



TOWN BOARD REGULAR MEETING

April 9, 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

Also present:

Town Manager Kelly Arnold
Town Attorney Ian McCargar
Town Attorney John Frey
Town Clerk Patti Garcia
Business & Development Manager Stacy Johnson
Chief of Police John Michaels
Director of Planning Joe Plummer
Chief Planner Scott Ballstadt
Director of Parks & Recreation Melissa Chew
Director of Public Works Terry Walker
Director of Finance Dean Moyer
Director of Engineering Dennis Wagner
Director of Human Resources Mary Robins

2. Pledge of Allegiance

Mayor Pro-Tem O'Neill 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 motioned to amend the agenda by removing Items C.3., C.4., and C.6. from the Board Action; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

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

Mayor Vazquez explained that all items were removed pursuant to applicant or staff request. Mr. Vazquez also noted that if members of the public were present to speak on any of the items that they could address comments during Public Invited to be Heard. Mr. Vazquez went on to explain if they wanted their comments as part of the permanent record regarding a specific item, they would have to return and make those comments when if and when it is back on the agenda as an action item.

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 on Wednesday.
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 Library Board had a very short meeting with nothing substantial discussed; the next meeting is April 24. Mr. O'Neill stated the Planning Commission had met last Thursday night and had requested the applicants related to Items C.3. and C.4. on the agenda to provide more substantial information and hold public meetings regarding their intent. The Planning Commission approved a Larimer County referral on a solar panel array at the REA building along with forwarding a recommendation of a conditional use grant for an oil and gas facility north of Crossroads Boulevard and 7<sup>th</sup> Street. There was also a Weld County referral for the loop track for Great Western Railroad on the Kodak property; part of the referral was a request from the Planning Commission that the land be annexed into the Town of Windsor. Mr. O'Neill attended the first hour of the NRFMPO meeting which was spent in Executive Session.
  - Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board; Downtown Development Authority (DDA)  
Town Board Member Melendez reported the Chamber had met April 4. The Meet the Leaders Night has been scheduled for May 15 at Austin's from 5:30-7:30; this is an opportunity for the public to meet with community leaders. The Chamber is working towards finalizing their website, mobile website and mobile app and anticipates release the first part of June. Ms. Melendez congratulated the DDA on the passage of ballot questions 3A and 3B and stated they are looking forward to formulating projects. Ms. Melendez also reported on the Cache la Poudre Trail noting she and Director of Parks, Recreation and Culture Chew attended the GOCO grant application presentation that morning for the Poudre River Trail Corridor Initiative. The grant application is for \$6.5M in GOCO funds that would complete the 45 mile Poudre River Trail from Greeley to Fort Collins and involves the partners of Greeley, Windsor, Timnath, and Fort Collins.
  - Town Board Member Thompson – Parks, Recreation & Culture Board; Great Western Trail Board; Tree Board  
Town Board Member Thompson noted that the Great Western Trail would be meeting next Tuesday. The Parks, Recreation & Culture Board meeting has been postponed to April 30 at which there will be joint session with the Town Board regarding the recreation center feasibility study. Mr. Thompson also reported on the Tree Board and Arbor Day festivities on April 20 and 21.
  - Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT) report on 4<sup>th</sup> Monday of the month  
Mayor Vazquez had nothing additional to report.
5. Arbor Day Proclamation  
Mayor Vazquez read the proclamation.  
Craig Bonesteel, Tree Board Chairperson reported on the Arbor Day festivities noting the elementary school presentations at the Windsor Charter Academy and Grandview Elementary, 5k run on Saturday and the tree sale that will be taking place. Trees can still be ordered for pick up; Mr. Bonesteel reported interested citizens should contact town hall.
6. Public Invited to be Heard  
Kristy Duffy, 1057 Canyon Drive, Windsor addressed the board stating she had asked her neighbors about the Great Western notice they had received regarding oil and gas at south Eastman Park and that the neighbors are confused. Ms. Duffy recommended that there should be neighborhood meetings to explain what is going on and what the process is. Ms. Duffy added that she looked at the Financial Report which included the Vision of the Town which states the Town will be a good environmental steward which does not align with the current oil and gas activities.

Doug Patterson, 580 Lakewood Court, Windsor inquired if the oil and gas information is on the Town's website. Staff responded that it is included under the Planning Commission tab.

Mark Crough, Windsor resident, was in agreement with Kristy Duffy and reported on concerns and the impacts of the industrialization of the oil and gas industry and encouraged the Town Board to protect the environment.

Curt Gramberg, 235 1<sup>st</sup> Street, Winsor, thanked the town board members for their service and congratulated those who won their elections. Mr. Gramberg prayed for the Town Board and went on to encourage them to televise and stream their work sessions for transparency purposes.

A Windsor resident spoke to the town board regarding items C.3. and C.4. regarding the storage of radioactive materials that were removed from the agenda; Mayor Vazquez stated that land use applications can be approved or rejected by the Planning Commission and the Town Board. The resident requested that the Town Board put more concern for the citizens as opposed to the specific industries and businesses.

## B. CONSENT CALENDAR

1. Minutes of the March 26, 2012 Regular Town Board Meeting – P. Garcia
  2. Liquor License Renewal – Italian Grill – P. Garcia
  3. Report of Bills – D. Moyer
  4. Resolution No. 2012-25 - A Resolution Reappointing Kimberly A. Emil as Windsor Town Prosecutor, Reappointing Robert Wiest as Deputy Town Prosecutor and Continuing the Professional Services Agreement between the Town of Windsor and Kimberly A. Emil, Attorney at Law – I. McCargar
  5. Resolution No. 2012-26 – A Resolution Approving a Correction to the Legal Description Found within an Oil and Gas Lease between the Town of Windsor, Colorado, and Great Western Leasing, LLC, and Authorizing the Mayor to Execute the Same (Diamond Valley Site) – I. McCargar
  6. Resolution No. 2012-27 – A Resolution Vacating a Portion of the Ten-foot (10') Utility Easement Along the Northern Boundary of Lot 11, Block 9, of the Highland Meadows Golf Course Subdivision – J. Plummer
- Town Board Member Thompson motioned to approve the Consent Calendar as presented; Town Board Shanfelt seconded the motion. Roll call on the vote resulted as follows:**  
**Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Shanfelt, Thompson, Vazquez**  
**Nays – None. Motion carried.**

## C. BOARD ACTION

1. Ordinance No. 2012-1429 - Amending Chapter 16 of the Windsor Municipal Code regarding outdoor storage uses in the Limited Industrial and Heavy Industrial zoning districts
  - Second Reading
  - Legislative action
  - Staff presentation: Scott Ballstadt, Chief Planner

**Mayor Pro-Tem O'Neill motioned to approve Ordinance No. 2012-1429, Amending Chapter 16 of the Windsor Municipal Code regarding outdoor storage uses in the Limited Industrial and Heavy Industrial zoning districts on second reading; Town Board Member Bishop-Cotner seconded the motion.**

Chief Planner Ballstadt reported on the ordinance and noted that the Code currently does not address outdoor storage facilities or accessory outdoor storage uses that are allowed in the industrial zoning districts. It was noted that in addition to addressing outdoor limited industrial zoning district, the amendments also clearly identify outdoor storage as an allowed accessory use in the Heavy Industrial zoning district. Mr. Ballstadt noted that there had not been any changes to the ordinance since first reading.

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

Chief Planner Ballstadt stated that staff recommended approval on second reading.

**Roll call on the vote resulted as follows:**

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

2. Ordinance No. 2012-1430 –Amending Chapter 2, Article 6 of the Windsor Municipal Code For The Purpose Of Approving And Incorporating Changes To The Name And Composition Of The Windsor Parks And Recreation Advisory Board, And Specifically Providing For Code-Wide Amendments To Reflect The Change Of Name

- Second Reading
- Legislative action
- Staff presentation: Melissa M. Chew, Director of Parks, Recreation & Culture  
**Town Board Member Thompson motioned to approve Ordinance No. 2012-1430, Amending Chapter 2, Article 6 of the Windsor Municipal Code For The Purpose Of Approving And Incorporating Changes To The Name And Composition Of The Windsor Parks And Recreation Advisory Board, And Specifically Providing For Code-Wide Amendments To Reflect The Change Of Name on second reading; Town Board Member Bishop-Cotner seconded the motion.**

Director of Parks, Recreation and Culture Chew reported on the Ordinance, noting the Town Board had approved it on first reading on March 26, 2012. Ms. Chew summarized the ordinance which reflects the department name change to Parks, Recreation and Culture and adds the opportunity to request that two members, if available, have a background in the arts or humanities. Ms. Chew reported there were no changes from first reading.

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

**Roll call on the vote resulted as follows:**

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

3. Public Hearing – Consideration of use of a lot in a Limited Industrial I-L zoning district for the storage of radioactive and explosive materials – 7250 Greenridge Road - Burt Gowdy, Allied Wireline Services, LLC, applicant – J. Plummer

- Quasi-judicial action
- Presentation: Joe Plummer, Director of Planning  
Removed from the agenda.

4. Consideration of use of a lot in a Limited Industrial I-L zoning district for the storage of radioactive and explosive materials – 7250 Greenridge Road - Burt Gowdy, Allied Wireline Services, LLC, applicant – J. Plummer

- Quasi-judicial action
- Presentation: Joe Plummer, Director of Planning  
Removed from the agenda.

5. Resolution No. 2012-28 - 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  
**Mayor Pro-Tem O'Neill motioned to approve Resolution No. 2012-28; Town Board Member Bishop-Cotner seconded the motion.**

Director of Planning Plummer stated that members of the Windsor Housing Authority had met with the Town Board at the April 2 work session and presented on the reduction of units from 60 to 44 in the proposed workforce housing in the Windshire Subdivision. Pursuant to the work session discussions, the Town Board had agreed to waive \$292,000 in building permit fees.

John Moore, 724 Elm Street, Windsor, Windsor Housing Authority (WHA) Chairperson, addressed the Town Board and reviewed the resolution of support and fee waivers for the 44 unit project.

Mr. Moore reported that although there had been an error on the August market study, the WHA hired a third party firm to review the current numbers and concurred that the numbers are correct. The current market study still shows that it is a viable project.

Town Board Member Thompson inquired on the number of Windsor residents that would benefit from this effort. Mr. Moore stated the census track does not show the exact numbers from Windsor but believes it would fall into the 500-600 range from the Windsor area.

Town Board Member Shanfelt commended Mr. Moore on having someone else verify the results and stated the project is something that Windsor needs.

Mayor Pro-Tem O'Neill stated that the WHA had done a fantastic job on the project and hopes that things move forward as anticipated.

Town Board Member Bishop-Cotner stated he was proud to support the effort to provide affordable housing for people to live in Windsor.

Town Board Member Melendez reported she was in support of the project; Ms. Melendez stated the numbers were initially a cause for concern but believes that the errors have been corrected.

Mayor Vazquez echoed Town Board Member Bishop-Cotner's sentiments. He has heard from citizens that there is a need for workforce housing. Mr. Vazquez applauded the WHA on being able to assure the study results were factual through a third party audit.

Town Board Member Melendez inquired what happens if the WHA is not successful in the first round of the Colorado Housing and Finance Authority (CHFA) application. Mr. Moore stated the second round would be July 2<sup>nd</sup> but also noted that 70% of the funds allocated to this tax credit program would be provided in the first round. It was noted that the applicant requires town support no matter how many times the application is submitted. The current financial commitment will go through the first and second phases in 2012; 2013 is still an unknown.

Aaron Lore, 1004 Indian Trail Drive, stated concerns that citizens from Fort Collins and Loveland may take available housing spots and inquired if there was a way to keep this just for Windsor. Mr. Moore stated the WHA is coming up with a point system and that there would be one point provided to people who live and/or work in Windsor which would give them an advantage. Other qualifiers would income, size of household, etc. A completed rating system has not yet been developed.

Mayor Vazquez recommended that they should heavily weight Windsor citizens and/or employees as they are the people we want to give the opportunity to first and foremost.

Mr. Moore stated he would bring the rating/point system to the Town Board for they could see it.

Town Board Member Thompson hopes that getting good press will spur some interest and noted that the meetings at Windshire have brought some interest.

Mr. Moore noted there would be direct mailings and marketing of the project.

Director of Planning Plummer stated that staff recommends approval of the resolution.

**Roll call on the vote resulted as follows:**

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

6. Resolution No. 2012-29 – A Resolution Approving an Infrastructure Improvements Agreement between the Town of Windsor and Eagle Crossing Windsor, LLC, for the Installation of Public Improvements and Reimbursement for the Cost Thereof, the Purpose of Which is to Encourage Retail Activity within the Vicinity of Crossroads Boulevard and Fairgrounds Avenue
- Legislative Action
  - Presentation: Ian McCargar, Town Attorney & Stacy Johnson, Business Development Manager  
Removed from the agenda.

7. Resolution No. 2012-30 - A Resolution Approving the Recycling Contract between the Town of Windsor and Waste Management
- Legislative Action
  - Presentation: Terry Walker, Director of Public Works  
**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2012-30; Town Board Member Thompson seconded the motion.**

Director of Public Works Walker reported on the resolution noting in late January the Town had been informed by National Recycling that they would be going out of business. Since that time, the Town has worked with the City of Fort Collins to establish an opportunity to “piggy back” onto their bid to service our recycling center. The new agreement will continue serve to the current site along with the opportunity to possibly make a minimal amount of money to offset the costs of the service.

Mayor Vazquez noted the recycling center has been used much more than originally anticipated.

**Roll call on the vote resulted as follows:**

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

8. Financial Report
- Presentation: Dean Moyer, Director of Finance  
Director of Finance Moyer reviewed the financial report included in the Town Board packet and noted that although February is general a tough month collection wise, that February, 2012 was the highest February on record. Sales tax is ahead 5.83% year to date and construction use tax is up 41% over 2011. Mr. Moyer noted that building permits continue to come in and estimates to be over 90 permits in the March report. Mr. Moyer reviewed the various reports included and noted the current numbers are strong and hopes they continue throughout the year.

The Town Board members commended Mr. Moyer on the effort of his new report as it looks very professional.

**D. COMMUNICATIONS**

1. Communications from the Town Attorney – No report.
2. Communications from Town Staff  
Chief of Police Michaels reported the next Drug Take Back Day is scheduled for April 28 from 10 am to 2 pm and noted that the event will take place every six months.  
Director of Parks, Recreation and Culture Chew stated that tournaments are being hosted almost every weekend at Diamond Valley.
3. Communications from the Town Manager  
Town Manager Arnold reviewed the current work session schedule and noted that the work sessions will be broadcast starting next week.
5. Communications from Town Board Members  
Outgoing members Matthew A. O'Neill and Don Shanfelt thanked the Town Board, citizens and staff for the opportunity to serve on the Town Board.

Members of the Town Board expressed their thoughts regarding the outgoing members and thanked them for their time and commitment. They also provided support to the new board members; Myles Baker, Jeremy Rose and Ivan Adams.

5. Presentation to departing Town Board Members  
Mayor Pro-Tem Matthew O'Neill  
Town Board Member Mike Carrigan  
Town Board Member Don Shanfelt
6. Special Presentation to departing Town Board Members – Kelly Arnold, Town Manager  
Town Manager Arnold provided Mayor Pro-Tem O'Neill and Town Board Member Shanfelt with a book of Windsor history just published by the Windsor Historical Society. Mr. Arnold also noted there were be a dedication ceremony in May in the Windsor Board Tree Grove.

**E. SEATING OF NEWLY ELECTED TOWN BOARD MEMBERS**

1. Oath of Office – Patti Garcia, Town Clerk  
Town Clerk Garcia administered the oath of office to Myles Baker, Jeremy Rose (joining by telephone), and Ivan Adams.

**F. COMMUNICATIONS FROM NEWLY ELECTED TOWN BOARD MEMBERS**

The newly elected officials expressed a desire to serve the needs of the Town and the citizens of Windsor and are all looking forward to working with the members of the Town Board and staff. Several thanked their families for their support.

**G. ADJOURN**

**Town Board Member Bishop-Cotner motioned to adjourn; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:**

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

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Patti Garcia, Town Clerk