



**TOWN BOARD REGULAR MEETING**

December 10, 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.

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**MINUTES**

**A. CALL TO ORDER**

Roll Call Mayor Vazquez called the regular meeting to order at 7:03 p.m.

1. Roll Call

Mayor John Vazquez  
Mayor Pro-Tem Kristie Melendez  
Myles Baker  
Don Thompson  
Jeremy Rose  
Robert Bishop-Cotner  
Ivan Adams

Also present:	Town Manager	Kelly Arnold Town
	Town Attorney	Ian McCargar
	Town Attorney	John Frey
	Town Clerk	Patti Garcia
	Director of Planning	Joe Plummer
	Chief Planner	Scott Ballstadt
	Associate Planner	Josh Olhava
	Director of Parks & Recreation	Melissa Chew
	Director of Human Resources	Mary Robins
	Director of Public Works	Terry Walker
	Director of Engineering	Dennis Wagner

2. Pledge of Allegiance

Mayor Pro-Tem 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

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

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

**Nays – None. Motion carried.**

4. Board Liaison Reports

- Town Board Member Baker – Parks, Recreation and Culture Advisory Board; Cache La Poudre Trail Board Alternate  
Town Board Member Baker stated the Parks, Recreation and Culture Advisory Board had met last week and discussed the deaccessioning of large farm equipment from the Town’s collections.
- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Authority  
Town Board Member Thompson reported on the Tree Board meeting and noted that plans are underway for the 2013 Arbor Day tree sale and celebration. He was not able to attend the last Planning Commission meeting and the Great Western Trail Authority did not meet.

- Mayor Pro-Tem Melendez – Downtown Development Authority; Chamber of Commerce; North Front Range/MPO Alternate  
Mayor Pro-Tem Melendez reported that the Chamber of Commerce has elected a new Board of Directors with Ty Chadwick being the new President. Their annual membership directory should be finalized by the end of December. Ms. Melendez also reported that the Windsor Wonderland was a great success with the event being sponsored by the Chamber, Downtown Development Authority (DDA) and the Town of Windsor. Ms. Melendez thanked the sponsors for their support of a successful event. A new program “Windsor Dash for Cash” is taking place in the DDA from December 1-24 which encourages people to shop downtown with cards available from the downtown businesses. It was also noted that the DDA would not be meeting in December.

Ms. Melendez also reported on events from the MPO. A new director has been presented a contract; Terry Blackmore of Ann Arbor Michigan will be joining the MPO. Several areas were discussed at the MPO meeting including concerns regarding the CDOT region boundaries, resource allocation, Transportation Commission representation, the VanGo program, an air quality proposal for new emissions control testing, and discussed a gas tax that is proposed to be used for roads.

- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate  
Town Board Member Rose stated the Water & Sewer Board would be meeting the next week and he no report on the Housing Authority. Mr. Rose attended the Planning Commission meeting in Mr. Thompson’s absence and reported the Highland Meadows Subdivision, Eleventh Filing preliminary site plan was brought forward along with a site plan presentation for Great Western Industrial Park Subdivision which is on the current agenda.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board  
Town Board Member Bishop-Cotner reported the Historic Preservation Commission would be meeting on Wednesday. The Clearview Library will be offering adult programs in 2013 which involve local businesses, such as High Hops Brewery. Mr. Bishop-Cotner also noted that interviews would be held shortly to fill a vacancy on the Library Board.
- Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)  
Mr. Adams reported that the Cache La Poudre Trail Board had held a retreat on December 6 at which they discussed their 2013 goals. There was no report from SALT.
- Mayor Vazquez – North Front Range/MPO  
Mayor Pro-Tem Melendez provided the MPO report.

##### 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.*

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

## **B. CONSENT CALENDAR**

1. Minutes of the November 26, 2012 Regular Town Board Meeting – P. Garcia
2. Special Event Liquor License Permit – Clearview Library District – P. Garcia
3. Liquor License Renewal – Perfect Pizza Experience dba Pelican Jo’s Pizzeria, Hotel & Restaurant – P. Garcia
4. Liquor License Renewal – 7-Eleven dba 7-Eleven Store #39519A, 3.2% Beer Retail (off premises) – P. Garcia
5. List of Bills for November, 2012 – D. Moyer
6. Resolution No. 2012-84 – A Resolution Vacating a Portion of a Utility Easement Located along the Eastern Boundary of Lot 40 of the Bison Ridge Subdivision in the Town of Windsor, CO – B. Walker
7. Resolution No. 2012-85 – A Resolution Appointing the Presiding Judge and Associate Judge for the Town of Windsor Municipal Court, and Confirming the Term of Office for Each – I. McCargar
8. Resolution No. 2012-86 – A Resolution Authorizing the Mayor of the Town to Execute Agreements with Property Owners in the I-25/SH 392 Corridor Activity Center (“CAC”) Pursuant to the Provisions of Ordinance No. 2012-1440 – I. McCargar

**Town Board Member Thompson 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 – Baker, Thompson, Rose, Vazquez, Melendez, Bishop-Cotner, Adams**

**Nays – None. Motion carried.**

## **C. BOARD ACTION**

1. Ordinance No. 2012-1442 – An Ordinance Amending the Windsor Municipal Code with Respect to the Date Upon Which Liquor Occupation Tax Renewal Fees must be Paid
  - Second Reading
  - Legislative action
  - Staff presentation: Patti Garcia, Town Clerk

**Town Board Member Bishop-Cotner motioned to adopt Ordinance No. 2012-1442, An Ordinance Amending the Windsor Municipal Code with Respect to the Date Upon Which Liquor Occupation Tax Renewal Fees must be Paid, on second reading; Town Board Member Adams seconded the motion.**

Town Clerk Garcia reported on the Ordinance noting its adoption would allow for liquor licensees to submit their occupation tax fees and renewal application and fees concurrently. The Town Board approved the ordinance on first reading on November 26, 2012 and staff recommended approval.

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

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

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

**Nays – None. Motion carried.**

2. Ordinance No. 2012-1443 – An Ordinance Fixing the Compensation of the Municipal Court Judge and Municipal Court Clerk for the Town of Windsor in Compliance with Sections 13-10-107 and 13-10-108, C.R.S., and Section 2-4-90 of the Windsor Municipal Code
  - First Reading
  - Legislative action
  - Staff presentation: Ian McCargar, Town Attorney

**Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2012-1443, An Ordinance Fixing the Compensation of the Municipal Court Judge and Municipal Court Clerk for the Town of Windsor in Compliance with Sections 13-10-107 and 13-10-108, C.R.S., and Section 2-4-90 of the Windsor Municipal Code, Town Board Member Baker seconded the motion.**

Town Attorney McCargar reported on the Ordinance stating the statutes and the Code requires that the compensation for the municipal judge and municipal clerk be set by ordinance. Staff recommends approval on first reading.

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

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

**Nays – None. Motion carried.**

3. Site Plan Presentation – Great Western Industrial Park, Fourth Filing, Lots 1 & 2, Block 3 – 31750 and 31840 Great Western Drive (Blue Water Resources Water Transfer Facility) Site Plan - Alex Yeros, Broe Land Acquisitions 10, LLC, applicant/Jennifer Stanford, Blue Water Resources, LLC, applicant's representative/Clay Drake, The Great Western Development Company

- Staff presentation: Josh Olhava, Associate Planner

Associate Planner Olhava reviewed the agenda item and noted it is a water transfer facility; the presentation is an informative review as the site plan is approved administratively by staff. Mayor Vazquez stated that this would be the only time for the Town Board to provide comments or concerns regarding the proposed site plan.

Mr. Olhava noted the location of the subject property as 38140 and 31750 Great Western Drive, south of Eastman Park Drive on the east side of Windsor. Broe Land Resources and Blue Water Resources are proposing a water transfer facility in the Heavy Industrial zoning district which will serve the construction and oil and gas industries. The water that is being hauled off-site will come from three existing wells located north of the facility. The facility will be open 24 hours per day and includes six self-service water loading bays along with restrooms for the use of the drivers. Loading of trucks will normally take place during normal business hours of 7 am to 7 pm, seven days per week. It was noted that the facility is capable of loading approximately 200 water trucks over a 24 hour period at full capacity. There will not be any employees on site. Mr. Olhava requested that all application materials and the staff memorandum be entered into the record.

Town Board Member Thompson brought forward concerns regarding the amount of truck traffic that is being created between the current sand loading facility at the location along with the addition of the water loading facility. Clay Drake, representing the applicant, stated that it was very unlikely that the trucks would be coming through downtown Windsor. Town Attorney McCargar stated this was related to individual haul routes which are difficult to estimate as we have no knowledge of where the trucks are coming from or going to. Thompson stated his concern was regarding the impact on the roads and the current traffic and inquired if there was a way to mitigate it.

Town Manager Arnold stated that there isn't anything in the road impact fee program that addresses this type of use or natural resource use. From a road impact perspective, Mr. Arnold stated there is a deficiency in the road impact fee program and believes it to be worthy of further discussion. It was noted that the Town Board could attribute some of the severance tax funds received from the State of Colorado as there is a formula that is derived from the State to that industry to Windsor. From a financial perspective, we don't have a direct way to mitigate the impact.

Town Board Member Adams inquired how long the traffic would be at the location. Mr. Drake stated it was dependent on the price of a barrel of oil; the facility is permanent. He also stated that the maximum number of trucks in a 24 hour period would be 200.

Scott Ballstadt, Chief Planner, reported that when the Planning Commission reviewed the Musket proposal on the Kodak site, a recommendation was made that they keep the truck traffic from downtown and ensure that the trucks use state highways.

Town Board Member Thompson reported that part of the Town's strategic plan is managed growth; he is unsure how growth can be managed with operations such as this coming into Windsor.

Mayor Vazquez stated that although recommendations can be made to direct truck traffic, we can't mandate that the trucks not use a state highway (such as SH257).

Mayor Vazquez voiced concern with the water that comes in on the trucks - that the source of the water is unknown and if it has had any testing done on it. Mr. Drake stated that there is no off-load area; it is all loading of trucks. He also stated that the trucks are dedicated to the fresh water aspect of the process as it cannot be contaminated in the same tanker truck and does not have any fear of hydrocarbons in a spill. Security cameras are in place and codes are required to access water which will help monitor and track any issues. Mayor Vazquez requested there not be any discharging or draining of any trucks into the detention ponds and requested staff to continue to work with the applicant to assure there is language in the site plan that provides recourse for any illegal dumping.

4. Resolution No. 2012-87 – A Resolution Ratifying, Approving, and Confirming the Terms and Conditions of the Employment Agreement, as Amended, Between the Town of Windsor and Town Manager Kelly E. Arnold

- Legislative action

**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2012-87; Town Board Member Adams seconded the motion.**

Town Attorney McCargar stated that based on instructions pursuant to the annual review that took place several weeks ago, the employment agreement was amended to reflect a 2% raise in compensation adjustment.

Mayor Vazquez stated working with Mr. Arnold over the last year had been a pleasure and thanked him for his support of Town Board policy making decisions and follow through to fruition was commendable.

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

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

**Nayes – None. Motion carried.**

#### **D. COMMUNICATIONS**

1. Communications from the Town Attorney  
Town Attorney Frey reported that he has received letters of interest to enter into agreements for the Special Fee for the interchange; the agreements are being circulated for signatures.
2. Communications from Town Staff  
Parks, Recreation and Culture Director Chew stated an update on special events was included under Communications in the Town Board packet which also includes a sales tax report.
3. Communications from the Town Manager  
Town Manager Arnold noted a request from Gary Young who has requested an extension on his Conditional Use Grant. Mr. Arnold stated the letter of request was included in the Town Board packet

and that if the Town Board was amenable, the item would be placed on the agenda for the first regular meeting in January.

4. Communications from Town Board Members  
No communications.

**E. ADJOURN**

**Town Board Member Thompson motioned to adjourn the meeting at 7:55 p.m.; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**

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

**Nays – None. Motion carried.**

  
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Patti Garcia, Town Clerk