



TOWN BOARD REGULAR MEETING

May 12, 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
Myles Baker
Christian Morgan
Jeremy Rose
Kristie Melendez
Robert Bishop-Cotner
Ivan Adams |
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| Also present: | Town Manager | Kelly Arnold |
| | Town Attorney | Ian McCargar |
| | Director of Parks, Recreation and Culture | Melissa Chew |
| | Town Clerk | Patti Garcia |
| | Chief of Police | John Michaels |
| | Director of Finance | Dean Moyer |
| | Director of Planning | Joe Plummer |
| | Director of Engineering | Dennis Wagner |
| | Director of Public Works | Terry Walker |
| | Chief Planner | Scott Ballstadt |
| | Associate Planner | Josh Olhava |

- 2. Pledge of Allegiance
Mr. Baker led the Pledge of Allegiance.
- 3. Arbor Day Poster & Poetry Contest Recognition
Ms. Alison O'Connor spoke briefly to explain the Arbor Day Contest. Ms. Wendy Ball announced the winners. Mayor Vazquez greeted the winners of the Arbor Day Poster & Poetry Contest and presented them with certificates and took a photo with each winner.

- 4. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board.
Mr. Adams moved to amend the agenda and strike the Executive Session from the proceedings; Mr. Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez Nays – None. Motion passed.

- 5. Board Liaison Reports
Town Board Member Baker – Water & Sewer Board; Cache la Poudre Trail Board
Mr. Baker told the Board he attended his first Cache la Poudre Trail Board meeting last week; they discussed completed projects including the Jones Ditch culvert and the Picnic Shelter at the Learning Center. The Trail-Athlon took place on 5/10. There was also a discussion of allowing motorized vehicles on the trail, and balancing ADA requirements with a desire to maintain the natural character of the trail.

Town Board Member Morgan – Parks, Recreation & Culture; Great Western Trail Authority
Mr. Morgan reported the Great Western Trail Authority met on 5/8 to discuss pending construction on a segment between Windsor and Severance. Work is scheduled to begin on 5/15. Nearly \$20,000 in in-kind donation of engineering services was received for this project. The annual summer fun run may be postponed until fall. PReCAB met on 5/6 to tour local parks, and

review plans for Eastman Park, Frank State Easement, and others. He reminded citizens of a second public meeting focusing on Belmont Ridge Park, to be held on 5/22 at 6 p.m. at the Poudre Valley REA building. Mr. Morgan stated the museum at Boardwalk Park will open for the summer season on 5/30. Mr. Morgan commended PReCAB Members for their dedicated service to the community.

Town Board Member Melendez – Downtown Development Authority; Chamber of Commerce
Ms. Melendez noted the DDA will meet on 5/21 at Town Hall. The Chamber of Commerce annual dinner was very successful. The Chamber is in transition, and will unveil new membership programs in June. Chamber staff members are in the process of reviewing job descriptions, and a third staff member may be hired in the near future. Ms. Melendez reminded Board Members of the All-Town BBQ to be held on 6/5. Volunteers are needed.

Town Board Member Rose – Clearview Library Board
Mr. Rose had no report at this time. The Library Board will meet on 5/22.

Town Board Member Bishop-Cotner – Historic Preservation Commission; North Front Range/MPO alternate
Mr. Bishop-Cotner had nothing new to report.

Town Board Member Adams – Tree Board; Student Advisory Leadership Team (SALT)
Mr. Adams stated he is excited to work with the Tree Board, and he enjoys working with kids. The Tree Board will meet on 5/27. He also thanked Mr. Thompson for his work with the Tree Board. SALT met on 5/8. Their planned 5K will be postponed until fall. SALT will meet again on 5/13 to celebrate the tutoring program and its success.

Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO
Mayor Vazquez had nothing new to report, but will forward MPO minutes to Board Members for review.

5. Proclamation National Preservation Month
Mayor Vazquez read a Proclamation, naming May National Preservation Month.
6. Public Invited to be Heard
There was no public comment.

B. CONSENT CALENDAR

1. Minutes of the April 28, 2014 Regular Town Board Meeting – M. Lee
2. Resolution No. 2014-26 - A Resolution Approving One No-Surface-Occupancy Oil and Gas Lease, and Related Terms, between the Town of Windsor, Colorado, and the Extraction Oil & Gas LLC, and Authorizing the Mayor to Execute the Same (2.36 NET MINERAL ACRES, in the Northwest Quarter of Section 9, Township 6 North, Range 67 West, in Weld County, Town of Windsor) – I. McCargar
3. Report of Bills for April 2014 – D. Moyer
**Ms. Melendez moved to approve the consent calendar as presented; Mr. Baker seconded the motion. Roll call on the vote resulted as follows:
Yeas – Baker, Morgan, 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. Resolution No. 2014-23 – A Resolution Appointing Robert Bishop-Cotner to Serve as the Mayor Pro-Tem for the Town of Windsor, Colorado, Pursuant to § 3.2 of the Windsor Home Rule Charter
 - Legislative action
 - Presentation: John Vazquez, Mayor

Mr. Baker moved to approve Resolution 2014-23; Mr. Rose seconded the motion.

Mr. Baker stated he believes the position of Mayor Pro-Tem should be a revolving one, changing every two years. He thanked Ms. Melendez for a wonderful job. Mr. Bishop-Cotner concurred, calling it a matter of checks and balances, and drawing reference to a past history of two-year terms for the office of Mayor Pro-Tem.

Mr. Morgan stated appreciation to Ms. Melendez in her role as Mayor Pro-Tem, stating support for a second term. Ms. Melendez addressed the Board noting support from constituents for a second term, calling this a position of action. She pointed out her commitment to the position, and stressed she would like to continue in that role as a “duty to her community.” Mr. Adams called this a difficult decision, and urged Members to select the person who will best serve the community; he stated support for Ms. Melendez.

Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Bishop-Cotner

Nays – Morgan, Melendez, Adams, Vazquez. Motion failed due to lack of super majority.

Mayor Vazquez clarified the Windsor Home Rule Charter calls for appointment of this position by Resolution. He inquired as to how to proceed. Mr. McCargar recommended the Mayor direct preparation of another Resolution for presentation to the Board for formal action at a future date. Mr. Adams inquired if a nomination would be appropriate. Mr. McCargar noted action could be taken following an amendment to the agenda to allow nominations and official action on the selection of a Mayor Pro-Tem.

Mr. Bishop-Cotner moved to amend the agenda to allow nominations and official action on the appointment of a Mayor Pro-Tem. Ms. Melendez seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None. Motion passed.

Mr. Bishop-Cotner inquired if, based upon Charter requirements, there was currently a seated Mayor Pro-Tem. Mr. McCargar confirmed the term of that position has expired. Mayor Vazquez clarified appointment of a Mayor Pro-Tem is not required.

Mr. Bishop-Cotner moved to nominate Kristie Melendez as Mayor Pro-Tem. Mr. Adams seconded the motion.

Mr. Rose reiterated this should be a revolving position, to allow for new perspectives and ideas regarding Board actions.

Roll call on the vote resulted as follows:

Yeas – Morgan, Melendez, Adams, Vazquez

Nays – Baker, Rose, Bishop-Cotner. Motion failed due to lack of super majority.

Mr. Bishop-Cotner moved to amend the agenda to allow nominations and official action on the appointment of a Mayor Pro-Tem. Mr. Rose seconded the motion. Roll call on the vote resulted as follows:

Yeas – Baker, Morgan, Rose, Bishop-Cotner

Nays – Melendez, Adams, Vazquez. Motion passed.

Mr. Rose moved to nominate Mr. Myles Baker as Mayor Pro-Tem. Mr. Bishop-Cotner seconded the motion.

Ms. Melendez remarked she has not seen Mr. Baker in attendance at the events she has attended as a representative of the Town, and she disagrees with making a selection of a “part-time” person to serve in the Mayor’s absence is not in the best interest of the Town or its citizens. She stated the focus of this position is to build relationships and take the time to represent the Town. Mayor Vazquez interjected the position of Mayor Pro-Tem has not always been a revolving position. Mr. Adams urged Members to vote based upon what is best for the Town, and called for the vote.

Roll call on the vote resulted as follows:

Yeas – Baker, Rose, Bishop-Cotner

Nayes – Morgan, Melendez, Adams, Vazquez. Motion failed due to lack of super majority.

Mr. Baker expressed dismay that he was not allowed to speak on his own behalf regarding this issue.

2. Resolution No. 2014-24 – A Resolution Appointing and Affirming Local Board and Commission Service by Current Town Board Members – J. Vazquez

- Legislative action
- Presentation: John Vazquez, Mayor

Mr. Baker moved to approve Resolution 2014-24; Mr. Bishop-Cotner seconded the motion.

Mayor Vazquez explained the purpose of this Resolution is to name liaisons to the Advisory Boards and Commissions that provide feedback to the Town Board.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.

3. Ordinance 2014-1474 – An Ordinance Approving the Transfer of Certain Town-Owned Real Property to the Town of Windsor Downtown Development Authority, and Authorizing the Mayor to Execute a Bargain and Sale Deed to Effectuate the Transfer

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

Ms. Melendez moved to approve Ordinance 2014-1474; Mr. Bishop-Cotner seconded the motion.

Mr. McCargar stated this action would transfer a small piece of vacant ground in the downtown area to the DDA. Transfer of Town-owned property must be done by Ordinance per the Charter.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.

4. Resolution No. 2014-27 – A Resolution Initiating Annexation Proceedings for the Labue Farm Annexation to the Town of Windsor, Colorado – Patrick McMeekin, Vice President of Pavistma Partners, a Colorado General Partnership, applicant/ John Meyers, TST Consulting, applicant’s representative

- Legislative action
- Staff presentation: Josh Olhava, Associate Planner

Ms. Melendez moved to approve Resolution 2014-27; Mr. Bishop-Cotner seconded the motion.

Mr. Olhava stepped to the podium to explain this Resolution would initiate the Annexation process for a parcel of land referred to as the Labue Farm. Mr. Olhava reviewed the Annexation process and presented specifics of this proposal including size, location, zoning, designation of a park and school site. He concluded by stating staff recommends approval of the application.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.

5. Site Plan Presentation – Highlands Industrial Park Subdivision Second Filing, Lot 5, Block 3 – Office/Warehouse Building – 7360 Greendale Road – Paul Hoffman, Greendale 7360, LLC., applicant/ Aubrey Carson, Carson Design Studio, LLC., applicant’s representative

- Staff presentation: Josh Olhava, Associate Planner

Mr. Olhava began by stating the applicant is proposing construction of a spec office and warehouse. He depicted the location of the property, zoning, size, parking, landscaping, and building elevations. He also noted a request to include stone wainscoting on the office elevation. There were no comments or questions regarding the site plan.

6. Site Plan Presentation – South Gate Business Park Subdivision, 2nd Filing, Lot 2, Block 1 Site Plan (KIA Auto Dealership Expansion) – Steve Taylor, 410 Partnership, LLLP, applicant/Jonathan Pilgrim, Casseday Creative Designs, LLC, applicant’s representative – S. Ballstadt

- Staff presentation: Scott Ballstadt, Chief Planner

Mr. Ballstadt began by stating the applicant is proposing an expansion of the KIA dealership. This facility will serve as a service center and used car sales center to complement the existing KIA facility. Mr. Ballstadt delineated the location of the property, size, building elevations including construction design, colors and materials, and landscaping features. He noted planned operations will add approximately 15 new jobs.

Mr. Jonathan Pilgrim spoke briefly clarifying the building will house service and hospitality for KIA customers. He added there will be approximately 80 used cars on the lot. Mr. Adams inquired about bay doors on the north side of the building. Mr. Pilgrim responded that is a service area as well. Mr. Arnold inquired if there was a wash bay. Mr. Pilgrim responded there is. Mr. Arnold commented the Town may have additional questions concerning the wash bay and associated water consumption.

7. Resolution No. 2014-28 – A Resolution Approving and Adopting the May 12, 2014 Intergovernmental Agreement for modifications to the January 12, 2004 Windsor-Severance Development Plan

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

Ms. Melendez moved to approve Resolution 2014-28; Mr. Bishop-Cotner seconded the motion.

Mr. Plummer told the Board the proposed amendments were reviewed by the Board at their 4/21 Work Session; by the Planning Commission at their 4/2 Work Session; and a recommendation of approval was forwarded by the Planning Commission at its 5/7 regular meeting. He noted these amendments would modify existing standards in the industrial portion of the Cooperative Planning Area located along State Highway 392 between County Roads 19 and 23, and if approved, the Town of Severance would approve these modifications to the existing IGA as well.

Mr. Baker asked why these standards were so strict when originally drafted. Mr. Plummer responded no differentiation was drawn between the industrial areas behind, and the commercial corridor adjacent to the highway. Mr. Morgan inquired when the zoning in this corridor was put in place. Mr. Plummer stated zoning in these areas has not changed in 20+ years. Mr. Morgan commented the zoning seems “a little skewed” based upon the amount of residential development in the area. Mr. Plummer responded staff could study the zoning in the area and develop some recommendations at the desire of the Board.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.

In closing, Mr. Plummer reminded the Board the Severance Town Board will act on the IGA as well, and then the changes will then be recorded.

8. CRC Expansion Public Policy Discussion and Continuing Ballot Language Discussion
 - Staff presentation: Dean Moyer, Director of Finance, Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture
 - Consultant: Don Diones, George K. Baum & Company

Ms. Chew began by highlighting some of the public education options available to the Town, noting that staff time in preparing these items would be an in-kind donation. She identified a number of locations at which these materials could be distributed to the community. Mr. Baker inquired if the web site component would be a new site, or an add-on to the Town web site. Ms. Chew clarified it would be a page added to the Town’s site.

Mr. Moyer introduced Don Diones and Paul Handley from George K. Baum & Company and Dee Wisor from Butler Snow, LLP who will explain the specifics of elections and bond funding for this type of project. Mr. Handley reviewed his background with special districts in Colorado and work with building projects. He stated the project should be broken down into phases, beginning with the Town doing its homework, sharing their findings with the community, and then obtaining feedback from the community, culminating in an election. He detailed a focused approach to target those citizens who routinely vote in local elections, and how to present information regarding the project to those voters.

Ms. Melendez asked for clarification on cost estimates, which Mr. Handley provided. He also noted the difference between portions of the campaign that can and cannot be funded by the Town. Mr. Adams asked for an idea of what the community information meetings should “look like.” Mr. Handley voiced a need for information that is clear and easy to understand, stressing the case for urgency, and allowing a lot of time for questions. Mr. Baker asked how to identify and contact community leaders. Mr. Handley suggested beginning with the school district, stating they have a good list of community contacts. Mr. Arnold reiterated the importance of presenting the information to the community, then reevaluating the decision to proceed based upon what is learned during that process. Mayor Vazquez inquired if there will be clear indicators of whether the initiative will be successful. Mr. Handley clarified, a survey taken near the end of the process will reflect a general undertone of the sentiment of the voters, and a response of support from 55%-60% of the survey respondents would be a good sign. Mr. Baker asked who would write the ballot question. Mr. Arnold responded that process has already begun, and has limited cost associated with it. Mr. Adams inquired if Mr. Handley and his team would be active during the entire process. Mr. Handley responded they would and clarified how the Board Members can be involved in the education process.

Mr. Dee Wisor briefly addresses the Board stating they can adopt a Resolution of support for his issue, and up to \$50 of public resources to communicate with constituents. Board Members voiced support of the plan, and a desire to proceed with the process.

Mr. Moyer reminded the Board of the financial process that has taken place concerning the expansion project. He noted many capital improvement projects have had higher than anticipated bids in 2014. Based upon that consideration, Mr. Arnold distributed updated figures to the Board; Mr. Moyer delineated costs to the Board. Mr. Don Diones then addressed the Board to explain computation of taxes required to fund the project in an amount of \$16.1 million. He presented a break-down of a proposed sales tax increase of .79% needed to fund the center. The proposed increase consists of .59% for debt service and .20% for operations and maintenance. He clarified the current subsidy to the Recreation Center will remain separate from the proposed sales tax increases. Mr. Arnold noted articulation in the Resolution to adopt the ballot question will explain the background decisions made during this process, adding that Resolution will come before the Board in late August. Mr. McCargar noted Mr. Wisor will act as bond counsel and will help prepare the Resolution for the ballot question.

9. Spring Run Off and Water Conservation Update

- Staff presentation: Terry Walker, Director of Public Works & Patti Garcia, Assistant to Town Manager/Town Clerk

Mr. Walker updated the Board regarding snowpack and run-off projections. He pinpointed potential flood locations throughout Windsor, and detailed plans to react if flooding occurs. He also identified cooperating entities in Weld and Larimer counties who will also react to flooding emergencies. Mr. Morgan stated a need for signage if transportation routes are disrupted.

Ms. Garcia also addressed the Board regarding water conservation efforts. She identified efforts to educate citizens on the need to conserve. Ms. Garcia stated a goal of 12% reduction in consumption, and ideas to increase conservation efforts among citizens. She noted a pending update to the Water Conservation Plan in 2015.

D. COMMUNICATIONS

1. Communications from the Town Attorney
Mr. McCargar had no additional communications.
2. Communications from Town Staff
Chief Michaels reminded Board Members of the Bike Rodeo on 5/17, and invited them to attend.
3. Communications from the Town Manager
Mr. Arnold stated the 5/19 work session will be held at the WHS Fireside Room and will begin at 5:30 p.m. to continue the strategic planning process.
4. Communications from Town Board Members
Board Members had no additional communications.

E. ADJOURN

Mr. Bishop-Cotner moved to adjourn; Mr. Rose seconded the motion. All members voted yes. The meeting was adjourned to 9:10 p.m.


Deputy Town Clerk