



TOWN BOARD REGULAR MEETING

March 25, 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 Pro-Tem Melendez called the regular meeting to order at 7:02 p.m.

1. Roll Call

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

Absent:

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

2. Pledge of Allegiance

Town Board Member Baker 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 – Baker, Rose, Melendez, Thompson, Adams

Nays – None. Motion passed.

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 next meeting of the Parks, Recreation and Culture Advisory Board would be held Tuesday, April 2, 2013.
- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Authority

Town Board Member Thompson reported the Arbor Day poster contest winners were selected at the last Tree Board meeting; the winners will be recognized at the April 22 Town Board meeting. Their next meeting will focus on Arbor Day events and the tree sale. The Planning Commission reviewed a request for off-street parking for a proposed family entertainment center that would be located southeast corner of Fairgrounds Avenue and Steeplechase Drive; the Planning Commission accepted the parking configuration as presented.

- 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 did not hold a meeting this month but reported that their Annual Dinner was well attended. Several local businesses and citizens were recognized for their service at the event. Ms. Melendez reported at the DDA meeting on March 20 a sponsorship was approved for the Swing Dance event being held in August, Ron Lauer was present and stated he was looking at requirements for investment purposes for his property, and underground preliminary design for undergrounding between 4th and 5th Streets was brought forward. The Marketing Committee would be meeting on Wednesday and would be discussing event options for the DDA during the Pro Cycling Challenge. Ms. Melendez also reported on the MPO and noted that the April 4 meeting would be held in Windsor. The MPO has invited the Colorado Congressional Delegation to the VanGo Vanpool Services press conference which will be held at 5 pm at the Windsor Community Recreation Center. Ms. Melendez encouraged the Town Board members to attend the event. The regular meeting of the MPO has a presentation from CDOT regarding funding for railway projects. Additional items that will be discussed include the reconstruction of their personnel policies, managed lane information and stated the CDOT RAMP pre-applications are available and due to CDOT regions by May 1.
- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate
Town Board Member Rose stated the Windsor Housing Authority held a ground breaking last Monday night for the work force housing they have been working on. Mr. Rose also attended the Clearview Library Board meeting at which there was a presentation on adult programming. Mr. Rose noted that there is a range of diverse programs offered at the local library.
- 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 stated the Cache La Poudre Trail Board had met and discussed land acquisition, mostly in the Greeley area along with the May 11 Poudre Trail-a-thon. The Board also discussed memorials and how they should be taken care of. The SALT group will be hosting an Easter egg hunt; the group has continued with the clean-up of the Poudre Trail along with the tutoring program. SALT is currently looking at fundraising ideas in order to defray the costs of prizes being distributed at the Easter egg hunt.

- 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.*

Mayor Pro-Tem Melendez opened the meeting for public comment to which there was none.

B. CONSENT CALENDAR

1. Minutes of the February 25, 2013 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – Angkor Liquors, Inc. dba Angkor Liquors, Retail Liquor License – P. Garcia
3. Liquor License Renewal – Picasso and Wine, Inc. dba Picasso and Wine, Beer & Wine License – P. Garcia
4. Liquor License Renewal – Windsor Concepts, LLC, dba Stuft a Burger Bar, Hotel & Restaurant License – P. Garcia
5. Liquor License Renewal – Vanmoo Co dba Sala Thai Restaurant, Beer & Wine License – P. Garcia
6. Advisory Board Appointments – P. Garcia
7. Resolution No. 2013-14 - A Resolution Approving and Accepting an Easement for Access, Egress and Utilities within the Great Western Industrial Park Subdivision, Fourth Filing, Lot 1, Block 3 – I. McCargar
8. Resolution No. 2013-15 - A Resolution Reappointing Kimberly A. Emil as Windsor Town Prosecutor, Appointing Scott Patton as Deputy Town Prosecutor, extending the Professional Services Agreement between the Town of Windsor and Kimberly A. Emil, Attorney at Law – I. McCargar
9. Cancellation of May 27, 2013 Town Board meeting – P. Garcia
10. Report of Bills, February 2013 – D. Moyer

Town Board Member Thompson motioned to approve the Consent Calendar as presented; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Melendez, Thompson, Adams

Nays – None. Motion passed.

C. BOARD ACTION

1. Short Form Grant Application – Northern Colorado Energy Star Homes

- Applicant presentation: Vicki Wagner

Vicki Wagner, Director, Northern Colorado Energy Star Homes addressed the Town Board and provided an overview of the purpose of the program. Energy Star was introduced by the U.S. Environmental Protection Agency in 1992 as a voluntary partnership with builders to reduce greenhouse gas emissions through increased energy efficiency. It was noted that Windsor had been part of the program for several years. The goals of Energy Star Homes include the opportunity to provide training and mentoring for builders, HVAC contractors, and trade allies on

ways to increase energy efficiency in homes. Ms. Wagner requested the \$1,000 sponsorship so the Energy Star Program can continue to be offered.

Town Board Member Thompson stated he was not clear why communities are expected to pay for the program as opposed to funding from the industry. Ms. Wagner noted the funding from communities shows support for the energy star program.

Mayor Pro-Tem Melendez asked how many hits the Northern Colorado Energy Star Homes gets on their website to which Ms. Wagner reported approximately 1,000 hits per month. Ms. Melendez stated that the Town Board had heard from a SAFEbuilt representative who noted that many builders are very energy conscience. She believes the program is a good cause but is not sure how it supports builders in Windsor.

Town Board Member Baker commented that the Town of Windsor vision statement states that the Town will be a good environmental steward and that this program is evidence of that.

Town Board Member Rose stated that he appreciates the fact that the program is voluntary; it meets all the stated requirements for funding and supports the request.

Town Board Member Thompson stated that this should be an industry endeavor.

Town Board Member Baker motioned to approve the funding request of \$1,000 to Northern Colorado Energy Star Homes; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Adams,

Nayes – Melendez, Thompson. Motion passed.

2. Short Form Grant Application – Relay for Life (American Cancer Society)

- Applicant presentation: Megan Clarkson, Relay for Life Chairperson
Special Event Coordinator Porter reviewed the application and noted the request for funding due to the show stage not being available for their event and the need to rent other equipment. As a town-partnered event, the use of the show stage has been provided in the past at no charge.

Megan Clarkson representing Relay for Life addressed the Town Board and made the request for the funding to cover the expenses of renting tents, etc. since the show stage was unavailable for their event.

Mayor Pro-Tem Melendez stated that she has participated in the Relay for Life event and supports their endeavor.

Town Board Member Thompson motioned to approve the funding request of \$1,000 to Relay for Life (American Cancer Society); Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Melendez, Thompson, Adams

Nayes – None. Motion passed.

3. Long Form Grant Application – Harvest Fest

- Applicant presentation: Casey Johnson, Harvest Festival Chairman
Special Event Coordinator Porter provided an overview of the request noting that Harvest Fest is a long standing event for Windsor. As in the past, the Harvest Festival Committee is seeking

support above and beyond the standard partnership package, requesting items that require a long form grant application. Their request does not include anything it has not included in the past. Within the completed grant application, a list of additional items requested by the Harvest Festival Committee was included which total \$10,720 of additional funding. Staff has evaluated those items and made suggestions as to which requests they believe should be accommodated and others that should be the responsibility of the organizer; the funding recommended by staff is \$9,760 and is itemized in the Town Board packet under “Amended Additional Requests for Harvest Festival 2013”.

The Town Board discussed the Grant Application request noting the value of the standard sponsorship package is \$1,750 and reviewed the additional items being requested. Director of Parks, Recreation and Culture Chew reported that sales tax generated from the event in 2012 was just under \$2,700. The Town Board noted that this request is about Windsor and part of Windsor’s history; it is the use of Windsor funds and investing them back into Windsor.

Town Board Member Adams motioned to approve the sponsorship request of \$9,760 for items as noted in “Amended Additional Requests for Harvest Festival 2013”; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Melendez, Thompson, Adams

Nayes – None. Motion passed.

4. Special Event Partnership Request – Windsor Severance Library Foundation Board - Clearview Library District

- Applicant presentation: Carol Heinkel, Library Book Sale Chair

Special Event Coordinator Porter reported on the request and stated the Library Foundation Board will be conducting a book sale in the common area at the Community Recreation Center. The Board is seeking a partnership with the Town regarding the fair, using the Community Recreation Center common areas without cost, and using the marquee signs for announcing the book fair to the community. Carol Heinkel was in attendance representing the Library Board and stated the proceeds from the book sale go into an endowment fund that will support the library.

Mayor Pro-Tem Melendez stated that there is no monetary request; it is a partnership request in order to use the marquee.

Town Board Member Rose motioned to approve the Special Event Partnership Request for the Windsor Severance Library Foundation Board; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Melendez, Thompson, Adams

Nayes – None. Motion passed.

5. Ordinance No. 2013-1447 - An Ordinance Approving an Intergovernmental Agreement Amending Certain Provisions of the First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange

- Second reading
- Legislative action
- Staff presentation: Ian McCargar/John Frey, Town Attorney

Town Attorney McCargar reported on the ordinance stating that the ordinance approves an Intergovernmental Agreement (IGA) with Fort Collins further amending the First Amended IGA approved by the Town Board in November, 2012. Under the terms of the former agreement, the base for property tax and sales tax increment that would be shared with Fort Collins going

forward was set in years when the corridor activity center were reduced due to construction in 2011 and 2012. The ordinance sets the base at 2010 which provide a more accurate reflection of tax revenues.

Mayor Pro-Tem Melendez opened the meeting for public comment to which there was none.

Town Board Member Rose motioned to approve Ordinance No. 2013-1447, An Ordinance Approving an Intergovernmental Agreement Amending Certain Provisions of the First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange on second reading; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Melendez, Thompson, Adams

Nayes – None. Motion passed.

6. Resolution No. 2013-16 - A Resolution Adopting the Town of Windsor 2012 Parks and Open Space Regulations with Respect to The Conduct of Persons Within Town-Owned Recreational Facilities

- Legislative action
- Staff presentation: Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture and John Michaels, Chief of Police

Director of Parks, Recreation & Culture Chew reviewed the proposed parks regulations. The regulations prohibit charcoal grills, provide specifications as to the size of propane grills that can be used at the parks, removal of tents by 6 pm along with minor exceptions for glass bottles, hours of operations and certain types of motor vehicles that could be authorized by the Town of Windsor for specific events. Ms. Chew noted the regulations would be adopted by resolution and then incorporated into an ordinance so they would be included in the Municipal Code.

Town Board Member Thompson motioned to approve Resolution No. 2013-16; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Melendez, Thompson, Adams

Nayes – None. Motion passed.

7. Ordinance No. 2013-1451 - An Ordinance Amending Chapters 10 and 11 of the Windsor Municipal Code with Respect to Regulations Applicable to the Conduct of Persons Within Town-Owned Parks and Open Space Areas

- First reading
- Legislative action
- Staff presentation: Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture and John Michaels, Chief of Police

Director of Parks, Recreation & Culture Chew stated the ordinance for consideration takes the rules and regulations that were approved in the previous resolution and adds them to the Municipal Code.

Town Board Member Thompson inquired about Section 11-8-120 of the ordinance regarding the limitations on cooking devices and recommended that the ordinance clarify that charcoal grills are prohibited and that specific sizes of propane cooking devices are permitted. Town Attorney McCargar concurred with the request and will submit an amended ordinance for second reading which will be published in full.

Town Board Member Baker motioned to approve Ordinance No. 2013-1451, An Ordinance Amending Chapters 10 and 11 of the Windsor Municipal Code with Respect to Regulations Applicable to the Conduct of Persons Within Town-Owned Parks and Open Space Areas on first reading; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Baker, Rose, Melendez, Thompson, Adams
Nays – None. Motion passed.**

8. Public Hearing – Ordinance Adopting by Reference the 2012 International Building Code; 2012 International Existing Building Code; 2012 International Residential Code; 2012 International Mechanical Code; 2012 International Plumbing Code; 2012 International Fuel Gas Code; 2012 International Property Maintenance Code; 2009 International Energy Conservation Code, as Amended by the Town of Windsor, Colorado; and the 2011 National Electrical Code, as Amended by the Town of Windsor, Colorado

- Legislative action
- Staff presentation: Joe Plummer, Director of Planning

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

**Yeas – Baker, Rose, Melendez, Thompson, Adams
Nays – None. Motion passed.**

Director of Planning Plummer reported that the Town Board had reviewed the recommended updates to the building code at their March 18, 2013 work session. Russ Weber, Building Official for SafeBuilt, was present at the work session and had provided a power point presentation regarding the proposed codes and amendments. Mr. Weber was present at the meeting and provided the presentation again for public information; the power point was included in the Town Board packet. Mr. Weber noted that minimum standards would have to be adopted related to any items adopted by the Energy Office.

Mr. Plummer requested that items included in the Town Board packet related to this agenda item be included as part of the record.

Mayor Pro-Tem Melendez opened the meeting for public comment.

Jeff Schneider, Chair, Homebuilders Association of Northern Colorado, addressed the Town Board stating they support what has been presented. The one caveat they would like to see revised is the need or necessity for per lot bore test holes to determine water elevation or they would entertain a friendly amendment to use a subdivision bore test or look at the proximity of homes; the cost is \$400 - \$500 per test for each lot and gets cost prohibitive particularly for production builders.

Jon Turner, Windsor developer, stated that nothing is more reassuring than a builder doing a test hole on each lot.

J.D. Roybal, Windsor resident, provided an overview of his concerns and experience regarding the proposed dryer vent length.

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 – Baker, Rose, Melendez, Thompson, Adams

Nayes – None. Motion passed.

9. Ordinance No. 2013-1452 - An Ordinance Adopting by Reference the 2012 International Building Code; 2012 International Existing Building Code; 2012 International Residential Code; 2012 International Mechanical Code; 2012 International Plumbing Code; 2012 International Fuel Gas Code; 2012 International Property Maintenance Code; 2009 International Energy Conservation Code, as Amended by the Town of Windsor, Colorado; and the 2011 National Electrical Code, as Amended by the Town of Windsor, Colorado

- First Reading
- Legislative action
- Staff presentation: Joe Plummer, Director of Planning

Director of Planning Plummer stated at their March 7, 2013 Planning Commission recommended approval of the proposed codes and amendments as presented; staff concurs.

Town Board Member Baker inquired as to the 35' dryer venting hose length to which Mr. Weber noted that for every 90 degree elbow a deduction of five feet is required which alleviates fire concerns provided the vent is cleaned on a regular basis.

Town Board Member Thompson motioned to approve Ordinance No. 2013-1452, An Ordinance Adopting by Reference the 2012 International Building Code; 2012 International Existing Building Code; 2012 International Residential Code; 2012 International Mechanical Code; 2012 International Plumbing Code; 2012 International Fuel Gas Code; 2012 International Property Maintenance Code; 2009 International Energy Conservation Code, as Amended by the Town of Windsor, Colorado; and the 2011 National Electrical Code, as Amended by the Town of Windsor, Colorado on first reading; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Baker, Rose, Melendez, Thompson, Adams
Nayes – None. Motion passed.**

10. Resolution No. 2013-17 - A Resolution Approving the First Amendment to the Windsor Highlands Ninth Annexation Agreement, and Authorizing the Mayor to Execute the same on behalf of the Town of Windsor

- Legislative action
- Staff presentation: Scott Ballstadt, Chief Planner

Chief Planner Ballstadt reported on the resolution noting the applicant is proposing to amend the existing Windsor Highlands 9th Annexation agreement in order to replace the existing design criteria and development standards attached to the agreement as Exhibit B with the Town's Commercial Corridor Plan. Use of the Commercial Corridor Plan (CCP) will provide for more consistency throughout town. Mr. Ballstadt reviewed Exhibit B and noted the differences between it and the CCP. The CCP is more flexible than the current standards in the current Exhibit B and will allow the applicant more design options as site plans are submitted to the Town.

Staff recommends approval of the resolution as presented.

Town Board Member Thompson motioned to approve Resolution No. 2013-17; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Baker, Rose, Melendez, Thompson, Adams
Nayes – None. Motion passed.**

11. Resolution 2013-18 - Approving an Intergovernmental Agreement Between the Town of Severance, Colorado and the Town of Windsor, Colorado, with Respect to Land Use Cooperation in the Vicinity of the Intersection of Colorado State Highway 257 and Weld County Road 74, and Authorizing the Mayor to Execute Same

- Legislative action
- Staff presentation: Joe Plummer, Director of Planning/Ian McCargar, Town Attorney
Director of Planning Plummer reviewed the agenda item and also submitted a letter into the packet which was received from a property owner that would be affected by the terms of the Intergovernmental Agreement (IGA). The proposed use by the property owner is closed storage units.

Mr. Plummer provided an overview of the process that was undertaken with the Town of Severance which included work sessions between the two boards and planning commissions. Mr. Plummer reviewed Exhibit A, Intersection Cooperative Planning and Revenue Sharing Area map along with the list of land uses. The land uses listed in Exhibit B which were reviewed and recommended for approval by both planning commissions would be the only permitted uses without further review by both boards. The Windsor Planning Commission recommended approval of the resolution and IGA as presented. The Severance Board of Trustees approved the resolution and exhibits on March 4, 2013.

The Town Board discussed the proposed land uses with Town Board Member Thompson noting that closed storage units were brought up and that they were excluded from the list. Mr. Plummer reported that the list of proposed uses is similar to other IGA's that are in place. He also indicated that property owners were contacted but cannot state specifically that this particular owner was contacted and on what date or time.

Town Board Member Thompson motioned to approve Resolution No. 2013-18; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Baker, Rose, Melendez, Thompson, Adams
Nays – None. Motion passed.**

12. February Financial Report

- Staff Presentation: Kelly Arnold, Town Manager
Town Manager Arnold provided an overview of the financial report noting that revenue and collections are strong. The February 2013 sales tax collection was the second highest gross sales tax collection for the single month of February. Construction use tax is 19.87% over year to date 2012 and property tax is similar to last year due to assessed valuations being unchanged. Mr. Arnold reported that the economy is healthy in Windsor and that the population growth is evident in the number of building permits that have been issued. Mr. Arnold will also ask Director of Finance Moyer to do a cost of living analysis for Town Board review. . highest KA – report by dean and staff. Revenue/collections are strong. ST collections we are at 1.2M for Feb – construction use tax, property tax same as last year due to assessed valuation not changing.

D. COMMUNICATIONS

1. Communications from the Town Attorney
Town Attorney McCargar stated that a metropolitan district inclusion and exclusion may come before the Town Board for action. Mr. McCargar offered to host a Metro District 101 for interested Town Board members.
2. Communications from Town Staff

Police Chief Micheals states that he had included two graphs in the Communications portion of the packet; one graph is related to calls for service and another is related to traffic issues. Chief Michaels also reported that on April 27 the police department would be hosting the 5th annual National Drug Take Back Day.

3. Communications from the Town Manager

Town Manager Arnold reported the heat pump in the ceiling above the finance department had sprung a leak and that the damage was being assessed.

4. Communications from Town Board Members

The Town Board discussed the Outside Agency Fund and its purposes. Town Manager Arnold offered that the name of the fund might need to be changed as the funds should be for purposes needed as directed by the Town Board.

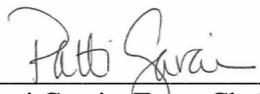
Mayor Pro-Tem Melendez requested that the Town Board members that had attended the Congressional City Conference relay the information they had received during the next work session.

E. ADJOURN

Town Board Member Thompson motioned to adjourn the regular meeting at 9:15 p.m.; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Melendez, Thompson, Adams

Nayes – None. Motion passed.



Patti Garcia, Town Clerk