



## TOWN BOARD REGULAR MEETING

July 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 Kristie Melendez  
Don Thompson  
Jeremy Rose  
Robert Bishop-Cotner  
Ivan Adams  
Myles Baker

Excused

Also present:

Town Manager  
Town Attorney  
Town Clerk  
Chief of Police  
Director of Planning  
Chief Planner  
Director of Parks & Recreation  
Director of Finance  
Director of Engineering  
Director of Human Resources  
Director of Public Works  
Management Assistant

Kelly Arnold  
Ian McCargar  
Patti Garcia  
John Michaels  
Joe Plummer  
Scott Ballstadt  
Melissa Chew  
Dean Moyer  
Dennis Wagner  
Mary Robins  
Terry Walker  
Lindsey Blomberg

2. Pledge of Allegiance

Town Board Member Rose 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

**Town Board Member Thompson motioned to approve the agenda as presented; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Thompson, Rose, Melendez, Bishop-Cotner, Adams, Vazquez  
Nays – None. Motion carried.**

4. Board Liaison Reports

- Town Board Member Baker – Parks, Recreation and Culture Advisory Board; Cache La Poudre Trail Board Alternate  
No report.
- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Board  
Town Board Member Thompson reported that the Tree Board held “Sick Tree Day” and 54 homes had been visited by Tree Board members, staff and industry experts at the request of homeowners. It was reported that the lack of water and heat stress was affecting the trees in the area. The Planning Commission had met last Thursday at which there was a site plan presentation for a skilled nursing and assisted living facility along with a height and building waiver for the same site which will be coming to the Town Board for consideration. The window sign ordinance was approved for recommendation to the Town Board.
- Mayor Pro-Tem Melendez – Downtown Development Authority (DDA); Chamber of Commerce; North Front Range/MPO Alternate

Mayor Pro-Tem Melendez stated the Chamber of Commerce would be meeting this Wednesday and that the DDA would be meeting next Wednesday morning. Ms. Melendez reviewed information from the MPO meeting and reported the EPA is actively reviewing ozone standards with results being released around September, 2014 with a plan released in 2015 for new ozone standards. The MPO Executive Director search is still in process and a placement anticipated in the next three months. The contract for emissions inspections is up in 2014 and the MPO is reviewing other options to either continue with the current process or use a new system which detects cars that are 1996 and older; Ms. Melendez reported that vehicle registration in Weld County is up. It was also noted that due to the impact of the Hide Park fire that it is anticipated that many of the roadways will be lost in the next three to five years; the roads will be reviewed and a plan will be established to replace lost infrastructure. Mayor Pro-Tem Melendez also reported that at the next meeting they will voting on Windsor receiving additional partial funding of \$334,000 for the SH392/WCR 23 project; this would leave approximately \$1.2M left to be funded of the \$4M project.

- Town Board Member Rose – Water & Sewer Board; Planning Commission Alternate  
Town Board Member Rose reported the Water & Sewer Board held a special meeting on June 27 to discuss water rate increases and how to proceed with implementation. Two-tier and three-tier systems were discussed with the Water & Sewer Board supporting the current two-tiered system but members are willing to look at the three-tiered system to see if it makes more sense. It was also recommended that implementation of water rate increases take effect in the fall of 2012.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board  
Town Board Bishop-Cotner had nothing new to report.
- Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT) report September - May on 4<sup>th</sup> Monday of the month  
Town Board Member Adams stated the Cache La Poudre Trail Board had met last Thursday but did not have a quorum. Mr. Adams reported the trail construction was completed by June 26 with no complaints; it was noted that those involved felt good about the process. Town Board Members Adams and Baker attended a SALT meet and greet on June 27; the intent of the meeting was to encourage youth from the west side of town that attend schools outside of Windsor to participate. The SALT team will be at the July 23 Town Board meeting to provide a report on their summer events.
- Mayor Vazquez – North Front Range/MPO  
Mayor-Pro Tem Melendez reported on the MPO meeting.

5. Public Invited to be Heard

*Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Town Board.*

*Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three **(3) minutes**. Written comments are welcome and should be given to the Town Clerk prior to the start of the meeting.*

Dave Decker, 306 Chestnut Street, Windsor, stated he was before the Town Board again as he has not received an answer regarding the Municipal Code not addressing trailers and boats under 22 feet. Town Attorney McCargar noted he had done an in-depth review of the request and did not find any concerns. It was determined the placement of a comma in the municipal code language caused some confusion.

**B. CONSENT CALENDAR**

1. Minutes of the June 25, 2012 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – American Pizza Partners dba Pizza Hut, 3.2 Percent Beer Retail License (on premises) – P. Garcia
3. Liquor License Special Event Permit – Windsor Rotary Club/Windsor Fine Arts Festival – P. Garcia
4. List of Bills for June 2012 – D. Moyer
5. Resolution No. 2012-50 - Vacating Portions of the Ten-foot (10') Access, Drainage and Utility Easement Located Along the Northern and Western Boundary Lines of Lot 10 within Tract A of the Water Valley Subdivision, Sixth Filing – S. Ballstadt

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

**Yeas – Thompson, Rose, Melendez, Bishop-Cotner, Adams, Vazquez  
Nays – None. Motion carried.**

### C. BOARD ACTION

1. Public Hearing – New Beer & Wine Liquor License for Wing Shack Enterprises Inc. dba Wing Shack Windsor, 1261 Main Street, Windsor, CO 80550. Applicant: Brian Seifried

- Quasi-judicial action
- Staff presentation: Patti Garcia, Town Clerk; John Michaels, Chief of Police

**Mayor Pro-Tem Melendez motioned to open the Public Hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Thompson, Rose, Melendez, Bishop-Cotner, Adams, Vazquez  
Nays – None. Motion carried.**

Town Clerk Garcia reviewed the application and noted it was found to be complete; the applicant requested a concurrent review and the application is currently being reviewed by liquor enforcement. The application packet included the executed petitions which affirm support of the license application.

Police Chief Michaels provided a report on his investigation of the applicants and the examination of the premise and noted that there was nothing that would prohibit them from holding a liquor license.

Mayor Vazquez requested Brian Seifried, applicant, to review how Wing Shack was going to assure that there would not be service to underage patrons. Mr. Seifried reviewed the TIPS training requirement along with always having someone 21 years of age or older on the premise and stated that any employee that would serve an underage patron would be terminated.

Town Attorney McCargar requested the petitions and packet materials be admitted into the public hearing record; Mr. Seifried concurred.

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

**Town Board Member Thompson motioned to close the Public Hearing; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Thompson, Rose, Melendez, Bishop-Cotner, Adams, Vazquez  
Nays – None. Motion carried.**

2. Consideration of New Beer & Wine License for Wing Shack Enterprises Inc. dba Wing Shack Windsor, 1261 Main Street, Windsor, CO 80550. Applicant: Brian Seifried – Wing Shack

- Quasi-judicial action
- Staff presentation: Patti Garcia, Town Clerk; John Michaels, Chief of Police

**Town Board Member Thompson motioned to approve a New Beer & Wine License for Wing Shack Enterprises Inc. dba Wing Shack Windsor; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Thompson, Rose, Melendez, Bishop-Cotner, Adams, Vazquez**

**Nayes – None. Motion carried.**

3. Discussion of request for early reimbursement of Road Impact Fee and Metro District Funds

- Presentation: Martin Lind

Town Manager Arnold opened the discussion noting it is based on a request from Martin Lind for a reimbursement of road impact fees in a letter which was included in the Town Board packet. Mr. Arnold reviewed the letter and turned the discussion over to Mr. Lind for comment.

Martin Lind, Water Valley Land Company, addressed the Town Board regarding his request and noted he has been before the Town Board before for a similar purpose. He stated he is currently asking for the reimbursement in order to compensate for the lack of capital in the market right now; the capital is needed in order to revitalize Southgate which in turn will reward Windsor's economy.

Town Manager Arnold reported on the Road Impact Fee program and the current balances held by the various developers. It noted it had been running for approximately seven years and the reimbursement was developed when Windsor was growing at a great pace. Mr. Lind has requested a 100% payment of the money's owed his company; Mr. Arnold stated that the ordinance is clear that if a payment is made out to one developer then the same proportional payment needs to be made to all of them. If 100% is paid out there would not be anything left out of what is due out of the road impact fee, this is an opportunity to pay off the Town's debt.

Director of Finance Moyer reported that the less debt the Town carries the better off it is; Mr. Moyer believes that paying off the debt would increase the Town's credit rating.

Martin Lind provided a history of the developers in Windsor and the positive effect they have had; Mr. Lind stated he would appreciate receiving his money back in order to further development.

The Town Board discussed the amount of money that would have to be paid out. In addition to the current balances due, the Town has an agreement with Water Valley Metropolitan District #2 for the roundabout which requested an early disbursement last summer with payments to be made annually. This year's payment is already in the 2012 budget. Mr. Arnold noted that when a similar request was discussed in 2009 it was a different environment; it was post tornado and recession. Mr. Arnold stated

Town Board Member Bishop-Cotner recommended moving forward with the full reimbursement of the road impact fees.

Town Board Member Adams recommended moving forward with the request and supports the reimbursement.

Town Board Member Thompson noted the Town owes approximately \$851,000; Mr. Arnold stated that would be the payout if the Town Board agrees to the request.

Town Board Member Rose stated he had not heard anything negative and agrees with paying off the debt and get it back into the private sector.

Mayor Vazquez recommended retiring all the debt along with the roundabout debt so there are no liabilities and the Town would own the streets.

Town Manager Arnold stated that about \$490,000 would have to come from the General Fund in order to meet the reimbursements; the Town has adequate reserves to cover the amount.

**Town Board Member Adams motioned to approve the full retirement of the balances in the Road Impact Fee reimbursement queue, and, that to the extend the Road Impact Fee Trust Fund has insufficient balance to make that payment, authorize the Town to reach into the General Fund to make up the difference and also motioned that the Town make an early payment of the**

**funds that were budgeted for 2012 and make a final payment to the Water Valley Metropolitan District #2; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Thompson, Rose, Melendez, Bishop-Cotner, Adams, Vazquez  
Nays – None. Motion carried.**

Town Attorney McCargar will include a resolution on the July 23, 2012 Consent Calendar to ratify the action.

#### **D. COMMUNICATIONS**

1. Communications from the Town Attorney

Town Attorney McCargar noted that during the June 11 meeting at which a Halliburton representative was present, concerns were brought forward from Town Board Member Thompson regarding the floodplain and Mayor Vazquez had concerns regarding the hydrocarbon contamination in the pit, an agreement has been negotiated in order to address those concerns.

2. Communications from Town Staff

Police Chief Michaels stated that August 7, 2012 is National Night Out; he will advise the Town Board Members where parties are in their districts.

Director of Parks, Recreation & Culture Chew reported the ad hoc committee for the Recreation Center feasibility study would be meeting on Wednesday; the appointees were very pleased with their appointments. Ms. Chew also noted that an award had not been made on the neighborhood parks yet but great bids had been received.

Director of Finance Moyer thanked the town departments and staff for their work during the 4<sup>th</sup> of July holiday and events.

3. Communications from the Town Manager

Town Manager Arnold thanked Director of Finance Moyer for filling him for him while he was on vacation. Mr. Arnold had not heard from CDOT regarding the Main Street overlay project but is hoping for information soon. A microburst in the Hilltop neighborhood caused a large amount of water to flow that caused some damage; staff is looking to see what happened in the area and will keep the Town Board apprised. Mr. Arnold noted there would be a work session with NISP next week.

4. Communications from Town Board Members

Pursuant to a question from Town Board Member Bishop-Cotner, Director of Public Works Walker noted that mosquito counts were down but with the recent rain there could be an influx of the insects. Colorado Mosquito Control traps and creates counts of the mosquito and responds with spraying problematic areas and when nuisance calls are received.

Mayor Pro-Tem Melendez stated she has received comments from citizens related to safety concerns regarding activities at Boardwalk Park and requested it be addressed in a work session. Town Manager Arnold noted that a report is being created which will be provided to the Town Board in the near future.

Mayor Vazquez commented on the great job at Boardwalk Park over the 4<sup>th</sup> of July event and stated concern with the number of tents and BBQ grills in the park; Mr. Vazquez would like to minimize the wear and tear to park facilities.

#### **E. EXECUTIVE SESSION**

An executive session pursuant to § 24-6-402 (4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. Providing incentives and assistance, proposed retail development. – S. Johnson

**Town Board Member Bishop-Cotner motioned to go into An executive session pursuant to § 24-6-402 (4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. Providing incentives and assistance, proposed retail development; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

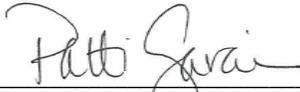
**Yeas – Thompson, Rose, Melendez, Bishop-Cotner, Adams, Vazquez  
Nays – None. Motion carried.**

**Upon a motion duly made, 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 Meeting Law, such concerns should now be stated. Hearing none, the regular meeting resumed.

**F. ADJOURN**

Upon a motion duly made, the Regular Meeting was adjourned.



---

Patti Garcia, Town Clerk