



TOWN BOARD REGULAR MEETING

July 28, 2014 - 7:00 P.M.

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

MINUTES

A. CALL TO ORDER

1. Roll Call Mayor

John Vazquez
Myles Baker
Christian Morgan
Jeremy Rose
Kristie Melendez
Robert Bishop-Cotner
Ivan Adams

Also present:

Town Manager
Town Attorney
Town Clerk/Assistant to Town Manager
Chief of Police
Director of Finance
Director of Economic Development
Management Assistant

Kelly Arnold
Ian McCargar
Patti Garcia
John Michaels
Dean Moyer
Stacy Johnson
Kelly Unger

2. Pledge of Allegiance

Town Board Member Melendez 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 Jeremy Rose motioned to strike the second Executive Session - An executive session pursuant to § 24-6-402 (4) (b), C.R.S., to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions - Recent legislation; Town Board Member Bishop-Cotner seconded the motion to approve the agenda as amended. Roll call on the vote resulted as follows:

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

4. Board Liaison Reports

- Town Board Member Baker – Water & Sewer Board; Poudre River Trail Corridor Board
Town Board Member Baker stated that he had no report as neither of the advisory boards had met since the last Town Board meeting.
- Town Board Member Morgan – Parks, Recreation & Culture; Great Western Trail Authority
Town Board Member Morgan stated that he had no report as neither of the advisory boards had met since the last Town Board meeting.
- Town Board Member Melendez – Downtown Development Authority; Chamber of Commerce
Town Board Member Melendez noted that there had been no meetings of her advisory boards since the last regular meeting but did forward a thank you from the Chamber of Commerce and the Downtown Development Authority on the support received for the Business Before Hours that they had co-hosted at Town Hall. Ms. Melendez also reminded those in attendance of the Mill Feasibility Study presentation to be held on Tuesday, July 29 at 6 p.m.
- Town Board Member Rose – Clearview Library Board

Town Board Member Rose stated that the Library Board would be meeting on Thursday at 5 p.m.

- Town Board Member Bishop-Cotner – Historic Preservation Commission; North Front Range/MPO alternate
Town Board Member Bishop-Cotner had no report at the time of the meeting.
- Town Board Member Adams – Tree Board; Student Advisory Leadership Team (SALT)
Town Board Member Adams had no report at the time of the meeting.
- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO
Mayor Vazquez stated that the next meeting of the MPO would take place the following week. Mr. Vazquez reported that the Windsor Housing Authority (WHA) was doing well with both of their properties; Century III with a waiting list of 88 and Windsor Meadows with a waiting list of 120. Improvements will be made at Century III with the installation of window air conditioner units in each apartment which will be paid for by the WHA. There will another round of CDBG funds and Phase 2 of the Windsor Meadows may qualify. It was also noted that Windsor Meadows had experienced its first eviction due to nonpayment of rent.

5. Public Invited to be Heard

Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Town Board.

Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Written comments are welcome and should be given to the Deputy Town Clerk prior to the start of the meeting.

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

B. CONSENT CALENDAR

1. Minutes of the July 14, 2014 Regular Town Board Meeting – P. Garcia
2. Advisory Board Appointments – P. Garcia
3. Resolution No. 2014-38 – A Resolution Approving One No-Surface-Occupancy Oil and Gas Lease, and Related Terms, between the Town of Windsor, Colorado, and Extraction Oil & Gas, LLC, and Authorizing the Mayor to Execute the Same (0.575 Net Mineral Acres, in part of the Southeast Quarter of Section 21, Township 6 North, Range 67 West, in Weld County, Town of Windsor) – I. McCargar
4. Resolution No. 2014-39 – A Resolution Approving One No-Surface-Occupancy Oil and Gas Lease, and Related Terms, between the Town of Windsor, Colorado, and Extraction Oil & Gas, LLC, and Authorizing the Mayor to Execute the Same (0.17881 net mineral acres, in part of the Southwest Quarter of Section 23, Township 6 North, Range 67 West, in Weld County, Town of Windsor) – I. McCargar
5. Resolution No. 2014-40 – A Resolution Approving One No-Surface-Occupancy Oil and Gas Lease, and Related Terms, between the Town of Windsor, Colorado, and Grizzly Petroleum Company, LLC, and Authorizing the Mayor to Execute the Same (five small parcels of land totaling 2.03 net mineral acres, all in Section 16, Township 6 North, Range 67 West, in Weld County, Town of Windsor) – I. McCargar

Town Board Member Rose inquired about the oil and gas leases that were included on the consent agenda as he believed they had been on the regular agenda in the past. Town Attorney McCargar responded that oil and gas leases had been on the consent calendar for consideration in the past and that Mr. Rose could make a motion to request the leases be placed on the regular agenda to which Mr. Rose declined.

Board Member Adams motioned to approve the Consent Calendar as presented; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – Rose. Motion passed.**

C. BOARD ACTION

1. Ordinance No. 2014-1476 – An Ordinance Repealing, Amending and Re-Adopting Sections 7-1-40 and 7-1-50 of the *Windsor Municipal Code* with Respect to the Abatement of Nuisances Within the Town of Windsor

Super-majority vote required for adoption on second reading

- Second reading
- Legislative action
- Staff presentation: Ian D. McCargar, Town Attorney; John Michaels, Chief of Police

Town Board Member Melendez motioned to approve Ordinance No. 2014-1476, An Ordinance Repealing, Amending and Re-Adopting Sections 7-1-40 and 7-1-50 of the *Windsor Municipal Code* with Respect to the Abatement of Nuisances within the Town of Windsor on second reading; Town Board Member Bishop-Cotner seconded the motion.

Town Attorney McCargar reported the ordinance was identical to the code amendment approved on first reading at the July 14, 2014 meeting. Adoption of the ordinance will provide for due process in those nuisance areas that not emergencies along with requiring the Town to get a court order to enter someone's property. Police Chief Michaels stated that the ordinance endorses the property owner's rights.

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

Roll call on the vote resulted as follows:

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

2. Resolution No. 2014-41 - A Resolution of the Windsor Town Board Approving an Agreement for Certain Economic Inducements and Development Incentives between the Town of Windsor and P&L Properties, LLC, and Authorizing the Mayor to Execute the Same on the Town's Behalf

- Legislative action
- Staff presentation: Stacy Johnson, Director of Economic Development

Town Board Member Melendez motioned to approve Resolution No. 2014-41; Town Board Member Baker seconded the motion.

Director of Economic Development Johnson presented the resolution related to the proposed incentives for 201, 205 4th Street. Ms. Johnson presented the information noting the proposed renovations for the second floor of the building totaling approximately 3,750 square feet. The external renovations investment is approximately \$630,000 and a restaurant equipment investment of \$153,000 with the main use of the second floor being a restaurant/pub. Ms. Johnson provided photos of the building and proposed additions, including a deck and an elevator. The amount being requested is \$17,222.29 which would cover the following fees: administrative, water plant investment, and sewer plant investment. Ms. Johnson stated that the projected revenue supplied by the applicant is \$30,000 for the first year. The return on investment will begin in three years due to the Town's commitment of sales tax received in the Downtown Development Authority (DDA) area will go to the DDA.

Mayor Vazquez voiced his support of the project and the positive impact on the DDA and the Town of Windsor.

Town Board Member Melendez reported the DDA is in support of the effort and has committed funds from their Façade Improvement Program to the project.

Eric Peratt, applicant, addressed the Town Board and stated that the project is very exciting for Windsor and he is hoping it provides opportunities for other businesses to locate in the area. He noted that a Special Use Permit was received from CDOT for the deck and the estimated time for opening is April 1, 2015.

Town Board Member Baker stated that the number one question he receives from citizens is wondering when Windsor will get another restaurant.

Town Board Member Morgan noted that he is generally very guarded regarding incentives but he supports the request as it is a needed industry in that particular location. Mr. Morgan applauded Mr. Peratt on taking on the challenge of such a large project.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.

3. Resolution No. 2014-42 – A Resolution Appointing Myles Baker 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
- Staff presentation: Ian D. McCargar, Town Attorney

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2014-42; Town Board Member Adams seconded the motion.

Town Attorney McCargar presented the resolution and noted that if approved by an affirmative vote of five board members it will appoint Myles Baker to perform the responsibilities of Mayor Pro Tem.

Town Board Member Melendez provided a clarification of information regarding previous voting related to the Mayor Pro Tem; the vote for her was 4-3 and was a 3-4 vote for Town Board Members Baker and Bishop-Cotner. She does not believe this has created a consensus and that there will be a Mayor Pro Tem by default. The title change will not change her commitment or attendance to what she has participated or attended in the past.

Town Board Member Baker stated that serving on the Town Board is a great honor and that he takes it seriously and serving as the Mayor Pro Tem would be an honor as well. Mr. Baker added that he and his family have lived in Windsor for eight years and have chosen Windsor as their home and where to raise their children. He appreciates the opportunity to serve the community and give back.

Mayor Vazquez noted that he is not a fan of change for the sake of change and has stated his thoughts in previous meetings. He stated that his vote will not reflect upon his belief that Mr. Baker can do the job of Mayor Pro Tem nor will it have any impact on the support that he will provide to Mr. Baker. Mr. Vazquez stated that he will do his best to assure that Mr. Baker is successful in his role as Mayor Pro Tem if he receives the required five votes. He believes that Town Board Member

Melendez has done a great job in the position as Mayor Pro Tem and deserves to continue in that role.

Town Board Member Adams stated that it is time for the Town Board to move on; he believes Ms. Melendez has done a great job but it is time to make an appointment.

Roll call on the vote resulted as follows:

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

Nayes – Melendez, Vazquez. Motion passed.

4. Resolution No. 2014-43 - A Resolution Re-Appointing and Re-Affirming Local Board and Commission Service by Current Town Board Members

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

Town Attorney McCargar reported on the resolution noting the changes to the liaison appointments of the Mayor Pro Tem serving as the NFRMPO alternate and moving Town Board Member Adams to the Poudre Trail Authority. Mr. McCargar also told the Town Board that Planning Commission Chairman Schick has requested a meeting with the Town Board regarding the Planning Commission liaison appointment.

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2014-43; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.

5. June Financial Report

- Staff presentation: Dean Moyer, Director of Finance & Information Systems

Director of Finance Moyer provided an overview of the June Financial Report that was included in the Town Board packet. It was noted that the Town recorded the highest gross sales tax collection for the single month of June with the year to date total at \$558,000. There is an approximate 22% increase in year to date sales tax collection for June 2014 compared to June 2013. Building permit issuance is down from 2013 with 138 issued through June 2014 compared to 213 in June 2013.

Town Manager Arnold asked about the Crossroads area of Windsor and if the sales tax would be broken out to which Mr. Moyer stated that the information would be identified separately.

Mayor Vazquez noted the increase in cost related to bids on projects and stated he would prefer to do a supplemental budget rather than forego projects.

The Town Board discussed the tracking of income by department similar to the tracking of expenses.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Town Attorney McCargar stated that last year the Town Board authorized him to bring suit against a couple of property owners who were resisting the Town's use of a platted easement in a subdivision; a default judgment was obtained against one property owner and an agreement was worked out with the other. Since that time, an agreement has been obtained with the first property owner and the default judgment will not be recorded. Mr. McCargar also reported that Planning Commission Chairman Schick

has asked the Town Board to take a look at a liaison position which will be discussed with the Town Board at a future work session.

2. Communications from Town Staff
Police Chief Michaels stated that August 5 would be National Night Out. There are currently 11 block captains and information would be sent out to the Town Board on Thursday regarding parties in their district.
3. Communications from the Town Manager
No communications.
4. Communications from Town Board Members
Town Board Member Melendez stated she has received feedback regarding nuisances such as weeds and dogs this year, more than in the past. She inquired as to the complaint process, what types of complaints can be responded to and who responds. Town Manager Arnold stated that he would set up a meeting with her and Chief Michaels to go through the information.

Town Board Member Morgan reported he had taken part in the advisory board interview process and was very pleased with the knowledge and commitment of the applicants. He encouraged the town board and staff to communicate to citizens when vacancies occur.

Town Board Member Adams noted the presence of the police department at the concert series and the benefit of their attendance. He also stated that the pathway out on 7th Street was looking great and he had received positive comments from Water Valley South residents. Mr. Adams also noted the roundabout and that reported that citizens were anxious for it to happen.

Town Board Member Melendez also stated she had met with a homeowner's association which had questions regarding the parameters for use of a flashing pedestrian light as there is one currently in a 45 mph zone in the area of the roundabout. She stated that there are other areas of town that are requesting the flashing pedestrian light. Town Manager Arnold responded that two lights are in this year's budget and that he would like to get the Board's input on setting up a policy for determining where the pedestrian lights should be placed. Mr. Arnold noted that they are currently implemented on an as needed basis.

Mayor Vazquez stated he spoke with representatives of Extraction Oil regarding the proposed pipeline which would help get the oil and gas trucks off of the roads. The representatives had stated that they cannot get a crossing agreement with the railroad and Mr. Vazquez inquired if there was anything that could be done to facilitate the process. Mr. Vazquez also stated that the Board needs to be thinking about a rail impact fee and an oil and gas impact fee.

- E. 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 – Economic Development Prospects (Stacy Johnson)

Town Board Member Bishop-Cotner motion to go into 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 – Economic Development Prospects; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None. Motion passed.

An executive session pursuant to § 24-6-402 (4) (b), C.R.S., to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions - Recent legislation (Ian D. McCargar) – removed from the agenda.

The meeting moved to Executive Session at 7:52 p.m.

Town Board Member Bishop-Cotner motioned to return to the Regular Meeting at 8:47 p.m.; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:

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

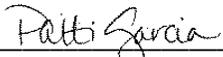
Nayes – None. Motion passed.

The Executive Session was closed and the Town Board returned to the Regular Meeting.

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

Upon a motion duly made, the Regular Meeting was adjourned at 8:47 p.m.



Patti Garcia, Town Clerk