



TOWN BOARD REGULAR MEETING

February 13, 2012 - 7:00 P.M.

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

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

MINUTES

A. CALL TO ORDER

1. Roll Call

Mayor John Vazquez
Mayor Pro-Tem Matthew O'Neill
Robert Bishop-Cotner
Kristie Melendez
Don Shanfelt
Don Thompson
Mike Carrigan

Absent:

Also present:

Town Manager
Town Attorney
Director of Planning
Chief Planner
Director of Parks & Recreation
Director of Finance
Director of Engineering
Director of Public Works
Chief of Police
Business & Development Manager
Town Clerk

Kelly Arnold
Ian McCargar
Joe Plummer
Scott Ballstadt
Melissa Chew
Dean Moyer
Dennis Wagner
Terry Walker
John Michaels
Stacy Johnson
Patti Garcia

2. Pledge of Allegiance

Town Board Member Melendez led the Pledge of Allegiance.

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

Mayor Pro-Tem O'Neill requested to add item C.7. Tiger IV Grant Application; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Bishop-Cotner, O'Neill, Melendez, Shanfelt, Thompson, Vazquez
Nays – None. Motion carried.**

4. Board Liaison Reports

- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission Alternate
Town Board Member Bishop-Cotner reported the Historic Preservation Commission would be meeting next Wednesday night.
- Town Board Member Carrigan – Water & Sewer Board
No report.
- Mayor Pro-Tem O'Neill – Library Board; Planning Commission; North Front Range/MPO Alternate
Mayor Pro-Tem O'Neill reported the on the following:
 - ✓ Mr. O'Neill attended the Library Board meeting at which a proposal for the Severance Library was discussed with additional information will be provided later in February, election of officers was held with Dave Vance as President, Kelly Hall as Vice President and Scott Wildman as Secretary/Treasurer, and the official location for posting of meetings will be the library hallway.
 - ✓ No report on Planning Commission.

- ✓ Mayor Pro-Tem O'Neill noted action at the MPO meeting included passing the call for projects subcommittee recommendation with the next meeting scheduled March 1 in Evans.
- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board; Downtown Development Authority (DDA)
Town Board Member Melendez reported on the following
 - ✓ The Chamber of Commerce met on February 1 and discussed their plans for 2012. The Annual Dinner will probably be moved to a September date after the website, mobile site and mobile app is completed and can be showcased at the dinner.
 - ✓ The DDA has a meeting scheduled for Wednesday morning, February 15 and the DDA website is now live at www.windsordda.com with an “info” option for anyone wanting more information
 - ✓ Poudre River Trail has scheduled their second Poudre River Trail-a-thon for Saturday, May 12 from 9-12 at the Poudre Learning Center with an anticipation of 200 attendees. The ADA compliance issues are being addressed between staff at the Poudre River Trail Authority and related municipalities.
- Town Board Member Thompson – Parks & Recreation Board; Great Western Trail Board; Tree Board
Town Board Member Thompson reported on the following:
 - ✓ The Great Western Trail Authority will be meeting next week.
 - ✓ The Tree Board met two weeks ago and discussed the upcoming Arbor Day events; packets are currently available at the Community Recreation Center and trees will need to be ordered by April 12 with pick up on April 21. Judging for the calendar contest will be held on February 28.
 - ✓ Parks and Recreation had a large turnout for their last meeting as they discussed lake operations, specifically motorized boat operations. After discussion, the Parks & Recreation Advisory Board determined to not make any changes to the operations policies. They additionally looked at their bylaws related to having alternate members.
- Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT)
Mayor Vazquez had nothing additional but expressed his condolences on behalf of the Town of Windsor to Cliff Davidson, MPO, on the recent loss of his mother.

5. Public Invited to be Heard

Carol Householder, 455 Pelican Cove, Windsor, CO, thanked the Town Board for their support of the Windsor Housing Authority and their plans to move forward. Ms. Householder also addressed the Town Board regarding concerns she has regarding the oil and gas well industry that is growing in the Windsor community.

B. CONSENT CALENDAR

1. Minutes of the January 23, 2012 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – Austin's Concepts of Windsor Inc. dba Austin's Homestead Bar & Grill – P. Garcia
3. Advisory Board Appointments – P. Garcia
4. Report of Bills – D. Moyer
5. Resolution No. 2012-08 - A Resolution Approving an Intergovernmental Agreement between the Town of Windsor and the County of Weld with Respect to the Sharing of Costs for the County's Efforts at Increasing Distributions from the Department of Local Affairs – I. McCargar
6. Resolution No. 2012-09 - A Resolution of the Windsor Town Board Designating the Town Manager, Kelly Arnold, as the Natural Person Casting the Town's Vote in the Upcoming Downtown Development Authority Special Election Scheduled for April 3, 2012 – P. Garcia

Town Board Member Bishop-Cotner motioned to approve the Consent Calendar as presented; Town Board Member Shanfelt seconded the motion. Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, O’Neill, Melendez, Shanfelt, Thompson, Vazquez
Nays – None. Motion carried.

C. BOARD ACTION

1. Liquor License Renewal – Highland Meadows Golf Course

- Legislative action
 - Staff presentation: John Michaels, Chief of Police
- Town Board Member Bishop-Cotner motioned to approve the Liquor License Renewal for Highland Meadows Golf Course; Town Board Member Melendez seconded the motion.**

Police Chief Michaels reported on the renewal request and noted it was before the Town Board as the licensee had a violation reported in the previous 12 months; a sale to an underage person during a compliance check on July 7, 2011. The licensee agreed to a fifteen day suspension; five days were served from November 14-18, 2011 with ten days held in abeyance for one year which will expire on October 25, 2012.

Jon Turner, representing the licensee, addressed the Town Board and reported that all the employees are trained with a more experienced manager.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, O’Neill, Melendez, Shanfelt, Thompson, Vazquez
Nays – None. Motion carried.

2. Ordinance No. 2012-1424 - An Ordinance Fixing the Compensation of the Municipal Court Judge and Municipal Court Clerk for the Town of Windsor in Compliance with Section 13-10-107 and 13-10-108, C.R.S., and Section 2-4-9 of the Windsor Municipal Code

- Legislative action
 - Second Reading
 - Staff presentation: Ian McCargar, Town Attorney
- Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2012-1424, An Ordinance Fixing the Compensation of the Municipal Court Judge and Municipal Court Clerk for the Town of Windsor in Compliance with Section 13-10-107 and 13-10-108, C.R.S., and Section 2-4-9 of the Windsor Municipal Code on Second Reading; Town Board Member Thompson seconded the motion.**

Town Attorney McCargar reported that since becoming a court of record, the state law requires the compensation of the municipal court judge and court clerk be approved by ordinance. Since the Town approves their budget by resolution, the ordinance for consideration is simply to keep the Town in compliance with the requirement.

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

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, O’Neill, Melendez, Shanfelt, Thompson, Vazquez
Nays – None. Motion carried.

3. Resolution No. 2012-10 - A Resolution Approving an Intergovernmental Agreement between the Town of Windsor, Colorado, and the New Windsor Metropolitan District with Respect to Irrigation Facilities Maintenance and Operation, and Authorizing the Mayor to Execute the Same

- Legislative action
- Staff presentation – M. Chew, Director of Parks, Recreation & Culture

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2012-10; Town Board Member Thompson seconded the motion.

Director of Parks & Recreation Chew reported that the agenda item is related to the master plan process Prospect Park which is the second neighborhood park site in the New Windsor subdivision. The New Windsor Metropolitan District has an agreement with the developer to have both water storage and a pump house on site. The deed has been turned over to the Town, the same agreement needs to be made. The Town will incorporate access to those facilities into the master plan process.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, O’Neill, Melendez, Shanfelt, Thompson, Vazquez

Nays – None. Motion carried.

4. **Resolution No. 2012-11 - A Resolution Approving an Intergovernmental Agreement Between the Town of Windsor, Colorado, and the Colorado Department of Transportation with Respect to a Highway Resurfacing Project between 15th Street and 7th Street within the Corporate Limits of the Town, Specifically Authorizing the Expenditure of Funds for the Project, and Authorizing the Mayor to Execute the Same**

- Legislative action
- Presentation: Dennis Wagner, Director of Engineering

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2012-11; Town Board Member Melendez seconded the motion.

Director of Engineering reported on the resolution and stated that Highway 392 was scheduled by the Colorado Department of Transportation (CDOT) to be resurfaced from I-25 to 15th Street this year and the Town Board budgeted \$350,000 to supplement CDOT’s \$8 million so the project would extend to 7th Street. The contract for consideration is a standard procedure with CDOT which establishes the roles and responsibilities of each party.

Mayor Vazquez asked that since the work was being done, why are the roads and the bridge being widened to four lanes all the way through. Town Manager Arnold stated that CDOT had performed the studies related to traffic and the bridge condition; the bridge still meets warrants and the road meets the CDOT requirements. It was discussed how to implement bike lines on the bridge, but no viable options had been presented.

Town Board Member Melendez asked what the timeline for the project was. Mr. Wagner stated the bid opening was scheduled for this Thursday; contracts would be processed afterwards with an anticipation of the project starting in the spring. Mr. Wagner does not anticipate any road closures with a possibility of flagging and one lane open each direction.

Mayor Vazquez inquired if it was going to be all daytime construction or if there would be any done at night. Mr. Wagner was not sure if that option had been presented.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, O’Neill, Melendez, Shanfelt, Thompson, Vazquez

Nays – None. Motion carried.

5. Resolution No. 2012-12 - A Resolution Expanding the Availability of Financial Incentives for Qualified Workforce Housing Projects within the Town of Windsor

- Legislative action
- Presentation: Joe Plummer, Director of Planning

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2012-12; Town Board Member Thompson seconded the motion.

Director of Planning Plummer stated it was the consensus of the Town Board at their work session last week to add one additional incentive to the primary workforce housing resolution that had been adopted in 2004. Mr. Plummer reviewed the three current incentives (Bonus Densities, Fast-tracked for Development Reviews and Deferral of Development Fees) and noted the addition of the fourth incentive to consider development fee waivers and reimbursements on a case-by-case basis for any qualifying workforce housing project. This will allow a developer the opportunity to request the Town Board for consideration for fee waivers for workforce housing projects.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, O’Neill, Melendez, Shanfelt, Thompson, Vazquez
Nays – None. Motion carried.

6. Resolution No. 2012-13 - A Resolution of the Windsor Town Board in Favor of the Efforts of the Windsor Housing Authority in Seeking Financial Support from the Colorado Housing and Finance Authority with Respect to a Workforce Housing Project Proposed for a Location within the Town of Windsor, Colorado, and Specifying the Financial Support Available from the Town of Windsor for the Benefit of the Windsor Housing Authority in Conjunction Therewith

- Legislative action
- Presentation: Joe Plummer, Director of Planning

Town Attorney McCargar stated that an error had been discovered on the resolution at the third “Whereas”; Mr. McCargar requested the word “whose” be stricken. This has been revised for the version to be executed pending approval.

Town Board Member Shanfelt motioned to approve Resolution No. 2012-13 as amended; Mayor Pro-Tem O’Neill seconded the motion.

Director of Planning Plummer reported on the resolution for consideration by the Town Board which is one of support for the Windsor Housing Authority for their proposed project along with noting the financial support available by the Town of Windsor for the proposed 60-unit affordable housing project. Mr. Plummer reviewed the financial measures itemized in the resolution that would be made available along with the waiver of road impact fees of \$89,000 that would be back-filled by the general fund.

John Moore, Windsor Workforce Housing Authority (WHA) Chair, thanked the Town for their support, both financially and through staff resources. The resolution is a culmination of many years of work. It was noted if the Colorado Housing and Finance Authority (CHFA) grant is not approved, then the WHA would re-apply for funds. Mr. Moore noted there are two opportunities this year. It was also noted that the Town of Windsor funds would only be available if the CHFA grant is successful.

The Mayor and Town Board wished Mr. Moore luck on the endeavor and extended their gratitude to the Loveland Housing Authority for their assistance and support on the project.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, O’Neill, Melendez, Shanfelt, Thompson, Vazquez
Nays – None. Motion carried.

7. TIGER IV Grant Application

Town Attorney McCargar reviewed the resolution, A Resolution Affirming that the Town of Windsor will Serve as the Applicant for a TIGER Grant to Relieve Congestion in the Town of Windsor and Improve the Great Western Railway of Colorado, LLC, that was provided to the Town on February 13 and noted the resolution should be numbered as Resolution No. 2012-14.

Town Board Member Melendez motioned to approve Resolution No. 2012-14; Town Board Member Shanfelt seconded the motion.

Clay Drake, Director of Business Development for Great Western Development Company, introduced the agenda item and turned the presentation over to Mike Ogborn of Omnitrax.

Mr. Ogborn provided a power point presentation of the TIGER IV program, goals of the program along with the proposed project. Pre-applications for TIGER IV are due February 20, 2012 and must be submitted by a governmental entity with Omnitrax providing the majority of the information required on the application. The grant notifications are anticipated to be made by May 8.

The proposed project would be to construct a rail by-pass in Windsor, relocate the yard currently in Windsor to Great Western Industrial Park, rehabilitate the railroad bridge over the Poudre River near Highway 257, rehabilitate and place back in service a portion of a railroad bridge between Windsor and Greeley, construct additional tracks and sidings and upgrade the road to provide access for emergency vehicles.

Town Board Member Thompson asked if there would be any legal or financial burden on the Town. Mr. Ogborn stated there would not be any additional burdens on the Town.

Mayor Vazquez stated this would alleviate some of the railway noise concerns he has heard voiced in the community.

Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, O’Neill, Melendez, Shanfelt, Thompson, Vazquez

Nays – None. Motion carried.

D. COMMUNICATIONS

1. Communications from the Town Attorney

No report.

2. Communications from Town Staff

- Engineering – Director of Engineering Wagner stated he had received a letter from the NFRMPO regarding a meeting opportunity on a regional bicycle plan. The Town Board requested a work session be set up for this purpose.
- Parks and Recreation – Director of Parks & Recreation Chew stated that 60 citizens had participated in the neighborhood park design process which included design work for all three parks (Winter Farm, Poudre Heights and Prospect). The landscape architect will develop three concepts that will be brought to the Town Board in March after Parks & Recreation Advisory Board review. Ms. Chew also reported the Feasibility Study was in process; Mayor Vazquez requested that partnerships be evaluated in the process.

3. Communications from the Town Manager

Town Manager Arnold noted that due to the President’s Day holiday next Monday that there would not be a Town Board work session.

4. Communications from Town Board Members

Mayor Pro-Tem O’Neill reported the State Rail Plan had been completed and is available on the CDOT website under “state rail plan”.

Town Board Member Bishop-Cotner extended his congratulations to the Windsor High School wrestling team which will have wrestlers competing in the state tournament.

E. EXECUTIVE SESSION

An executive session pursuant to C.R.S § 24-6-402 (4) (e) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. Retail incentives (Stacy Johnson) and Windsor/Fort Collins Intergovernmental Agreement (John Frey)
Mayor Pro-Tem O'Neill motioned to go into Executive Session pursuant to C.R.S § 24-6-402 (4) (e) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. Retail incentives (Stacy Johnson) and Windsor/Fort Collins Intergovernmental Agreement (John Frey); Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Bishop-Cotner, O'Neill, Melendez, Shanfelt, Thompson, Vazquez
Nayes – None. Motion carried.**

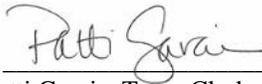
Upon a motion duly made at 9:17 p.m., the Executive Session was closed and the Town Board returned to the Regular Meeting.

Upon returning to the regular meeting, Mayor Vazquez 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.

F. ADJOURN

Town Board Member Bishop-Cotner motioned to adjourn; Mayor Pro-Tem O'Neill seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Bishop-Cotner, O'Neill, Melendez, Shanfelt, Thompson, Vazquez
Nayes – None. Motion carried.**



Patti Garcia, Town Clerk