



## TOWN BOARD REGULAR MEETING

July 8, 2013 - 7:00 P.M.

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

### Minutes

#### A. CALL TO ORDER

Mayor Vazquez called the regular meeting to order at 7:07 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
Management Assistant	Kelly Unger
Town Clerk	Patti Garcia
Director of Planning	Joe Plummer
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
Parks and Open Space Manager	Wade Willis
Art and Heritage Manager	Carrie Knight

##### 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

Mr. McCargar requested a motion to amend the Agenda by postponing Consent Calendar Items B 4 and B 5.

**Town Board Member Baker moved to remove Items B 4 and B 5 from this agenda; 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.**

##### 4. Board Liaison Reports

- Town Board Member Baker – Parks, Recreation & Culture Advisory Board; Cache La Poudre Trail Board Alternate

Mr. Baker reported the next meeting of PReCAB will be held on July 9.

- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Authority

Mr. Thompson stated the last Planning Commission meeting was cancelled; there was no report for the Tree Board or Great Western Trail Authority at this time.

- Mayor Pro-Tem Melendez – Downtown Development Authority; Chamber of Commerce; North Front Range/MPO Alternate  
Mayor Pro Tem Melendez reported the DDA will meet at Town Hall on July 10 at 7:30 a.m. The Chamber met on July 3. They are planning the New Teachers Breakfast on August 8 at Austin's Homestead, and the Business Expo on August 20 at the CRC. The MPO will meet on July 11.
- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate  
Mr. Rose had no report at this time.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board  
Mr. Bishop-Cotner told the Board the next Historic Preservation Commission meeting will be held on July 10. He then explained new holiday hours for the Clearview Library, stating hours of operation will be extended to 6:00 p.m. on the eve of holidays to give families the opportunity to check items out to use over the holiday. He also noted a new program beginning in the fall at the Library where hands-on presentations will teach cooking, crafts, etc. He encouraged participation.
- Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)  
Mr. Adams had no update from SALT. The Cache La Poudre Trail Board is trying to schedule a meeting. Mr. Adams noted Mr. Mike Sidwell has resigned from the Board, and the process of finding a new Trail Manager will begin as soon as possible.
- Mayor Vazquez – North Front Range/MPO  
Mayor Vazquez reiterated the MPO will meet on July 11.

5. Public Invited to be Heard

Jessica Kerr, a Windsor resident spoke of efforts to provide volunteer crossing guards at Grandview Elementary. She reported she will no longer be able to volunteer, and is concerned about safety of pedestrian students. She provided Mr. Arnold information and photos she has gathered about the issue, and expressed a desire to find a resolution prior to school starting in August. Chief Michaels responded the Town has been working with this community group, and will continue to do so to help find a solution to their concerns. He will report back to the Board on those efforts.

**B. CONSENT CALENDAR**

1. Minutes of the June 24, 2013 Regular Town Board Meeting – M. Lee
2. Advisory Board Appointments – P. Garcia
3. Report of Bills – D. Moyer
4. Resolution No. 2013-40 -A Resolution Approving and Accepting a Deed of Easement for Municipal Monument Sign near the Interchange of Colorado State Highway 392 and Interstate 25 in the Town of Windsor, Colorado – D. Wagner

**Town Board Member Adams moved to approve the amended Consent Calendar; 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.**

**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 & Ian McCargar, Town Attorney

**Mayor Pro Tem Melendez moved to approve Ordinance 2013-1452; Town Board Member Bishop-Cotner seconded the motion.**

Mr. McCargar noted revisions to the International Residential Code with the addition of lot-specific testing for ground water and sump pumps in certain areas of Windsor, and removal of references to grey-water recycling systems to allow more investigation of that issue.

Mayor Vazquez asked if the building community was in agreement with the amendments. Mr. Plummer noted they are. There were no additional questions or comments.

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

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

**Nays – None. Motion passed.**

2. Resolution No. 2013-41 - A Resolution Declaring the Applicability of Certain Provisions of the 2012 International Fire Code and 2012 International Fire Code Standards for Those Portions of the Town Within the Boundaries of the Windsor-Severance Fire Protection District

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

**Mayor Pro Tem Melendez moved to approve Resolution 2013-41; Town Board Member Adams seconded the motion.**

Mr. Plummer reported this is a companion to Ordinance 2013-1452, which allows the Windsor-Severance Fire Protection District to enforce the fire codes.

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

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

**Nays – None. Motion passed.**

3. Resolution No. 2013-42 - A Resolution Adopting the Lakeview Cemetery Master Plan

- Legislative Action
- Staff Presentation: Wade Willis, Parks and Open Space Manager
- Professional consultant: Phil Hendricks, Robert Peccia & Associates

**Town Board Member Adams moved to approve Resolution 2013-42; Town Board Member Bishop-Cotner seconded the motion.**

Mr. Willis reviewed the process followed by Peccia & Associates to draft the Cemetery Master Plan. Mr. Phil Hendricks, Robert Peccia & Associates, presented a brief overview of the Cemetery Master Plan and its proposed amenities. He touched on traffic flow, parking, burial statistics and trends, and noted a comparison study of neighboring cemeteries. Proposed priorities include entry signage, replacement of historic gates and irrigation upgrades, followed by upgrades to the east entrance, building the office and / or committal shelter, and completion of infrastructure to that portion of the site.

Town Board Members expressed interest in data outlining phasing of construction and costs associated with each step, a breakdown of which facets of the project can stand alone, and a report of comparison data from neighboring cemeteries. Mr. Hendricks noted this is a long-term project that could be implemented over a number of years. Board Members approved of the concept but will want to look at more detail before allocating funding, suggesting a work session at that time to review the data.

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

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

**Nays – None. Motion passed.**

4. Resolution No. 2013-43 - A Resolution Adopting the Town of Windsor Museum Interpretive Landscape Plan

- Legislative Action
- Staff Presentation: Carrie Knight, Art & Heritage Manager
- Professional consultant: Mark Kosmos, Robert Peccia & Associates

**Town Board Member Baker moved to approve Resolution 2013-43; Town Board Member Thompson seconded the motion.**

Ms. Knight reviewed the goals of this plan. Mr. Mark Kosmos, Robert Peccia & Associates briefly outlined the museum site, the existing buildings at the museum complex, and the proposal for upgrades at the complex. He noted a need for a group shelter area with rest rooms for use by larger groups visiting the museum, and has included that for Phase 1 implementation.

Board Members discussed the many facets of the project and received clarification on several issues regarding the proposal. Ms. Melendez asked if maintenance costs are reflected in the proposal. Mr. Hendricks answered they are not. Mr. Thompson asked what is planned for the Eaton House. Mr. Hendricks noted accessibility issues at that facility, but added there will be options available for that site once those issues have been addressed.

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

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

**Nays – None. Motion passed.**

5. Public Hearing – Conditional Use Grant proposal for oil and gas well facilities (Great Western–Diamond Valley Pad) to be located in the Limited Industrial (I-L) zone district located approximately 250 feet south of Eastman Park Drive and approximately ¾ mile east of State Highway 257 - Shannon Hartnett, Great Western Operating Co., applicant.

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

**Mayor Pro Tem Melendez moved to open the Public Hearing; 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.**

Mr. Walker presented an overview of the Conditional Use Grant proposal, reviewing location, zoning, drilling configurations, and conditions of approval. He noted changes to the standard conditions of approval that are specific to this location, including additional screening at the trail, floodplain considerations, access routes, and satisfaction of school site requirements with the Weld RE-4 School District.

Brad Grasmick of Lawrence Jones Custer Grasmick LLP, responded to questions regarding a body of water adjacent to the site noting it is a decreed water right, capturing seepage water used for irrigation, with a return flow to the Poudre River. Mr. Rose questioned a 100 foot setback from this body of water. Mr. Tom Rand of Vice President of Operations for Great Western Operating responded all permissions for use adjacent to surface water are in place.

Mayor Vazquez raised concerns regarding proposed traffic diversion to State Highway 257, suggesting northbound and eastbound traffic use State Highway 392 and County Road 23 instead. Mr. Rand responded to Town Board comments and questions stating access via State Highway 392 and County Road 23 would be preferred in some instances. He stated he would encourage access via a route other than Eastman Park Drive, adding the company does have access privileges for the proposed well head site via Great Western Drive and Howard Smith Drive . He noted problematic traffic patterns at certain times of the day when using the former Kodak truck route.

Mr. McCargar clarified the applicant agrees to use access routes other than from Eastman Park Drive, and does have access privileges necessary to use either alternate scenario – State Highway 257 to the former Kodak truck route, or State Highway 392 to County Road 23 and Great Western Drive.

There were no additional comments or questions.

**Mayor Pro Tem Melendez moved to close 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.**

6. Conditional Use Grant proposal for oil and gas well facilities (Great Western–Diamond Valley Pad) to be located in the Limited Industrial (I-L) zone district located approximately 250 feet south of Eastman Park Drive and approximately ¾ mile east of State Highway 257 - Shannon Hartnett, Great Western Operating Co., applicant.

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

**Mayor Pro Tem Melendez moved to approve 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.**

Mr. McCargar clarified to the Board how to proceed regarding conditions of acceptance of the Conditional Use Grant.

Mr. Rand reiterated acceptance of the condition to prohibit truck traffic, except for crossings, on Eastman Park Drive, and agreed instead to use alternate access routes including State Highway 257 to the truck route of the former Kodak site, or State Highway 392 to County Road 23 to Great Western Drive and around to the proposed site from the southern end of the former Kodak site.

Mr. Rose raised continued concerns regarding environmental impacts of drilling operations. He referred to a Denver Post article listing impacts to air quality. He stated he can no longer, in good conscience, continue to approve these Conditional Use Grants. Mr. Baker expressed similar

concerns regarding water quality. Mr. McCargar reminded Board Members that this portion of the discussion particularly with regard to media accounts cannot be considered as evidence when determining approval of the Conditional Use Grant.

Mayor Pro Tem Melendez called for a vote.

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

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

**Nayes – Baker, Rose. Motion passed.**

7. Consideration of Contract for Purchase and Sale of Vacant Land (Kyger Gravel Pit)

- Staff presentation: Kelly Arnold, Town Manager & Ian McCargar, Town Attorney

Mr. Arnold presented information regarding the Kyger Parcel and possible purchase by the Town. He reviewed the project which would serve as the primary augmentation water source for the Town with a possible future expansion option as a regional potable water treatment facility. In the near future, staff will provide data from a feasibility study to address this proposal.

Mr. McCargar reviewed the details of the real estate contract. He noted that once the site is certified as “seal tested” and will not leak water to / or from below the process can proceed. The agreement also includes easements to convey water from the Greeley #2 Ditch and from the river. There are built in options for the Town to “bow out” if conditions are not met along the way. The target closing date is in December. Purchase of this property would begin an era of significant water planning by the Town.

**Town Board Member Thompson moved to approve staff moving forward with negotiations regarding this contract; 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**

**Nayes – None. Motion passed.**

**D. COMMUNICATIONS**

1. Communications from the Town Attorney

Mr. McCargar reported a zoning violation at the Bible College has been resolved.

2. Communications from Town Staff

Ms. Chew updated the Board on the USA Pro Challenge and pointed out a water bill insert to publicize the event.

3. Communications from the Town Manager

Mr. Arnold reminded Board Members of a tour scheduled during the next Work Session. The session will conclude with a meeting to learn more about Great Western Industrial Park and the Great Western Rail Road.

5. Communications from Town Board Members

Mr. Thompson asked for an update on the new Park Regulations. Chief Michaels responded officers were on site to answer questions. He noted there was a substantial crowd for the fireworks display. He hope compliance will increase, and believes with education citizens will learn the new regulations. He noted no citations were issued at the park this year during the fireworks.

Mr. Rose reported on the Leadership Colorado program, calling it a “great way to get some exposure to the surrounding communities.” He encouraged others to participate, noting it was a great

experience. Mayor Pro Tem Melendez stated the Chamber is hoping to participate in the future, and Michal Connors is also a graduate of the program.

Mayor Pro Tem Melendez also raised concerns about the fire following the fireworks display. She asked the WSFPD speak to these safety concerns. Mayor Vazquez asked for a final report on the incident.

**E. ADJOURN**

**Town Board Member Thompson moved to adjourn; Town Board Member Baker seconded the motion. The meeting was adjourned at 9:14 p.m.**

  
Deputy Town Clerk

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