginning at 7:30.

E. EXECUTIVE SESSION

1. An executive session pursuant to Colorado Revised Statutes § 24-6-402 (4)(e) (I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect for certain Economic Development Incentives (Stacy Miller, Director of Economic Development, Jill Young, Economic Development Specialist)

Town Board Member Rennemeyer moved to to go into executive session pursuant to Colorado Revised Statutes § 24-6-402 (4)(e) (I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect for certain Economic Development Incentives, 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.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 8:47 p.m.

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

Upon returning to the Regular Meeting, Mayor Melendez advised that if any participants in the Executive Session believed the session contained any substantial discussion of any matters not included in the motion to convene the Executive Session, or believed any improper action occurred during the Session in violation of the Open Meetings Law; such concerns should now be stated. Hearing none, the Regular Meeting resumed at 8:47 p.m.

F. ADJOURN

Town Board Member Baker moved to adjourn, 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.

The meeting was adjourned at 8:47 p.m.

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

Krystal Eucker, Town Clerk