



## TOWN BOARD REGULAR MEETING

March 10, 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.

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 Economic Development	Stacy Johnson
	Chief of Police	John Michaels
	Director of Finance	Dean Moyer
	Director of Planning	Joe Plummer
	Management Intern	Kelly Unger
	Director of Engineering	Dennis Wagner
	Senior Planner	Scott Ballstadt

#### 2. Pledge of Allegiance

Mr. Adams 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. 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**

**Nayes – 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 there has not been a meeting since his last report; the next meeting will take place on April 1, 2014 at 7:00 p.m.
- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Authority  
Mr. Thompson told the Board the Great Western Trail Authority received four bids for the Trail Upgrades, and they are negotiating with the lowest bidder to determine opportunities for cost reduction.

The Planning Commission met on March 5, 2015. A Public Hearing was held to discuss Light House Point Town Homes. Several residents voiced concerns at the Hearing,

prompting the Commission to request additional discussion prior to a presentation to the Town Board.

The Tree Board selected winners for the 2014 Poster Contest; winners will be announced at the April 28, 2014 Town Board Meeting.

- Mayor Pro-Tem Melendez – Downtown Development Authority; Chamber of Commerce; North Front Range/MPO Alternate  
Mayor Pro-Tem Melendez stated the DDA has not met since her last report.

The Chamber of Commerce has selected two new members of the Board of Directors. The Chamber introduced their new Membership Investment program, identifying membership levels that will include sponsorship opportunities and participation in events. The program will begin around the end of April. The annual Chamber dinner will be held at the Readiness Center on April 22, 2014.

Mayor Pro-Tem Melendez went on to report at the last MPO meeting, topics of discussion included prioritized projects along the upper front-range, including upgrades and repairs to the State Highway 52 interchange, Interstate 76, and US Highway 287 from Ted's Place to Wyoming. Ms. Melendez informed Board Members several MPO members will meet with US Representative Jared Polis on March 19, 2014 in Loveland regarding the I-25 project. All interested parties are encouraged to attend. Mr. Don Hunt addressed the MPO stating funding will focus on maintenance in the 2014 \$1.08 billion budget; with maintenance costs projected to be \$254 million. CDOT is investigating collaborative funding options to address transportation needs. Toll lanes for I-25 are not likely to be increased. Mr. Hunt also reported there is a lack of leadership regarding transportation at the State level. In response, the MPO will draft a letter seeking support for Phase I projects on I-25. The letter will be sent to government officials beginning with US Representative Cory Gardner. The CDOT Bicycle/Pedestrian Program has education materials available upon request to interested municipalities. Ms. Melendez concluded her report by stating new air quality data was presented, noting a proposal for new requirements related to Oil and Gas operations are projected to reduce VOC's by 93 tons/year, and methane emissions by 60,000 tons/year. These would represent some of the strictest Oil and Gas Air Quality regulations in the nation.

- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate  
Mr. Rose attended the Clearview Library Board meeting on Mr. Bishop-Cotner's behalf, and reported two new Library Board members have been selected. Topics of discussion at the meeting included a facility management program for a library near capacity. He noted the plan will investigate expansion of the current location, moving to a new location, or opening a second location within the community.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board  
Mr. Bishop-Cotner stated the Historic Preservation Commission will meet on March 12, 2014. He also thanked Mr. Rose for attending the Library Board meeting.

- Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)  
Mr. Adams reported SALT will meet on March 13, 2014 to continue plans for their next event.

Mr. Adams went on to report the Cache La Poudre Trail Board’s shelter project is nearly complete, with the exception of remaining stone work; the memorial bench project is complete; the Poudre Corridor Initiative will close on the property in the near future; and the planning phase for the Trail-Athalon is virtually complete. Mr. Adams concluded by stating Board Members will be invited to a Platte River Greenway dinner meeting to be held on April 3, 2014 at 5 p.m.

- Mayor Vazquez – North Front Range/MPO  
Mayor Vazquez thanked Ms. Melendez for attending the MPO meeting on his behalf.

5. Public Invited to be Heard  
There was no public comment.

## **B. CONSENT CALENDAR**

1. Minutes of the February 24, 2014 Regular Town Board Meeting and March 3, 2014 Special Meeting – M. Lee
2. Report of Bills – D. Moyer
3. Cancellation of May 26, 2014 Regular Town Board Meeting – P. Garcia
4. Resolution No. 2014-12 – A Resolution Approving One No-Surface-Occupancy Oil and Gas Lease, and Related Terms, between the Town of Windsor, Colorado and Tekton Windsor, LLC, and Authorizing the Mayor to Execute the Same (1.6 Gross Acres and 0.8 Mineral Acres, in the South Half of Section 21, Township 6 North, Range 67 West, in Weld County, Town of Windsor) – I. McCargar
5. Resolution No. 2014-13 – A Resolution Approving One No-Surface-Occupancy Oil and Gas Lease, and Related Terms, between the Town of Windsor, Colorado and Tekton Windsor, LLC, and Authorizing the Mayor to Execute the Same (1.44 Gross Acres and 1.44 Mineral Acres, in the South Half of Section 28, Township 6 North, Range 67 West, in Weld County, Town of Windsor) – I. McCargar

**Mr. Adams moved to approve the Consent Calendar 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.**

## **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.

1. Town Sponsored Event Request - Optimist Club Duck Race 2014
  - Applicant presentation: Kathy Goering  
Ms. Goering told the Board the Optimist Club motto is “Friend of Youth” and all their projects focus on youth in our community. She told Board Members of their many local projects. She noted the Duck Race is a fundraiser, with rubber ducks “racing” down the #2 Canal from 17<sup>th</sup> Street to the CRC; winners receive cash prizes. Ms. Goering noted sponsorship from the Town would lend credibility to her organization’s activities. She

asked for use of the electronic sign on the day of the event, and to insert the Town's logo in marketing materials.

Mayor Vazquez asked for clarification of the request. Ms. Goering responded it would be advantageous for the Optimists to have the Town "behind" them. Mayor Pro-Tem Melendez noted use of the electronic sign is really the only material addition to the items routinely offered in support of the Optimist's events. Mr. Thompson requested a breakdown of direct and indirect costs in all future applications.

**Mayor Pro-Tem Melendez moved to approve Duck Race Event Request 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.**

2. Town Sponsored Event Request – Optimist Club Easter Egg Hunt 2014

- Applicant presentation: Kathy Goering

Ms. Goering went on to explain the Easter Egg Hunt has been held for many years, and this year 300 dozen eggs will be filled with candy, and "hidden" in the park for children to collect. She stated, the Egg Hunt will take place on April 19, 2014 at 10:00 a.m. at Main Park. Ms. Goering stated use of the electronic sign would help residents identify the correct location. Mayor Pro-Tem inquired if the requested dollar amount would come from the discretionary fund; Mr. Arnold responded it would not as all requests are for in-kind donations. Mr. Adams clarified the date of the event is April 19, 2014, noting SALT also sponsors an Easter Egg Hunt.

**Mayor Pro-Tem Melendez moved to approve Easter Egg Hunt Event Request as presented; Mr. 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.**

3. Ordinance No. 2014-1469 - Being an Ordinance of the Town Board of the Town of Windsor, Colorado, Approving the Service Plan for Raindance Metropolitan District Nos. 1-4, and Authorizing the Execution of an Intergovernmental Agreement between the Town and the Districts

- First Reading
- Legislative action
- Staff presentation: Ian McCargar, Town Attorney

**Mayor Pro-Tem Melendez moved to approve the Ordinance 2014-1469; Mr. Adams seconded the motion.**

Mr. McCargar addressed the Board summarizing the requirements for formation of a Metropolitan District. He noted the Ordinance before the Board represents a slight departure from the previously adopted Model Service Plan, which serves as a guideline when drafting new Service Plans. Mayor Vazquez expressed an interest in revising/updating the Model Service Plan.

Mr. Jim Mock spoke, stating this Service Plan lies in Water Valley West Subdivision, with a small portion of property to be Annexed into the Town during the process. It is a multiple district structure consisting of 2,800 units to be constructed in 5 phases. Infrastructure for the project is estimated at \$86 million for potable and non-potable water, storm drain, sanitary sewer, streets, trails and open space. The financial plan calls for issuance of \$93 million in bonds over the next 10 years, with a one-time capital improvement fee of \$2,500 along with an ad valorem property tax not to exceed 39 mills. Mr. Mock noted the facts to support the affirmative findings for these items were included in packets for Town Board review.

Mr. Mock went on to summarize what he stated to be two material departures from the Model Service Plan, including a mill levy increase to 39 mills, and allowing revenues from the taxes to pay for infrastructure on a “pay as you go” basis, rather than through accrual of debt. He stated that overall the Town’s goals for Service Plans will be met through this agreement. Mayor Vazquez inquired why 35 mills were identified as the ceiling in the Model Service Plan, asking if that was an industry standard. Mr. Mock responded that was the direction from the Town Board seven years ago. He noted there are limits to the type of debt that can be tied to 50 mills, but there is no restriction limiting the level to 50 mills. He stated he has not seen a study among other municipalities listing mill levy ceilings.

Mr. Baker asked if there was an annual fee or just the one-time \$2,500 fee, also inquiring if the “pay as you go” wouldn’t be a good thing. Mr. Mock clarified some of the options and choices that lead to that decision. Mr. Baker also inquired if this Service Plan grants the powers of eminent domain. Mr. Mock responded it does not.

Mr. Thompson asked if the Town Board needs to consider the justification for mill levies, to avoid price gouging. Mr. Mock responded that is a consideration for the Board, and the Ordinance and Model Service Plan contain a lot of protection for home buyers. He added that would be an appropriate discussion when reviewing future applications.

Mr. Martin Lind approached the Board to summarize discussions thus far, stating his organization has conducted an informal survey of mill levies in surrounding communities. He stated several of those levies, from 35-72.4, and presented the information to Mr. Mock for review. He noted the increase to 39 mills equates to an increase of \$9 per month to the home owner. Mr. Lind added the increase would create consistency with other Water Valley projects, stating the 39 mills levy allowed Water Valley to emerge from the recent economic recession with limited negative impacts for their residents and operations. Mr. Lind referred to the “pay as you go” option as a good tool for developers and the Board.

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

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

**Nays – None. Motion passed.**

4. Ordinance No. 2014 –1470 - An Ordinance Repealing, Amending And Readopting Certain Portions Of The *Windsor Municipal Code* With Respect To The Maximum Fine Imposed Upon Persons Convicted Of Violations By The Town Of Windsor Municipal Court

- Legislative action
  - Staff presentation: Ian D. McCargar, Town Attorney
- Mayor Pro-Tem Melendez moved to approve the Ordinance 2014-1470; Mr. Thompson seconded the motion.**

Mr. McCargar reviewed discussions from a previous Work Session stating this Ordinance would allow an increase from the current maximum fine of \$1,000 to \$2650, with an annual escalator tied to the Consumer Price Index for fines imposed by the Municipal Court Judge. This would not mandate fines, which will still be imposed based upon the discretion of the judge.

Mr. Rose inquired if there is data available regarding repeat offenders. Mr. McCargar responded the current recidivism rate is low, but this action would send a message to deter offenders.

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

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

**Nayes – Rose. Motion passed.**

5. Public Hearing - Resolution No. 2014-14 - Extending the Period of Vested Property Rights for the Site Specific Development Plan and Approving the Amendment of the Site Plan Development Agreement for the Jacoby Farm Subdivision, Fifth Filing, Lot 1 and Lot 4 in the Town of Windsor, Colorado
  - Staff presentation: Scott Ballstadt, Chief Planner

**Mayor Pro-Tem Melendez moved to open the Public Hearing; Mr. 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 briefly addressed the Board stating the request before them is to extend the vested property rights for a site specific development plan for a site located at the northeast corner of 17<sup>th</sup> and Main Streets. The current vested property rights extend through August 14, 2014. This proposal would extend these rights through August 14, 2017. Staff recommends approval of this extension, which will not be presented to the Planning Commission as only Town Board is required.

Mr. Josh Phair, the Director of Public Affairs and Government Relations for Wal-Mart Stores, Inc. addressed the Board stating he brings good and bad news; the good news being that Wal-Mart wishes to reiterate their desire to build in Windsor, the bad news being there is not a clear time table available for construction. He noted Wal-Mart's continued communication with Town staff.

Mayor Vazquez inquired if Wal-Mart would continue to hold the land if it was not their intent to build. Mr. Phair responded it is not in Wal-Mart's best interest to incur expenses related to properties, unless they plan to use that property.

**Mr. Adams moved to close the Public Hearing; Mr. 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.**

6. Resolution No. 2014-14 – A Resolution Extending the Period of Vested Property Rights for the Site Specific Development Plan and Approving the Amendment of the Site Plan Development Agreement for the Jacoby Farm Subdivision, Fifth Filing, Lot 1 and Lot 4 in the Town of Windsor, Colorado

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

**Mayor Pro-Tem Melendez moved to approve Resolution 2014-14; Mr. Thompson seconded the motion.**

Mr. Ballstadt had no additional information. Mayor Vazquez noted based upon the history in the community he sees no reason to deny this application.

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

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

**Nayes – None. Motion passed.**

7. Resolution No. 2014-15 - A Resolution Approving and Adopting Revisions to the Schedule of Certain Development-related Fees Imposed by the Town Windsor

- Legislative action
- Staff presentation: Joe Plummer

**Mayor Pro-Tem Melendez moved to approve Resolution 2014-15; Mr. Bishop-Cotner seconded the motion.**

Mr. Plummer approached the Board, briefly reviewing recent discussions regarding Development Fees. He enumerated the calculation of these proposed fees, as well as proposed phased increases.

Mr. Baker inquired if actual staff costs have been considered as part of these increases. Mr. Plummer responded they have. Mr. Adams asked for additional clarification regarding calculation of the fees. Mr. Plummer reiterated the criteria used to determine the fees. Mr. Rose stated hesitancy to lag behind surrounding communities, calling this proposal a game of “catch-up” without ever coming to equilibrium. Mr. Plummer added future Boards will not be prohibited from re-evaluating fees as they deem necessary.

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

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

**Nayes – Rose. Motion passed.**

8. Financial Report

- Staff presentation: Dean Moyer

Mr. Moyer reviewed financial data from January, 2014. He pointed out sales tax figures, uncharacteristic payments included in the report, slight reductions to number of building permits issued, correlation to annual benchmarks and coming trends based upon annual activities. He briefly reviewed total revenue vs. expenses, noting more data will be

available for future reports. Mr. Moyer also noted Capital Improvement Projects will begin in the spring of the year.

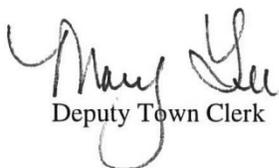
Mr. Thompson inquired if this year's Capital Improvements Projects will include repairs to damage at the intersection of County Road 13 and Bison Ridge Drive. Mr. Wagner indicated he will investigate needs at that location.

#### **D. COMMUNICATIONS**

1. Communications from the Town Attorney  
Mr. McCargar reiterated details of the Kyger Pit closing, noting a few items remain to be accomplished, but the closing itself went smoothly.
2. Communications from Town Staff  
There were no additional communications.
3. Communications from the Town Manager  
Mr. Arnold stated there are no items scheduled for a Work Session on March 17, so none will be held. He also noted a possible Executive Session on March 24, 2014, with more information to follow.
4. Communications from Town Board Members  
Mayor Pro-Tem Melendez reminded Board Members of the DDA façade program information that was included in the packets for this meeting, asking Board Members to review the information and forward any comments to the DDA. She stated implementation of the project is proposed to begin within 30 days.

#### **E. ADJOURN**

**Mr. Bishop-Cotner moved to adjourn; Mr. Thompson seconded the motion. All members voted yes. The meeting was adjourned at 8:15 p.m.**

  
Deputy Town Clerk