



TOWN BOARD REGULAR MEETING

January 13, 2014 - 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 7:00 p.m.

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| 1. Roll Call | Mayor | John Vazquez |
| | Mayor Pro-Tem | Kristie Melendez |
| | | Myles Baker |
| | | Don Thompson |
| | | Jeremy Rose |
| | | Robert Bishop-Cotner |
| | | Ivan Adams |

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| Also present: | Town Manager | Kelly Arnold |
| | Town Attorney | Ian McCargar |
| | Director of Parks, Recreation & Culture | Melissa Chew |
| | Town Clerk | Patti Garcia |
| | Chief of Police | John Michaels |
| | Director of Finance | Dean Moyer |
| | Director of Planning | Joe Plummer |
| | Management Intern | Kelly Unger |
| | Director of Engineering | Dennis Wagner |
| | Chief Planner | Scott Ballstadt |
| | Associate Planner | Josh Olhava |

- Pledge of Allegiance
Mr. Thompson led the Pledge of Allegiance.
- 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; Mr. 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.
- Board Liaison Reports
 - Town Board Member Baker – Parks, Recreation & Culture Advisory Board; Cache La Poudre Trail Board Alternate
Mr. Baker reported PReCAB met on January 7, 2014 to discuss a Conservation Easement at the Frank State Wildlife Area and the CRC Expansion. They meet next on February 4, 2014, and will elect officers at that time.
 - Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Authority
Mr. Thompson had nothing new to report regarding the Tree Board, and Great Western Trail Authority. He noted the sudden passing of Planning Commissioner Paul Ehrlich Jr., calling his “wisdom and insight, born from experience, irreplaceable.”

- Mayor Pro-Tem Melendez – Downtown Development Authority; Chamber of Commerce; North Front Range/MPO Alternate
Mayor Pro-Tem Melendez stated the DDA will meet on January 15, 2014. She told of the Chamber of Commerce focus for 2014 – including a revamp of the membership program and sponsorship opportunities.
- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate
Mr. Rose had no report.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board
Mr. Bishop-Cotner had no report for the Library. He stated the January 8, 2014 meeting of the HPC was attended by representatives from the State Historic Preservation Office who surveyed actions of the local HPC and evaluated their activities with regard to Certified Local Government designation. He also shared the HPC is seeking Historic Landmark Designation for the Park School (Town Hall) building, and that action will come before the on January 27, 2014. The HPC also elected officers and reviewed their Work Plan for the coming year.
- Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)
Mr. Adams reported he has been unable to attend meetings due to recovery from surgery.
- Mayor Vazquez – North Front Range/MPO
Mayor Vazquez reported the MPO is considering proposed regulations from the Department of Public Health and Environment focusing on the Oil & Gas Industry. This proposal is a collaborative effort of many groups who will come together for a Public Hearing on February 19, 2014 from noon – 7:00 p.m. at the Aurora Municipal Center, located at 15151 East Alameda Parkway. The MPO received an FTA waiver to maximize expenditures for the VanGO program. The Transportation Advisory Committee recommendations call for a reevaluation of the criteria used to set priorities, making those priorities more equitable to all municipalities.

5. Public Invited to be Heard

Mr. Nick Mask addressed the Board asking they scrutinize financial agreements made with Metropolitan Districts during the development process. He expressed concerns regarding the effect rising mill levies will have on his property taxes, noting rumored future levels as high as 55-60 mills.

Mayor Vazquez questioned if the Service Plan identified the maximum mill levy. Mr. McCargar responded the Service Plan would state the cap, but he cannot quote those figures without research. Mayor Vazquez added the Board recognizes concerns regarding a Metro District's ability to tax, calling it a "great debate for a number of years." He urged Mr. Mask to be proactive, and remain involved in his Homeowners Association.

B. CONSENT CALENDAR

1. Minutes of the December 9, 2013 Regular Town Board Meeting – M. Lee
2. Report of Bills for December 2013 – D. Moyer
3. Resolution No. 2014-01 – A Resolution Designating a Public Place for the Posting of Notices Concerning Public Meetings – P. Garcia
4. Resolution No. 2014-02 – A Resolution of the Windsor Town Board Adopting the Town of Windsor Museum Strategic Plan – C. Knight

Town Board Member Thompson moved to approve the Consent Calendar as presented; Mr. 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.

C. BOARD ACTION

NOTE: the official record of this evening's proceedings shall include the application, staff memos and recommendations, packet materials and supporting documents, and all testimony received, and Planning Commission recommendations.

1. Ordinance No. 2013-1465 - Approving the Highland Meadows Golf Course Subdivision 8th Filing Rezoning – Jon Turner, President, Colorado 80 Holdings LLC, owner/Jim Birdsall, TB Group, owner's representative

Super-majority vote required for adoption on second reading

- Second Reading
- Quasi-judicial
- Staff presentation: Scott Ballstadt, Chief Planner

Mayor Pro-Tem Melendez moved to approve Ordinance 2013-1465; Mr. Adams seconded the motion.

Mr. Ballstadt noted this Ordinance was approved on first reading at the December 9, 2014 Town Board Meeting; there have been no changes to the Ordinance since that time. He reviewed the location, proposed changes to the existing zoning and notification criteria. There were no questions for the applicant.

Roll call on the vote resulted as follows:

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

2. Public Hearing – Ordinance No. 2014-1466 – An Ordinance Repealing and Readopting Article I of Chapter 8 of the Windsor Municipal Code and Adopting by Reference the 2010 Edition of the “Model Traffic Code for Colorado with Amendments, Repealing all Ordinances in Conflict therewith, and Providing Penalties for Violation Thereof

- Legislative action
- Staff presentation: John Michaels, Chief of Police

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.

Chief Michaels briefly addressed the Board concerning the 2010 Model Traffic Code. He noted the Code defines the charges used by the Windsor Municipal Court. He explained additions to

the Code since 2003, and items being deleted due to duplication in the Municipal Code. Mr. McCargar added the Model Traffic Code sets the standard for law enforcement. There was no public comment.

**Town Board Member Adams moved to close 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
Nayes – None. Motion passed.**

3. Ordinance No. 2014-1466 – An Ordinance Repealing and Readopting Article I of Chapter 8 of the Windsor Municipal Code and Adopting by Reference the 2010 Edition of the “Model Traffic Code for Colorado”, Promulgated by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, Colorado 80222, with Amendments, Repealing all Ordinances in Conflict therewith, and Providing Penalties for Violation Thereof

- First Reading
- Legislative action
- Staff presentation: John Michaels, Chief of Police

Mayor Pro-Tem Melendez moved to approve Ordinance 2014-1466; Town Board Member Thompson seconded the motion.

There was no further discussion.

Roll call on the vote resulted as follows:

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

4. Ordinance No. 2014-1467 – An Ordinance Amending Chapter 2, Article XII of the Windsor Municipal Code with Respect to Election Practices within the Town of Windsor
 - First Reading
 - Legislative action
 - Staff presentation: Patti Garcia, Town Clerk/Assistant to Town Manager

Town Board Member Thompson moved to approve Ordinance 2014-1467; Mayor Pro-Tem Melendez seconded the motion.

Ms. Garcia approached the Board stating this Ordinance delineates election timelines, and creates consistency with State Statutes. She noted discrepancies with the mail ballot election calendar, adding this would allow time for write-in candidates to campaign for office. It was noted the Chamber of Commerce would determine if write-in candidates would participate in candidate forums held prior to an election.

Mr. McCargar added a second part of this Ordinance would allow for cancellation of a Municipal Election should only one candidate seek election for each open seat on the Board; thus all running unopposed. He added the Town Board would declare those members new to the Board via Resolution.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.

5. Public Hearing - Conditional Use Grant proposing to apply Weld County E (Estate) zoning to 1201 Stone Mountain Drive - Clint and Erika Sattler, property owners/applicants

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

Town Board Member Thompson moved to open 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

Nayes – None. Motion passed.

Mr. Ballstadt noted at their December 18, 2013 meeting the Planning Commission declined to make a recommendation to the Board, asking the applicant provide more information regarding land use and animal populations requested by the Conditional Use Grant. They continued the public hearing to the January 15, 2014 Planning Commission meeting. He noted this item was left on the agenda for this meeting as the dates for the public hearing had already been published. He recommended continuing action on this item until the January 27, 2014 meeting, to allow the Planning Commission time to gather additional evidence and formulate a recommendation.

Mr. McCargar clarified and reiterated this information to the Board. He recommended anyone in the audience wanting more information, or to present comments regarding this issue attend the January 15, 2014 Planning Commission meeting, and subsequently the January 27, 2014 Town Board meeting to do so.

Town Board Member Thompson moved to continue the public hearing to the January 27, 2014 regularly scheduled meeting of the Town Board; Mayor Pro-Tem Melendez 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. Conditional Use Grant proposing to apply Weld County E (Estate) zoning to 1201 Stone Mountain Drive - Clint and Erika Sattler, property owners/applicants

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

As the public hearing was continued, no action could be taken on this item, and the matter was deferred accordingly.

7. Resolution 2014-03 - A Resolution Approving An Intergovernmental Agreement Between The Town Of Windsor, Colorado, And The Windshire Park Metropolitan District With Respect To The Provisions Of Irrigation Water To Town-Owned Park Land Proposed For The Windshire Park Subdivision, And Authorizing The Mayor To Execute Same

- Legislative Action
 - Staff presentation: Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture
- Town Board Member Adams moved to approve Resolution 2014-03; Town Board Member Baker seconded the motion.**

Ms. Chew recapped the history of water rate agreements for parks in Windsor, noting the Development Agreement for the Windshire Subdivision did not define details of payment for irrigation water in Windshire Park. Ms. Chew added the park will likely be developed in the next one to two years, and the estimated cost will be \$2,000 - \$2,500 annually, which is calculated based upon the square footage of the park grounds being irrigated.

Roll call on the vote resulted as follows:

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

8. Public Hearing – Approval of a Final Major Subdivision Plat for the Water Valley South Subdivision, 16th Filing – Mark Foster, Trollco, Inc./Water Valley, applicant
 - Quasi-judicial
 - Staff presentation: Josh Olhava, 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
Nayes – None. Motion passed.

Mr. Olhava reviewed the details of the Final Major Subdivision including size, location, zoning, density, lot characteristics, landscaping and public notification details. He noted the Planning Commission, at their December 18, 2013 meeting forwarded a recommendation of approval of the Final Major Subdivision, subject to the condition that staff comments be addressed by the applicant prior to recording of the Plat.

Mr. Baker raised the question of safety for pedestrians crossing Crossroads Boulevard. Mr. Olhava responded signage and a pedestrian island will be included to alert drivers to pedestrians in the area. Mayor Vazquez inquired if there are sidewalks along this path, or if there is a trail connection in this area. Mr. Olhava pointed out sidewalks and the proposed trail location. Board Members voiced concerns regarding heavy traffic and the 45 mph speed limit along this route. Mr. Thompson stated he would support flashing light for pedestrian safety.

Mr. Pat McMeekin addressed the Board stating they recognize the safety issue, adding the reduction in density of the neighborhood should help to somewhat mitigate the hazards. He suggested terminating the trail and sidewalks well in advance of Crossroads and introducing heavy native landscaping to the area, focusing pedestrian crossings down the road, closer to New Liberty. Mr. Arnold added these options merit more consideration. Mr. McMeekin stated he felt the Plat approval process could continue, as their concern is to finalize the Plat, with continued dialogue regarding the construction specifics and improvement drawings. He

added it is their hope to begin construction as soon as possible, with preliminary grading in process as early as February.

**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.**

9. Resolution No. 2014-04 - Resolution of the Windsor Town Board Approving the Final Major Subdivision Plat for the Water Valley South Subdivision, 16th Filing in the Town of Windsor, Colorado – Mark Foster, Trollco, Inc./Water Valley, applicant

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

Mayor Pro-Tem Melendez moved to approve Resolution 2014-04; Town Board Member Adams seconded the motion.

There was no further discussion.

Roll call on the vote resulted as follows:

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

10. Resolution No. 2014-05 - A Resolution Authorizing the Conduct of a Mail Ballot Election for the Town of Windsor's Regular Municipal Election Scheduled for April 8, 2014

- Legislative action
- Staff presentation: Patti Garcia, Town Clerk/Assistant to Town Manager

Town Board Member Thompson moved to approve Resolution 2014-05; Town Board Member Baker seconded the motion.

Ms. Garcia presented a brief overview of statutes governing mail ballot elections, touching on a technical corrections bill currently before the House that could impact Municipal Election statutes.

She also stated nomination petitions will be available on January 21, 2014 and are due by February 10, 2014.

Roll call on the vote resulted as follows:

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

D. COMMUNICATIONS

1. Communications from the Town Attorney

Mr. McCargar reminded the Board of a Kern Board Meeting immediately following this meeting.

He also asked the Board to consider if legislation should be brought forth to increase the Municipal fine ceiling in Windsor. He noted the actual fine imposed is entirely under the discretion of the Municipal Judge. Board Members stated an interest in further discussion of the topic via work session.

2. Communications from Town Staff

Mr. Plummer updated the Board on truck rental activity at the Iron Mountain Complex on State Highway 34, noting this item will come before the Board of Adjustment for consideration on January 23, 2014. He will update Town Board members as to the outcome of the BOA consideration.

Ms. Chew distributed an addendum to the Overview of Community Events information included in the packet materials for this meeting.

3. Communications from the Town Manager

Mr. Arnold reminded Board Members of a Joint Work Session scheduled for January 20, 2014 at the CRC at 5:30 p.m.

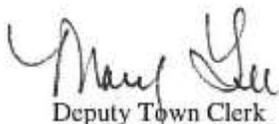
4. Communications from Town Board Members

Mayor Pro-Tem Melendez requested that future updates from the Windsor Liquor Licensing Authority contain the names of Licensees who have come before the Authority for review.

Mr. Thompson again touched on notification boundaries for issues coming before the Planning Commission or Town Board. He asked the Board to review those criteria. Mr. Arnold suggested a first step should be preparation of a memo defining notification criteria in each respective instance, as a starting point for the Board.

E. ADJOURN

Town Board Member Thompson moved to adjourn; Town Board Member Bishop-Cotner seconded the motion. All members voted yes; the meeting was adjourned at 8:09 p.m.


Deputy Town Clerk