



TOWN BOARD REGULAR MEETING

June 24, 2013 - 7:00 P.M.

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

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
	Management Assistant	Kelly Unger
	Town Clerk	Patti Garcia
	Director of Finance	Dean Moyer
	Director of Planning	Joe Plummer
	Director of Engineering	Dennis Wagner
	Director of Parks, Recreation & Culture	Melissa Chew
	Director of Public Works	Terry Walker
	Chief of Police	John Michaels
	Human Resources Director	Mary Robins
	Manager of Economic Development	Stacy Johnson
	Associate Planner	Josh Olhava
	Associate Planner	Brett Walker

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

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

4. Board Liaison Reports

- Town Board Member Baker – Parks, Recreation & Culture Advisory Board; Cache La Poudre Trail Board Alternate
Mr. Baker reported at that their June 4 meeting PReCAB recommended approval of both the Lakeview Cemetery and Museum at Boardwalk Park proposed Master Plans; recommended approval of the co-holding conservation easement IGA with Larimer County, and toured the Sheep Draw conservation easement. They will meet again on July 9.
- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Authority
Mr. Thompson was unable to attend the most recent Planning Commission and Great Western Trail Authority Board meetings as he was attending the CML conference which was held at the same time. He shared the Tree Board will be hosting Sick Tree Day on June 25 and will be evaluating trees at 40 + homes throughout Windsor. They will meet again the last Tuesday of July.
- Mayor Pro-Tem Melendez – Downtown Development Authority (DDA); Chamber of Commerce; North Front Range/MPO Alternate
Mayor Pro-Tem Melendez reviewed the DDA Wheels n Deals program that is being coordinated with the USA Pro Challenge event and with a kick off on August 2. The Farmer's Market will begin

weekly sales on Saturday, June 29 and the DDA will be selling bottled water with their own logo during the event; planters and bike racks have been ordered by the beautification committee for downtown and should be installed within 20 days. She had no report from the Chamber of Commerce.

- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate
No report. Windsor Housing Authority met while Mr. Rose was attending CML.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board
Mr. Bishop-Cotner had no report for the Historic Preservation Commission. The Clearview Library Board will meet in June 27 – a report will follow.
- Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)
No report.
- Mayor Vazquez – North Front Range/MPO
Mayor Vazquez shared the NFRMPO will meet next month.

5. Proclamation – Parks and Recreation Month
Mayor Vazquez read a proclamation naming July as Parks and Recreation Month in the Town of Windsor.
6. Public Invited to be Heard
There was no public comment.

B. CONSENT CALENDAR

1. Minutes of the June 10, 2013 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – Okole Maluna, LLC dba Okole Maluna Hawaiian Grill, Hotel & Restaurant Liquor License – M. Lee
3. Liquor License Renewal – Los Agaveros, Inc. dba Pueblo Viejo Family Mexican Restaurant, Hotel & Restaurant Liquor License – M. Lee
4. Liquor License Renewal – American Pizza Partners LP dba Pizza Hut, 3.2 % Beer On Premises Liquor License – M. Lee
5. Approval of Submission of Grant for Waste Water Treatment Plant – T. Walker
6. Resolution No. 2013-33 - A Resolution Approving an Oil and Gas Lease, and Related Terms, Between the Town of Windsor, Colorado, and Grizzly Petroleum Company, LLC, and Authorizing the Mayor to Execute Same (“Grizzly Lease #3”) – I. McCargar
7. Resolution No. 2013-34 – A Resolution Approving the Extension of an Oil and Gas Lease, and Related Terms, between the Town of Windsor, Colorado and Great Western Leasing, LLC, and Authorizing the Mayor to Execute the Same – I. McCargar

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

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

C. BOARD ACTION

1. Ordinance No. 2013-1456 – An Ordinance Amending the Windsor Municipal Code for the Purpose of Approving the Delegation of the Local Liquor Licensing Authority Duties to an Individual Familiar with Liquor Licensing and Learned in the Law
 - Second reading
 - Legislative action
 - Staff presentation: Ian McCargar, Town Attorney

Town Board Member Bishop-Cotner moved to approve Ordinance 2013-1456, An Ordinance Amending the Windsor Municipal Code for the Purpose of Approving the Delegation of the Local Liquor Licensing Authority Duties to an Individual Familiar with Liquor Licensing and Learned in the Law; Town Board Member Thompson seconded the motion.

Mr. McCargar presented a brief synopsis of previous Board discussions of this issue, reminding the Board the Ordinance would establish a local Liquor Licensing Authority that would make all liquor licensing determinations.

Mayor Pro-Tem Melendez raised the question if the Town Board were to retain these duties, could they react to violations in a timelier manner. Mr. McCargar replied the Town could respond to violations through a Show-Cause hearing and explained the details of that proceeding. He advised the Board that he would act as prosecutor in a Show-Cause hearing and a third-party counsel would be contracted to advise the Town Board. Mayor Vazquez expressed an interest to be more involved in corrective action. Mr. Thompson reiterated a need to resolve issues in a timely manner while maintaining consistency in resolution of violations; he suggested that the potential for subjectivity exists. Mayor Vazquez noted reliance on the recommendations of Chief Michaels, naming this a task within the scope-of-work of the Town Board. Mayor Pro-Tem Melendez asked if this change would result in an increase to licensing fees. Mr. McCargar responded it would not, as it would not be a significant outlay of funds. Mr. Bishop-Cotner stressed this change would shift responsibility to someone who is an expert and establishes a firm due process rule while eliminating potential litigation. Mr. Adams concurred, calling this proposal a good way to do business.

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

Mr. Adams called the question.

Roll call on the vote resulted as follows:

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

Nays – Melendez, Vazquez. Motion passed.

2. Resolution No. 2013-29 - A Resolution Appointing Teresa Ablao to Serve as the Town of Windsor Local Liquor Licensing Authority Pursuant to the Provisions of the Colorado Liquor Code and Pursuant to Chapter 6, Article I of the Windsor Municipal Code
 - Legislative action
 - Staff presentation: Ian McCargar, Town Attorney

Town Board Member Adams moved to approve Resolution 2013-29; Town Board Member Bishop-Cotner seconded the motion.

Mr. McCargar explained this Resolution would appoint Teresa Ablao to serve as the Local Liquor Licensing Authority. He reviewed both her qualifications and the details of the professional services agreement.

Roll call on the vote resulted as follows:

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

Nays – None. Motion passed.

3. Public Hearing - Request for an Extension of Conditional Use Grant Approval for Temporary Modular Classrooms in the Single Family (SF-1) zoning district – Vineyard Church – 1450 Westwood Drive – Hans H. Breur, Executive Pastor, Vineyard Church of the Rockies, applicant
 - Quasi-judicial
 - Staff presentation: Josh Olhava, Associate Planner

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

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

Nays – None. Motion passed.

NOTE: The record of this hearing shall include the application, staff memorandum, all supporting documents and testimony brought forth in this hearing.

Mr. Olhava reviewed the details of the Conditional Use Grant application and history of this site. He noted the applicant is working with staff to prepare and submit an amended site plan for this location. Mr. Olhava reported at their June 19 meeting, the Planning Commission recommended approval of the Conditional Use Grant extension subject to the following conditions:

1. Site plan and building permit applications shall be submitted as follows:
 - a. Applicant shall complete the Town's site plan application within three (3) months of Town Board approval on this conditional use.
 - b. Applicant shall submit a complete building permit application within thirty (30) days of site plan approval.
2. The applicant shall remove the modular structure within thirty (30) days of receiving the Certificate of Occupancy.

Mayor Vazquez asked the applicants if the conditions presented were acceptable. The applicants answered they were. There was no additional comment from the public.

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

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

4. Request for an Extension of Conditional Use Grant Approval for Temporary Modular Classrooms in the Single Family (SF-1) zoning district – Vineyard Church – 1450 Westwood Drive – Hans H. Breur, Executive Pastor, Vineyard Church of the Rockies, applicant

- Quasi-judicial
- Staff presentation: Josh Olhava, Associate Planner

Mayor Pro-Tem Melendez moved to approve an extension of the Conditional Use Grant; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

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

5. Site Plan Extension Request – Greenspire Subdivision, Second Filing, Lot 1, Block 1 – the Church of Jesus Christ of Latter-Day Saints (LDS Church) – Alan Palmer, LDS Church, applicant/ Tim Nuetzel, Short Elliott Hendrickson Inc., and Scott L. Nielson, NBW Architects, applicant's representatives

- Quasi-judicial
- Staff presentation: Josh Olhava, Associate Planner

NOTE: The record of this hearing shall include the application, staff memorandum, all supporting documents and testimony brought forth in this hearing.

Mr. Olhava reviewed the proposed site plan extension request, noting the church plans to move forward with building upon completion of the administrative site plan process. He reminded the Town Board of previous approval of the site plan and modification of building height. Mr. Olhava outlined proposed changes to the building footprint and landscaping. He noted at their June 19 meeting, the Planning Commission recommended approval of the site plan extension subject to the following conditions:

1. Applicant shall complete the Town's administrative site plan application process.
2. Applicant shall submit a complete building permit application within thirty days of site plan approval.

Mayor Vazquez asked if the building height modification would need to be reviewed again. Mr. McCargar answered that modification would carry through to the extension. Mr. Rose asked for clarification of the

process. Mr. Olhava noted changes to the building footprint will carry over to the amended site plan when reviewed by staff; all parking requirements have also been met.

Mr. Scott Nielson, NBW Architects spoke briefly, noting the conditions presented are acceptable. He added the height of the steeple has not changed. He added they intend to move on to building review as soon as the amended site plan is approved.

Mayor Pro-Tem Melendez moved to approve an extension of the site plan; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.

6. Site Plan Presentation – Eagle Crossing Subdivision, Second Filing, Lot 5, Block 1 (7-11) Site Plan – Jimmy Wall, Verdad Real Estate, Inc., applicant/John Meyers, Jr., TST, Inc., applicant’s representative

- Staff presentation: Brett Walker, Associate Planner

Mr. Walker presented an overview of the site plan, noting the site plan will be approved administratively as a qualified commercial and industrial site plan. He added the site plan is being presented for the information of the Board. Mr. Walker delineated location, amenities, landscaping, parking and an explanation of waiver request granted by the Planning Commission at their June 19 meeting. He explained the waiver addresses a reconfiguration requested by the applicant to enhance safety, traffic flow, increased sales, visual presence and esthetics, and the applicant has significantly increased landscaping at the site to mitigate any negative visual impacts. Mr. Adams asked if the proposal is in conformance with the corridor plan; Mr. Walker responded that although the site is adjacent to properties outside of the Town of Windsor corporate limits and these properties follow different design standards, this site plan will comply with our standards while blending with its neighbors. In response to a question from Mr. Baker, Mr. Walker explained access routes to and from the facility.

Mr. Wall of Verdad Real Estate and Mr. Meyers, Jr. of TST, Inc. , applicant’s representatives, briefly addressed the Board and responded they have no objections to the recommendations of the Planning Commission.

7. Resolution No. 2013-35 - A Resolution Making Certain Findings Of Fact Concerning The Providence Farm Annexation To The Town Of Windsor, Colorado; Determining Substantial Compliance With Section 31-12-101, C.R.S., “The Municipal Annexation Act Of 1965”; And Establishing Dates For Public Hearings Before The Planning Commission And The Town Board Of The Town Of Windsor, Colorado With Regard To The Providence Farm Annexation

- Legislative Action
- Staff Presentation: Josh Olhava, Associate Planner

Mayor Pro-Tem Melendez moved to approve Resolution 2013-35; Town Board Member Bishop-Cotner seconded the motion.

Mr. Olhava began by stating the applicants Stan and Sara Everitt are requesting to annex approximately 50.3 acres in the Covenant Park/Southwood Lane area. He added the requested zoning for the annexation will be High Density Estate (E2); the annexation will also include a Conservation Easement on the southern half of the property under recorded number 3140703. He concluded staff recommends approval of Resolution 2013-35 as presented.

Mr. McCargar commented this is a unique property, and a “great addition to the community”. Formal action to approve the annexation will take place in the future.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.

8. Resolution No. 2013-36 - A Resolution Appropriating Additional Sums of Money to Defray Expenses in Excess of Amounts Budgeted for the Town of Windsor, Colorado, For 2012, an Addendum to Resolution No. 2013-08.

- Legislative Action
- Staff Presentation: Dean Moyer, Director of Finance

Mayor Pro-Tem Melendez moved to approve Resolution 2013-36; Town Board Member Thompson seconded the motion.

Mr. Moyer began by reviewing the recent audit conducted by Anton Collins Mitchell LLP noting a 2012 refund of Recreation Center bonds. He reported an oversight in the refund transaction reporting process, and this Resolution will alleviate that problem. He recommends approval of this Resolution.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.

9. Resolution No. 2013-37 - A Resolution Accepting the Audit Report For 2012 Prepared by Anton Collins Mitchell LLP, Certified Public Accountants

- Legislative Action
- Staff Presentation: Dean Moyer, Director of Finance

Town Board Member Adams moved to approve Resolution 2013-37; Town Board Member Bishop-Cotner seconded the motion.

Mr. Moyer explained approval of this Resolution would adopt the 2012 Audit. Mayor Vazquez recognized the hard work of the Finance Department in preparation of the budget.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.

10. Financial Report – D. Moyer

Mr. Moyer reported sales tax collections for May represent a 15.8 % increase year-to-date over May 2012 collections. He noted a total of 197 new single-family home permits through May, noting that number is greater than the total number of permits issued in 2008, 2009 or 2010; and consequently use tax collection has increased as well. He added revenue collections have surpassed the traditional May benchmark of 42 % of total. Mr. Moyer told the Board of actions with two vendors who have come forward to pay multiple years of previously uncollected sales tax, which may bring collections to the \$6.5 million level for 2013.

Mr. Moyer also reviewed expenditures noting a 29 % of total for 2013. He reported a monthly expenditure average of \$2.6 million. The Board had no questions.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Mr. McCargar thanked the Board for availing him the opportunity to attend this year's CML Conference, calling it a very positive experience. He also reminded Board Members of an Executive Session to follow this meeting.

2. Communications from Town Staff

Mr., Walker reported the Town will seek a grant for further construction at the Waste Water Treatment Plan to achieve Regulation 85 compliance.

Chief Michaels reported August 6 will be the National Night Out and encouraged Town Board Members to participate.

Ms. Garcia also thanked the Board for the opportunity to attend the CML conference, and shared positive comments heard from other communities about life in Windsor.

Mr. Plummer shared a CML representative interviewed him recently for a publication they are preparing focusing on local housing programs targeting low to moderate income residents. He encouraged Board Members to review the publication when released.

3. Communications from the Town Manager

Mr. Arnold reiterated positive comments from other CML attendees. He then invited Mary Robins to the podium to present a loss prevention award from CIRSA for no claims in 2012.

4. Communications from Town Board Members

Mayor Pro-Tem asked the date of the last summer concert, staff replied August 8.

Mr. Adams reported he thoroughly enjoyed the CML conference. He asked for an update on effectiveness and public perception of the new park regulations. Chief Michaels reported an increased police presence in parks, and noted the public has been positive. Mayor Vazquez asked if the situation has improved. Chief Michaels responded he believes it has, noting it is early in the season, but he will provide more details in the near future. Mr. Thompson added his perception is the program is working just as hoped.

Mayor Pro-Tem Melendez moved to adjourn to 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; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None. The meeting was adjourned to executive session.

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. (Water storage acquisition; Kelly Arnold)

Town Board Member Bishop-Cotner moved to adjourn to 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. (Water storage acquisition; Kelly Arnold); Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None. The meeting was adjourned to executive session at 8:29 p.m.

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 Bishop-Cotner moved to adjourn at 9:23 p.m.; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None. The meeting was adjourned.


Deputy Town Clerk