



TOWN BOARD REGULAR MEETING
September 9, 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 7:07 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
Kim Emil, Assistant Town Attorney/Town Prosecutor
Rick Klimek, Chief of Police
Scott Ballstadt, Director of Planning
Dean Moyer, Director of Finance
Krystal Eucker, Town Clerk

2. Pledge of Allegiance

Town Board Member Wilson 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 to approve the agenda as presented, Town Board Member Wilson 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 the Tree Board is hosting an Evening with the Tree Board on September 24, 2019 at 6:00 p.m. at the Community Recreation Center. The Tree Board will be recapping the Sick Tree Day, discussion the Emerald Ash Borer and the Japanese Beetle. The Tree Board also reviewed their annual goals for next year which includes library programs with Larimer and Weld County, a spring workshop, Arbor Day events and and urban forest assessment.

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

Town Board Member Wilson reported that Parks, Recreation and Culture will meet

September 10, 2019. Mr. Wilson thanked staff for all their hard work and dedication for the Harvest Festival.

Mr. Wilson reported the Poudre River Trail Corridor Board will be hosting their fundraising event on September 12, 2019 from 5:30-7:30 p.m. at the Poudre Learning Center.

- Mayor Pro Tem Bennett - Water and Sewer Board

Mayor Pro Tem Bennett; Absent - no report.

- Town Board Member Rennemeyer - Chamber of Commerce

Town Board Member Rennemeyer reported the Chamber held their first strategic planning session today. The Board discussed new initiatives the Chamber can do, fundraisers and ways the Chamber can support the local business community.

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

Town Board Member Jones reported the Windsor Housing Authority will meet next week although they are currently in the process of creating a job description for a full time maintenance position for Century III.

Dr. Jones reported the Great Western Trail Authority meet and the ongoing property line dispute was the topic of discussion.

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

Town Board Member Sislowski reported the Library Board met on Thursday and it was mostly discussion regarding updates to the strategic plan.

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

Mayor Melendez reported the next Downtown Development Authority meeting is September 18, 2019 and a strategic planning meeting is scheduled for September 17, 2019.

Ms. Melendez reported the MPO meeting was held in Severance. The 2045 Regional Transportation Plan was approved and the re-adoption of fiscal year 2020-2023 Transportation Improvement Program.

5. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the August 26, 2019 Regular Town Board Meeting
2. Report of Bills August 2019

Town Board Member Rennemeyer moved to approve the consent calendar as presented, Town Board Member Baker 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, Ordinance No. 2019-1592, for approval of Future Legends Sports Park Metropolitan Districts No.'s 1 - 2

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

Per Mr. McCargar, this evening the Board is convening a statutory public hearing to hear evidence in support of the future Legends Sports Park Metropolitan Districts 1-2. These Districts are proposed to serve the area formally known as Diamond Valley; Diamond Valley is now in control of the Legends Sports Park organization. The service plan was presented to Windsor approximately six weeks ago and was immediately referred to Ms. Steffl as the Districts would like consideration of the service plan in a fairly accelerated time frame. If approved on first reading, second reading would be on September 23, 2019. This time frame would allow the Districts to meet deadlines for the November election cycle. The District's lawyer, Bill Ankele and Ms. Steffl worked cooperatively to get the service plan in the condition that the Board sees this evening. Ms. Steffl is very familiar with the details of the plan and will be addressing the Board as well.

Ms. Steffl gave an overview off the proposed new Districts:

1. Two metropolitan Districts would be created, with each District consisting of approximately 50 acres of property. Per the projections in the Financial Plan, the Districts are planned for commercial development, including ballfields, a stadium, indoor athletic facilities, hotels, dormitories, and commercial uses such as medical and retail. The current owner is Future Legends, LLC.
2. District No. 1 would initially consist of the "restricted parcel" of property under the Development Agreement, which could revert back to the Town upon certain conditions set forth in the Development Agreement (namely, if two ballfields are not developed by March 2020 and March 2022, respectively, or if the property does not remain open for public athletic activity until December 2038).
3. The Districts are planning to finance public infrastructure, including streets, sitework/grading, water, sanitary sewer, storm sewer, landscaping and parks, estimated to cost approximately \$32.5 Million. The Debt Limit would be set at \$42,750,000.
4. The Debt is proposed to be repaid through a mill levy of up to 34 mills and Developer / owner collected fees (to be imposed by covenant and then dedicated to the District). The service plan would also allow the Districts to impose a Capital Improvement Fee (without limitation as to rate) or other fees. The amount of the developer-imposed fees has not been determined and is not limited in the service plan, but the proposal is to impose a Project Retail Fee of 1% on all retail sales transactions and a Project Lodging Fee of 3% on all hotel lodging transactions within the Districts. The current owner of the property has submitted the attached letter regarding his intent to impose the developer fees.
5. The Financial Plan attached to the Service Plan demonstrates that, based on projected assessed valuations and developer-imposed fees, the Districts would have the financial ability to discharge debt in the principal amount of up to \$44,150,000, which is in excess of the debt limitation. The Districts may decide to issue less than the maximum amount of debt, for reasons including if the financial projections are revised prior to issuance.

The draft service plan closely follows the model service plan. However, some deviations are proposed, including the following:

1. Under the Model Service Plan, debt is to be paid from mill levies and/or from a capital improvement fee of up to \$2,500 per home. Because these Districts will serve commercial development, the draft service plan does not include a limitation on the amount of the capital improvement fee and allows for the debt to be repaid through other revenue sources, including the Project Retail Fee and the Project Lodging Fee.
2. Because there is a possibility that land within the District could revert to ownership by the Town, the service plan states that if the land reverts back to the Town, the Town will not be "subject to any payment in lieu of tax ("PILOT"), or any other concession or offset, to accommodate the resulting loss in property tax revenue to the Districts."
3. Under the Model Service Plan, special districts are generally limited to imposing mill levies to service debt for not more than 30 years. The petitioners have asked for

additional time to impose the mill levy, given that this is a commercial project and that they project the need for additional time to repay the debt. Instead of a 30-year limitation on the debt service mill levy, this service plan provides that:

- a. The *term* of any District Debt or refunding of such Debt will be generally limited to 30 years
- b. The Districts shall not issue new Debt after December 31, 2040 without the express consent of the Town Board.

Mr. Baker clarified that the Districts do not have to issue debt right away but when they do, they impose it for 30 years.

Per Ms. Steffl; that is correct.

Dr. Jones inquired about the capital improvement fee.

Ms. Steffl stated that is an additional fee that is usually paid at the time of occupancy so it is paid by the developer; that fee goes towards reducing the bond.

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

2. Ordinance No. 2019-1592 - An Ordinance Of The Town Board Of The Town Of Windsor, Colorado, Approving The Service Plan For The Future Legends Sports Park Metropolitan District Nos. 1-2, And Authorizing The Execution Of An Intergovernmental Agreement Between The Town And The Districts

Mr. McCargar had nothing further to add.

Ms. Melendez commented that she will be in support of the Ordinance; this has been a long time in the making.

Town Board Member Rennemeyer moved to approve Ordinance 2019-1592, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

3. Ordinance No. 2019-1593 - An Ordinance Raising the Height Limit of Accessory Structures Exempt from Building Permits by Repealing, Amending and Replacing Windsor Municipal Code Sections 16-8-30(d), and 18-2-10 International Building Code ("IBC") Section 105.2

Per Mr. Ballstadt, the subject ordinance corrects an oversight that staff had intended to address with the adoption of the 2018 building codes. The height of accessory structures such as storage sheds is currently limited to eight feet (8') in height and 120 square feet to be exempt from the need for a building permit, however, a large number of stock prefab storage sheds come with a height of 9'-10' and therefore require a building permit. The subject ordinance will revise the current 8' maximum height in both the building code and zoning code and will allow sheds up to 10' tall and 120 square feet in size to be erected without the need for a building permit, which is common in other jurisdictions and better matches the products on the market.

Town Board Member Sislowski moved to to approve Ordinance 2019-1593, 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. 2019-1591 - An Ordinance Amending Chapter 2 of the Windsor Municipal Code With Respect to the Addition of Youth Members to Certain Advisory Boards Serving the Town of Windsor

Per Mr. Hale, before the Board is Ordinance 2019-1591 on second reading which opens membership on three Town advisory boards to youth members upon appointment by the Town

Board. This step is being taken in response to community and Town Board interest in bringing high school-age residents into the policy process.

The youth members on these advisory boards are in addition to existing board composition. Youth membership is limited to residents between the ages of fourteen and eighteen. Youth member terms are limited to one year (subject to re-appointment if not aged out).

The advisory boards chosen for this effort (Tree Board, PReCAB and Water & Sewer Board) were chosen in part because they do not have quasi-judicial authority.

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

Town Board Member Rennemeyer moved to approve Ordinance 2019-1591, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Other.

5. Ordinance No. 2019-1594 - An Ordinance Correcting Article III, Chapter 18 International Residential Code by Repealing, Amending and Replacing Section R313 (Automatic Fire Sprinkler Systems)

Per Mr. Ballstadt, the subject ordinance corrects an oversight to reflect Town Board direction received with the adoption of the 2018 building codes. Town Board will recall the discussion regarding residential fire sprinklers and, after much discussion, it was determined that the code adoption would not require fire sprinklers in single-family and duplex residential products, but would require fire sprinklers in all other residential applications. Unfortunately, that direction was not accurately reflected and the subject ordinance will correct this oversight.

Town Board Member Rennemeyer moved to approve Ordinance 2019-1594, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

6. Finance Report July 2019

Mr. Moyer gave an overview of the Finance report that was included in packet material.

D. COMMUNICATIONS

1. Communications from Town Attorney
None.
2. Communications from Town Staff
None.
3. Communications from Town Manager
None.
4. Communications from Town Board

Ms. Melendez gave a reminder of upcoming events:

- Special Joint meeting with the Town Board and DDA on September 11, 2019
- Groundbreaking for I-25 Segment 6
- Severance High School Tour on September 12, 2019 from 4:30-5:30
- Hops for Hunger on September 13, 2019
- Coffee with the Mayor on September 21, 2019

E. EXECUTIVE SESSION

1. An Executive Session Pursuant to Colorado Revised Statutes § 24-6-402 (4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to Raw Water Dedications (Shane Hale, Town Manager)

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

Mr. Sislowski voted in favor of going into the executive session but will be recusing himself from the executive session due to his involvement with the entity that may be part of the discussion.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 9:21 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 9:21 p.m.

F. 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, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

The meeting was adjourned at 9:21 p.m.



Krystal Eucker, Town Clerk