



TOWN BOARD REGULAR MEETING

January 28, 2013 - 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

Mayor Vazquez called the regular meeting to order at 7:00 p.m.

1. Roll Call

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

Absent:

Also present: Town Manager
Town Attorney
Town Clerk
Chief of Police
Director of Finance
Director of Planning
Associate Planner
Director of Human Resources
Director of Engineering
Economic Development Manager

Kelly Arnold Town
Ian McCargar
Patti Garcia
John Michaels
Dean Moyer
Joe Plummer
Brett Walker
Mary Robins
Dennis Wagner
Stacy Johnson

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 Bishop-Cotner motioned to postpone Ordinance No. 2013-1445, An Emergency Ordinance Imposing a Temporary Moratorium on the Operation of any Private Marijuana Club Within the Reach of Article XVIII, Section 16 of the Colorado Constitution; Directing the Prompt Exploration of the Town’s Regulatory Authority over such Activities; Declaring the Intention of the Town Board To Consider the Adoption of Appropriate Town Regulations With Respect to Such Activities, Including the Prohibition thereof; and Declaring an Emergency Pursuant to Section 4.11 of The Windsor Home Rule Charter, until a full board was present; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

**Yeas –Melendez, Bishop-Cotner, Adams
Nayes – Thompson, Rose - Motion carried.**

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

**Yeas – Thompson, Rose, Melendez, Bishop-Cotner, Adams
Nayes – 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 Authority
Town Board Member Thompson reported the Tree Board met last week and elected officers for 2013 and pursued discussions regarding the 2013 Arbor Day. The poster contest winners will be chosen at the next meeting. The Planning Commission also held elections for officers with no change from the current positions. The new Army Reserve Center site plan was presented at the Planning Commission meeting and is also on the current Town Board agenda. There was no report on the Great Western Trail Authority.
- Mayor Pro-Tem Melendez – Downtown Development Authority; Chamber of Commerce; North Front Range/MPO Alternate
Mayor Pro-Tem Melendez stated there were no updates from the Chamber of Commerce of the North Front Range MPO. Ms. Melendez reported the DDA had an open house on January 23; the meeting was sparsely attended but there was good conversation with the attendees along with some ideas on what the DDA should be working on in the future. At the DDA regular meeting the board members got caught up on the various committees and looked at duties and goals for 2013.
- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate
No report.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board
No report.
- Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)
Town Board Member Adams reported the Cache La Poudre Trail Board would be meeting on Thursday. Prior to the regular meeting, members of SALT met with the Town Board at the Community Recreation Center. Mr. Adams stated that they would be at the next month's town board meeting to give a report.
- Mayor Vazquez – North Front Range/MPO
No 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.*

Regan Price, 546 Buffalo Drive and Brenda Gimeson, 565 Southwood Lane, Windsor addressed the Town Board regarding the January 7, 2013 meeting at which aspects of the Community Recreation Center expansion were discussed. At that time, the Town Board requested community support in some fashion and they are prepared to move forward with a citizen initiative in favor of the expansion. They requested staff time be allotted in order to guide them through the process.

B. CONSENT CALENDAR

1. Minutes of the January 14, 2013 Regular Town Board Meeting – P. Garcia
2. Liquor License Special Event – Our Lady of the Valley Church – P. Garcia
3. Cancellation of March 11, 2013 Regular Town Board Meeting – P. Garcia
4. Resolution No. 2013-05 Approving the De-accession of Items to the Town of Windsor Museum Collection – C. Knight
5. Resolution No. 2013-06 - Approving the use of electronic message boards along state highways to meet CDOT regulations – T. Walker
6. Advisory Board Appointments – P. Garcia

Town Board Member Thompson motioned to approve the Consent Calendar as presented;

Town Board Member Rose seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None - Motion carried.

C. BOARD ACTION

1. Short Form Grant Application – Windsor Community Choir

- Applicant presentation: Grover Kelly

Grover Kelly, 400 Pelican Cove, Windsor addressed the Town Board regarding the funding request of \$1,000 for the Windsor Community Choir. Mr. Kelly stated the choir had been in existence for six years and is 35 people strong. The choir lacks the funds in order to purchase music; each person had paid \$35 in the fall to start building a music library. The funding request is to purchase enough music for current and future members and also so they don't have to rely on free domain music

Town Board Member Bishop-Cotner brought forward the previous request of \$1,200 with an additional \$400 each year from the Windsor Community Choir with Mayor Pro-Tem Melendez stating the initial request was to help purchase music for those experiencing a financial hardship and that the current application submitted did not justify \$1,000. Town Board Member Adams voiced his support of funding the request. Town Board Member Thompson believed the \$1,000 request was extravagant but was supportive of up to \$200. Town Board Member Rose stated that the request should be for funding for the current year; the funding is not to be used for ongoing projects.

Town Board Member Rose motioned to approve the funding request of \$1,000 to Windsor Community Choir; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Thompson, Rose, Adams
Nays – Melendez, Bishop-Cotner - Motion carried.**

2. Site Plan Presentation – Eagle Crossing Subdivision, First Filing – Aladar Drive (Army Reserve Center) Site Plan – United States of America, property owner / Lewis Naby, USACE, applicant / Matt Billingslea, PEC, PA, applicant’s representative

- Staff presentation: Brett Walker, Associate Planner

Associate Planner Walker presented the agenda item. The U.S. Army has proposed to construct an Army Reserve Center in the Limited Industrial (I-L) zoning district. The lot is 18.40± acres. This site is located within the I-25 Corridor Planning Area. The site includes the Reserve Center, organizational maintenance shop, parking lot, fenced military equipment lot, and a wash rack. Mr. Walker stated the documents submitted to the Town included references to Fort Collins, Loveland, and Windsor but the Army has given a verbal statement that there will be no town or city specific identifiers at the site. The US Army has stated that they anticipate 10 people on-site on normal week days and up to 162 reservists on-site during drill weekends. The lot is located east of Fairgrounds Avenue.

Mr. Walker provided a presentation which provided the color rendering of the building and site location; the sign detail has the street address included. They are not going through the normal site plan process as they are exempt from many local regulations due to the Army being part of the federal government.

Town Board Member Thompson inquired as to what the facility was for. Andy Pakiz, US Army Corp of Engineers, stated it will be for training, classrooms, and administration.

3. Ordinance No. 2013-1445 - An Emergency Ordinance Imposing a Temporary Moratorium on the Operation of any Private Marijuana Club Within the Reach of Article XVIII, Section 16 of the Colorado Constitution; Directing the Prompt Exploration of the Town’s Regulatory Authority over such Activities; Declaring the Intention of the Town Board To Consider the Adoption of Appropriate Town Regulations With Respect to Such Activities, Including the Prohibition thereof; and Declaring an Emergency Pursuant to Section 4.11 of The Windsor Home Rule Charter

- Legislative action
- Staff presentation: Ian McCargar, Town Attorney

Postponed.

4. Resolution No. 2013-07 - A Resolution approving an incentive agreement for infrastructure improvements between the Town of Windsor and Woodward, Inc. the purpose of which is to encourage additional employment activity within the vicinity of Hwy 34 & County Road 17

- Legislative action
- Staff presentation: Stacy Johnson, Economic Development Manager; Ian McCargar, Town Attorney

Economic Development Manager Johnson provided an overview of the resolution and related incentive agreement. Ms. Johnson reported that the agreement was drafted pursuant to direction by the Town Board on January 7, 2013 based on two facts of information; that there was confirmation from both Century Link and Poudre Valley REA that the overall intention of the agreement was to increase the amount of capacity for both power and fiber at the site and to allow the surrounding land and buildings to use those services as needed and to attract more companies to the location. Ms. Johnson provided a presentation which noted the location of the 45,000

square foot facility and reported they have a four-year lease with an option to purchase. They plan to employ 100-150 employees with an average salary of \$75,000 plus benefits.

The initial request in July, 2011 included a request for reimbursement of the town administrative portion of building permit fees for both Phase 1 and 2 along with a 50% rebate of personal property tax for up to ten years; if there are additional phases they will need to come back to Town Board with that request. The Agreement states that Phase 1 and 2 reimbursement of the development fees is not to exceed \$2,800; the personal property tax rebate is estimated to range from \$2,965 - \$3,488 annually. Ms. Johnson stated letters of support from PVREA and Century Link were included in the Town Board packet. Staff recommended approval of the resolution.

Town Board Member Thompson stated the infrastructure improvements are mutually beneficial. Mayor Pro-Tem Melendez reported on an article in the Northern Colorado Business Report regarding Woodward Governor and positives of what they bring to the community.

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2013-07; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

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

5. Resolution No. 2013-08 - A Resolution Appropriating Additional Sums of Money to Defray Expenses in Excess of Amounts Budgeted for the Town of Windsor, Colorado, for 2012

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

Director of Finance Moyer reported on the agenda item noting it is for consideration of a supplemental budget which is required to adjust the previous year's budget. Mr. Moyer reviewed the revenue additions and expenditure items that were included in the supplemental budget. Staff recommended approval of the resolution.

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2013-08; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

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

6. December Financial Report

- Staff presentation: Dean Moyer

Director of Finance Moyer reviewed the December Financial Report that was included in the Town Board packet. It was noted that the Town recorded the highest gross sales tax collection for the month of December and that year to date gross sales tax increased 10.21% from December 2011. 437 single family home permits were issued in 2012 which was the third highest number in Windsor's history.

Town Board Member Bishop-Cotner inquired as to the number of houses that were built 2012 and if they were being lived in. Director of Planning Plummer stated he would check the certificate of occupancy status of the homes that had received permits.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Town Attorney McCargar stated he is following up with Greenspire Metropolitan District and their request for an extension of their payment; Mr. McCargar will keep the Town Board informed of his progress.

2. Communications from Town Staff

Director of Planning Plummer provided an overview of the Inactive Development Projects reported included in the Communications portion of the packet. Mr. Plummer stated it had been a good exercise for staff and the developers.

Director of Engineering Wagner reported that the State Highway & I-25 Interchange Reconstruction Project was awarded the Large Community Engineering/Construction Management award at the APWA 27th Annual Awards Luncheon. Plaques were provided to CDOT, the City of Fort Collins, and the Town of Windsor.

3. Communications from the Town Manager

Town Manager Arnold provided an overview of the 2012 Neighborhood Parks Final Report that was included in the packet stating the both the design and construction components for the parks came in under budget with a tentative celebration in the spring with the individual neighborhoods.

4. Communications from Town Board Members

Town Board Member Adams conveyed he has received good feedback regarding Poudre Heights Park and also thanked the Town Board and Town Manager Arnold for attending the dinner hosted by SALT.

Mayor Pro-Tem Melendez noted that the Great Western Industrial Park had been rated #2 in northern Colorado by Northern Colorado Business Report.

E. EXECUTIVE SESSION

An executive session pursuant to § 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; Hilltop Estates storm drainage issues. (Kelly Arnold, Dennis Wagner, Ian McCargar)

Town Board Member Bishop-Cotner motioned to go into an executive session pursuant to § 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; Hilltop Estates storm drainage issues at 8:19 p.m.; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

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

The meeting moved to Executive Session at 8:25 p.m.

Upon a motion duly made at 8:50 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 Thompson motioned to adjourn at 8:50 p.m.; Town Board Member Rose seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None - Motion carried.



Patti Garcia, Town Clerk