



TOWN BOARD REGULAR MEETING

April 22, 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 7:10 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 Attorney Ian McCargar
Town Clerk Patti Garcia
Director of Finance Dean Moyer
Director of Planning Joe Plummer
Chief Planner Scott Ballstadt
Director of Engineering Dennis Wagner
Director of Parks, Recreation & Culture Melissa Chew
Chief of Police John Michaels

2. Pledge of Allegiance

Town Board Member Bishop-Cotner led the Pledge of Allegiance.

3. Arbor Day Poster & Poetry Contest Recognition

Mayor Vazquez and Tree Board liaison Don Thompson acknowledged the students that received awards.

4. 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, Thompson, Melendez, Bishop-Cotner, Adams, Vazquez

Nays – None. Motion passed.

5. Board Liaison Reports

- Town Board Member Baker – Parks, Recreation & Culture Advisory Board; Cache La Poudre Trail Board Alternate
Town Board Member Baker reported the next meeting of the Parks, Recreation & Culture Advisory Board would be May 7, 2013.
- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Authority
Town Board Member Thompson reported that both the Great Western Trail Authority and Planning Commission had met last week. Items from Planning Commission are included on the Town Board agenda for consideration, specifically items C.3. – C.9. Mr. Thompson also gave an update on Arbor Day events and acknowledged the hard work that it takes for the event to be successful.

- Mayor Pro-Tem Melendez – Downtown Development Authority (DDA); Chamber of Commerce; North Front Range/MPO Alternate
Mayor Pro-Tem Melendez stated the DDA met the previous week and discussed opportunities to promote the downtown during the Pro Challenge that will be coming through Windsor in August. The Marketing Committee is looking at a program called Wheels & Deals which has been approved as an ancillary event which allows use of the Pro Challenge logo. The Beautification Committee is looking at a historic photo display program along with planters for 4th & 6th Streets. The Parking Committee is looking at bike racks that are to be ordered and in place before the Pro Challenge.
- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate
Town Board Member Rose stated the Windsor Housing Authority meeting had been postponed due to weather; the meeting is rescheduled for tomorrow. The Water & Sewer Board discussed the drought plan that was also brought forward to the Town Board.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board
Town Board Member Bishop-Cotner stated that the Clearview Library board meets on Thursday. The Historic Preservation Commission is hosting an event on Tuesday, May 7 from 6:30 – 7:30 at Clearview Library regarding the history of Windsor.
- Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)
Town Board Member Adams stated that the Cache La Poudre Trail Board would be meeting the first Thursday in May. He reminded the Town Board and public that the Poudre River Trailathon would be held on May 11. Mr. Adams noted that meets on the 2nd & 4th Thursday of each month at 6:30 p.m. and members will be present on May 13 to provide a final report for the year.
- Mayor Vazquez – North Front Range/MPO
No report.

5. Proclamation National Preservation Month

Mayor Vazquez read proclamation.

6. 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.*

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

B. CONSENT CALENDAR

1. Minutes of the April 8, 2013 Regular Town Board Meeting – P. Garcia
2. Liquor License Modification of Premise – Los Compadres, Inc. dba Sol de Jalisco – P. Garcia
3. Liquor License Special Event Permit – Northern Colorado Youth Hockey Organization – P. Garcia
4. Resolution No. 2013-21 - A Resolution Ratifying, Approving, And Confirming The Terms And Conditions Of An Agreement For The Establishment Of The Northern Colorado Pro Challenge Local Organizing Committee – M. Chew

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

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

C. BOARD ACTION

1. 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

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

Mayor Pro-Tem Melendez 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 Second Reading; Town Board Member Adams seconded the motion.

Director of Planning Plummer presented the ordinance and referred to the memorandum that was included in the Town Board packet. Mr. Plummer reported that the Town Board held a public hearing for the adoption of the referenced building codes which passed on first reading. The Homebuilders Association of Northern Colorado addressed the Town Board at the public hearing and requested a modification to the requirements of the per-lot test holes that are used to determine ground water table elevation. The amendment requested was to use a subdivision bore test or look at the proximity of homes to test holes since they understand that the drilling of the holes is between \$400 and \$500 and could be cost prohibitive for home builders. Staff reviewed the request and is presenting an amended ordinance in which it is incorporated; the new criteria will allow a single test hole to be used for two lots if the test hole is no further away than fifteen feet from either foundation and allows the data from any test hole to be valid for one year. The new criteria were highlighted on page 11 of the referenced ordinance.

Mayor Vazquez voiced concern regarding water levels being different based on the time of year and the validity of the one year criteria. Mr. Vazquez recommended that a specific time of year could be designated for the holes to be drilled, such as irrigation season, when the water could be potentially high.

Russ Weber, representing SafeBuilt, stated that some builders do not check water depth. There is a challenge as the water table changes between lots, even during irrigation season. The goal is to come up with a model that would catch everyone.

Mayor Vazquez stated that he envisions a policy that will help homeowners know they have made a wise investment. Town Board Member Thompson advised that he is concerned when standards are loosened. Mr. Plummer noted that staff and the Homebuilders Association feel there should be a relationship between the test hole and each foundation.

Director of Planning Plummer stated that the only change made to the ordinance was related to the bore hole test and noted the inclusion of a letter in the packet from a Windsor resident.

Town Board Member Thompson voiced some concerns regarding drywall inspections with Mr. Weber reporting that drywall inspections are not part of the building code, only for fire rated assemblies. As part of the 2003 building code adoption, SafeBuilt thought it would be good to include drywall inspections as greenboard was no longer allowed – only cement board was permitted. It is still not part of the code but assures that builders are using cement baseboard.

Mayor Vazquez opened the meeting for public comment.

Aaron Lore, Windsor resident, stated he believes that a pit should be standard in all houses and wondered what the difference in cost was between a perk test and installing a pit. Mayor Vazquez stated that all houses have a pit; the question is if a pump is mandated to evacuate the pit.

J.D. Ruybal voiced concern that when you look at production homes that you begin losing quality; the items that are being addressed are related to saving money and the homeowner will be the one that suffers. Mr. Ruybal recommended to abandon the bore hole test; he does not believe that the homebuilders association has their own agenda. Mr. Ruybal offered to research and help draft new criteria.

Jeff Schneider, Homebuilders Association of Northern Colorado Chairperson, stated that staff was willing to discuss questions regarding the test hole per lot. Many lots in Windsor are one acre properties; the ordinance did not address any sort of distance and based on where the test hole was drilled on the lot the results could vary. After discussion with staff, it was concluded that if you have a 40-50 foot wide lot, or if working within the setbacks, homes can be constructed within the purview of a single test hole. Mr. Schneider also noted that Jon Turner represented himself as a developer, not a builder at the last meeting.

Director of Planning Plummer stated that on March 7, 2013, the Planning Commission voted to recommend approval of the ordinance.

The Town Board discussed the ordinance at length with concerns regarding the potential cost savings to builders and its effect on the quality of a home. It was noted that the Town does not want to be overly restrictive but also has an obligation to assure that homes being built in Windsor are done right. There was discussion regarding the timing of the drilling related to the water table height and how long the hole is certified. The Town Board went on to discuss the water table fluctuations throughout Town and the various subdivisions. Potential costs and options were discussed depending if the home is in a high water level area or not.

Director of Planning Plummer stated the most restrictive option would be to pass the ordinance as originally drafted on second reading.

Mayor Pro-Tem Melendez stated she was unsure how the timing would work but supported the ordinance.

Mr. Arnold & Town Attorney McCargar brought forward several potential ordinance amendments that could be implemented that would address the concerns of the Mayor. Mr. Vazquez noted that if he were to make an amendment, it would be to do away with the test holes and mandate sump pumps. Mayor Vazquez stated he would rather provide exemptions to those that don't need a sump pump as opposed to relaxing the requirements. He does not believe the testing program is effective. An option provided by Town Manager Arnold was to possibly craft a formula that would designate the parts of the community that are considered to be in a high water table; Mayor Vazquez stated those areas could be identified and mandate sump pumps in those areas.

Town Attorney McCargar recommended that the ordinance be referred back to staff in order to work on this issue; it could then be brought back for consideration to the Town Board without having to address new posting and publication dates pursuant to statutory requirements.

Town Board Member Bishop-Cotner motioned to postpone action on Item C.1. to a date to be determined; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

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

2. Ordinance No. 2013-1453 - An Ordinance Amending the Windsor Municipal Code to Increase the Per-Acre Value of Land for Purposes of Calculating School District Payments in Lieu of Land Dedication with Respect to Land Development within the Town of Windsor, Colorado

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

Mayor Pro-Tem Melendez motioned to approve Ordinance No. 2013-1453, An Ordinance Amending the Windsor Municipal Code to Increase the Per-Acre Value of Land for Purposes of Calculating School District Payments in Lieu of Land Dedication with Respect to Land Development within the Town of Windsor, Colorado on second reading; Town Board Member Bishop-Cotner seconded the motion.

Town Attorney McCargar reported the ordinance had been approved on first reading on April 8, 2013. The ordinance is an amendment to the code which requires land developers in Windsor to either dedicate school land in association with certain types of development or pay a fee in lieu of the land dedication. Each year the district reviews the fees and this year the Poudre School District has recommended changes for fees to be collected. The Town has an intergovernmental agreement with each of our school districts. This request is based on a specific request made by the Poudre School District which approved an increase from \$89,000 per acre to \$95,000 per acre. The result is an increase the fee that developers would pay in lieu of land dedication to the Poudre School District for development. The Town does not collect these fees, the developers advise the Town that they have met the requirements of each school district for the fees or land dedication.

Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Thompson, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion passed.

3. Public Hearing – Ordinance No. 2013-1454 - Amending Chapter 16 of the Windsor Municipal Code with respect to building location requirements

- Staff presentation: Scott Ballstadt, Chief Planner

Mayor Pro-Tem Melendez motioned to open the public hearing; Town Board Member Thompson seconded the motion.

Chief Planner Ballstadt reported the ordinance is proposing an amendment to Chapter 16 of the municipal code related to building location requirements. It is a housekeeping amendment which is intended to align the building location requirements of the Municipal Code with those in the International Residential Code and the International Building Code. Redundant language will be removed so there is no opportunity for conflicting information between the municipal code and building code information; additionally, the amendment strikes language from the municipal code and refers to the building code.

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

Mr. Ballstadt stated at their April 17, 2013 meeting, the Planning Commission recommended approval; staff concurs.

Mayor Pro-Tem Melendez motioned to close the public hearing; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Thompson, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion passed.

4. Ordinance No. 2013-1454 - Amending Chapter 16 of the Windsor Municipal Code with respect to building location requirements, First Reading – S. Ballstadt

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

Mayor Pro-Tem Melendez motioned to approve Ordinance No. 2013-1454, Amending Chapter 16 of the Windsor Municipal Code with respect to building location requirements on first reading; Town Board Member Thompson seconded the motion.

Chief Planner Ballstadt stated he had no further information to provide.

Roll call on the vote resulted as follows:

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

5. Public Hearing – Conditional Use Grant for oil and gas well facilities in the General Commercial (GC) and Residential Mixed Use (RMU) zoning district – Great Western 2nd Annexation (Kodak Pad Site) – Approximately eight hundred-forty feet (840') east of State Highway 257 and eleven hundred feet (1,100') south of Eastman Park Drive – Clayton Doke, Tekton Windsor, LLC, applicant/Broe Land Acquisitions II, LLC, property owner

- Staff presentation: Brett Walker, Associate Planner

Mayor Pro-Tem Melendez motioned to open the public hearing; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

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

Chief Planner Ballstadt stated that the applicant for items C.5. & C.6. were not able to attend the Town Board meeting and requested the agenda items be tabled until May 13, 2013 so they could be present.

Clayton Doke, representing the applicant, stated a continuance was requested due to Jerry Sommers not being able to attend the meeting.

Mayor Pro-Tem Melendez motioned to suspend the public hearing and reconvene a the May 13 meeting with the applicant being present; Town Board Member Thompson seconded the motion.

Roll call on the vote resulted as follows:

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

6. Conditional Use Grant for oil and gas well facilities in the General Commercial (GC) and Residential Mixed Use (RMU) zoning district – Great Western 2nd Annexation (Kodak Pad Site) – Approximately eight hundred-forty feet (840') east of State Highway 257 and eleven hundred feet (1,100') south of Eastman Park Drive – Clayton Doke, Tekton Windsor, LLC, applicant/Broe Land Acquisitions II, LLC, property owner - B. Walker

- Quasi-judicial action
- Staff presentation: Brett Walker, Associate Planner

Town Board Member Adams motioned to postpone Item C.6. to May 13, 2013; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

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

7. Public Hearing – Approval of Final Major Subdivision – Highland Meadows Subdivision, Eleventh Filing

- Staff presentation: Scott Ballstadt, Chief Planner

Mayor Pro-Tem Melendez motioned to open the public hearing; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:

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

Chief Planner Ballstadt reported the agenda item is for a final major subdivision application received for Highland Meadows Subdivision, Eleventh Filing. The applicant is proposing to subdivide the property into eight parcels which are concurrently being site planned for four attached duplex patio homes for a total of eight housing units. The existing zoning is residential mixed use which allows for the housing units as a use by right. The application has been to three different neighborhood meetings; comments by Dr. Don Shanfelt, resident, are included. During the last discussions with Dr. Shanfelt, he indicated the changes were appreciated. The scale of the project is shorter with a more ranch style project fits in with the current neighborhood. The Planning Commission recommended approval to the Town Board.

Jason Sherrill, Landmark Homes, was present to address any questions. Mayor Vazquez inquired if there were any concerns with the changes being recommended. Mr. Sherrill responded that there were no concerns.

Chief Planner Ballstadt requested that all application materials, staff memorandum, supporting documents, recommendations and comments be part of the public record.

Town Board Member Adams motioned to close the public hearing; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Thompson, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion passed.

8. Resolution No. 2013-22 - A Resolution of the Windsor Town Board Approving the Final Plat for the Highland Meadows Subdivision, Eleventh Filing in the Town of Windsor, Colorado

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Chief Planner

Mayor Pro-Tem Melendez motioned to approve Resolution No. 2013-22; Town Board Member Adams seconded the motion.

Chief Planner Ballstadt stated the Planning Commission recommended approve of the resolution as presented; staff concurs.

Town Board Member Baker stated that Highland Meadows Subdivision is in his district; he has received calls and emails and commended the neighbors for their work and Mr. Sherrill for working with the citizens and implementing the changes.

Mayor Vazquez appreciated the collaboration between the various parties.

Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Thompson, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion passed.

9. Resolution No. 2013-23 - A Resolution of the Windsor Town Board Approving a Site Plan of the Highland Meadows Subdivision, Eleventh Filing in the Town of Windsor, Colorado

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Chief Planner

Town Board Member Melendez motioned to approve Resolution No. 2013-23; Town Board Member Thompson seconded the motion.

Chief Planner Ballstadt reviewed the agenda item noting it is a final site plan application and reported the purpose of the site plan process. Mr. Ballstadt provided a power point that noted the eight lots with four buildings, the landscape plan and building elevations. Pursuant to discussions at the three neighborhood meetings, the buildings were changed from two stories to one story, from 12 units to 8 units and increased the space between the driveways. Staff has worked with the applicant to address the comments that were received at the neighborhood meetings. The Planning Commission voted at their April 17, 2012 meeting to recommend approval of the resolution to the Town Board; staff concurs.

Chief Planner Ballstadt requested that all application materials, staff memorandum, supporting documents, recommendations and comments be part of the public record.

Town Attorney McCargar requested that any approval would take into consideration the need for the developer to execute the site plan agreement to make this complete.

Jason Sherrill addressed the Town Board and confirmed that any conditions that were requested and the request from Mr. McCargar have been agreed to.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.

10. Financial Report

- Staff Presentation: Dean Moyer

Director of Finance Moyer reviewed the financial report included in the Town Board packet noting that 66 single-family home permits had been submitted in March, 2012 which brings the year to date submitted to 119. Sales tax had the highest monthly collection for the month of March and the year to date compared to last year is about 13.6% ahead although the sales tax base hasn't changed. Mr. Moyer reviewed the various charts and graphs included in the report and stated that the 2014 budget calendar will be forwarded in an upcoming packet.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Town Attorney McCargar reported on a difficulty he was experiencing related to serving a land owner on a code violation; he will keep the Town Board apprised of any developments.

2. Communications from Town Staff

Director of Planning Plummer referenced the memo in the packet regarding the disbursement of the Community Development Block Grant Funds to the Windsor Housing Authority memo.

Director of Parks, Recreation & Culture Chew provided an update of the Pro Challenge Cycling event that will come through Windsor; the route is scheduled to be announced on Channel 9 on April 24.

3. Communications from the Town Manager

Town Manager Arnold stated that next week is the fifth Monday and there are no meetings scheduled. The Boxelder Intergovernmental Agreement is scheduled for discussion at the next work session on May 6.

4. Communications from Town Board Members

Town Board Member Thompson inquired about the easement along the Greeley Ditch; the Great Western Trail ends at the Greeley Ditch and the intent is for it to connect to the Windsor Lake. Town Manager Arnold stated that staff will follow up with the request.

Mayor Vazquez noted the passing of long-time resident Gene Hoehne and his impact on the community

E. ADJOURN

Town Board Member Baker motioned to adjourn the meeting at 9:33 p.m.; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.


Patti Garcia, Town Clerk