



TOWN BOARD REGULAR MEETING

August 25, 2014 - 7:00 P.M.

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

MINUTES

A. CALL TO ORDER

1. Roll Call

Mayor
Mayor Pro-Tem

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

Absent:

Also present:

Town Manager
Town Attorney
Town Clerk/Assistant to Town Manager
Chief of Police
Director of Finance
Director of Parks, Recreation & Culture
Director of Planning
Director of Engineering
Chief Planner
Associate Planner
Deputy Town Clerk

Kelly Arnold
Ian McCargar
Patti Garcia
John Michaels
Dean Moyer
Melissa Chew
Joe Plummer
Dennis Wagner
Scott Ballstadt
Josh Olhava
Bruce Roome

2. Pledge of Allegiance

Ms. 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

Ms. Melendez motioned to approve the agenda as presented; Mr. Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

4. Board Liaison Reports

- Mayor Pro-Tem Baker – Water & Sewer Board
Mr. Baker stated that the Board met 8/13/14 and they toured new water storage facility.
- Town Board Member Morgan – Parks, Recreation & Culture; Great Western Trail Authority
No report
- Town Board Member Melendez – Downtown Development Authority; Chamber of Commerce
Ms. Melendez reported that the DDA held the Salsa on 5th event last Saturday (8/23/14); the event had about 250 people attend. The DDA is starting their budget cycle at which time they will talk about their strategic plan. The Mill feasibility study should be back in October.
- Town Board Member Rose – Clearview Library Board
No report - absent
- Town Board Member Bishop-Cotner – Historic Preservation Commission; North Front Range/MPO alternate
Mr. Bishop-Cotner reported that the Historic-Preservation Committee discussed their strategic plan as well as surveying downtown and the costs associated with that.
- Town Board Member Adams – Poudre River Trail Corridor Board; Tree Board; Student Advisory Leadership Team (SALT)
Mr. Adams stated the Tree Board meets tomorrow night and also no report from Poudre River. Mr. Adams reported that the SALT members are very active with events such as a bonfire, planning a 5k run for the spring, a tutoring program, and they will be serving barbecue for the Harvest Festival.

- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO
Mayor Vazquez reported that there was no NPO meeting since his last report and that he couldn't attend the Housing Authority meeting. Mayor Vazquez asked Mr. Arnold if there was anything to report and Mr. Arnold reported from staff pursuing money for housing needs from flood assistance grants that are out there.

5. Kiwanis Club of Windsor 25th Anniversary Proclamation
Mayor Vazquez read the proclamation
6. Public Invited to be Heard
Mayor Vazquez opened the meeting for public comment to which there was none.

B. CONSENT CALENDAR

1. Minutes of the August 11, 2014 Regular Town Board Meeting – P. Garcia
2. Resolution No. 2014-45 - A Resolution Pursuant to Section 1.30(B) of the Windsor Home Rule Charter Authorizing the Publication of Ordinances and Resolutions by Title Only, and Calling for the Publication of such Actions in Full by Electronic Means – P. Garcia
3. Resolution No. 2014-46 - A Resolution Ratifying And Approving Revisions To The Town Of Windsor's Open Records Policies In Accordance With Recent Legislative Amendments
4. Resolution No. 2014-47 - A Resolution Ratifying, Approving, and Conforming the Terms and Conditions of the Agreement Concerning Election Services between the Town of Windsor and County of Weld with Respect to the Coordinated Election Scheduled for November 4, 2014 – P. Garcia
5. Resolution No. 2014-48 - A Resolution Ratifying, Approving, and Conforming the Terms and Conditions of the Agreement Concerning Election Services between the Town of Windsor and County of Larimer with Respect to the Coordinated Election Scheduled for November 4, 2014 – P. Garcia
6. Resolution No. 2014-49 - A Resolution Appointing Town Board Member Robert Bishop-Cotner to Serve as the Town Board Liaison to the Windsor Planning Commission Pursuant to Windsor Municipal Code Section 2-7-30 (a).

Mr. Adams motioned to approve the Consent Calendar as presented; Mr. Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

C. BOARD ACTION

1. Ordinance No. 2014-1477 - An Ordinance Of The Town Board Of The Town Of Windsor, Colorado, Approving The Service Plan For Eagle Crossing-Windsor 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 D. McCarger, Town Attorney; James Mock, Special District Counsel

Ms. Melendez motioned to approve Ordinance No. 2014-1477; Mr. Baker seconded the motion.

Town Attorney McCarger reported on the ordinance noting this is the first of four service plans ordinances that the Town Board will review tonight. Mr. McCarger stated that the majority of the work was done by the Town's Special District Counsel James Mock and Mr. Mock will provide the majority of the testimony.

Attorney James Mock stated that these Metropolitan Districts need Town Board approval of their service plan (their charter) to be formed. These are independent units of local government and are a political subdivision of the State. The Metro Districts are formed by the Special District Act, which is State law and has four criteria that the Town Board must find in order to approve. There is also Town of Windsor Code that adds criteria to be met as well. Owners of property within the district boundaries must be notified at least

10 days prior to meeting of this meeting. Legal counsel for the Metropolitan District has certified that this notice was given. Each district will provide water, sewer, streets, storm drains, etc. for their area. The district is authorized to levy up to 39 mills of property tax against the home owners property. Mr. Mock reviewed each service plan and confirmed that each have policies that comply with State and Town Code.

Bill Ankele, Attorney from White Bear Ankele Tanaka & Waldron representing three of the four Metropolitan Districts, stated that the service plan conforms substantially to the existing model and is in compliance with Town Code.

Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

2. Ordinance No. 2014-1478 - An Ordinance Of The Town Board Of The Town Of Windsor, Colorado, Approving The Service Plan For Northlake Metropolitan District Nos. 1-5, And Authorizing The Execution Of An Intergovernmental Agreement Between The Town And The Districts
 - First reading
 - Legislative action
 - Staff presentation: Ian D. McCargar, Town Attorney; James Mock, Special District Counsel

Mr. Baker motioned to approve Ordinance No. 2014-1478; Mr. Bishop-Cotner seconded the motion.

Town of Windsor Special District Counsel James Mock restated his comments from the prior ordinance discussion (item C.1) and applied them in full to this ordinance before the Town Board.

Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

3. Ordinance No. 2014-1479 - An Ordinance Of The Town Board Of The Town Of Windsor, Colorado, Approving The Service Plan For Harmony Ridge Metropolitan District Nos. 1-3, And Authorizing The Execution Of An Intergovernmental Agreement Between The Town And The Districts
 - First reading
 - Legislative action
 - Staff presentation: Ian D. McCargar, Town Attorney; James Mock, Special District Counsel

Ms. Melendez motioned to approve Ordinance No. 2014-1479; Mr. Bishop-Cotner seconded the motion.

Town of Windsor Special District Counsel James Mock restated his comments from the prior ordinance discussion (item C.1) and applied them in full to this ordinance before the Town Board.

Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

4. Ordinance No. 2014-1480 - An Ordinance Of The Town Board Of The Town Of Windsor, Colorado, Approving The Service Plan For Tacincala Metropolitan District Nos. 1-5, And Authorizing The Execution Of An Intergovernmental Agreement Between The Town And The Districts
 - First reading
 - Legislative action
 - Staff presentation: Ian D. McCargar, Town Attorney; James Mock, Special District Counsel

Mr. Adams motioned to approve Ordinance No. 2014-1480; Mr. Bishop-Cotner seconded the motion.

Town of Windsor Special District Counsel James Mock restated his comments from the prior ordinance discussion (item C.1) and applied them in full to this ordinance before the Town Board.

Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

5. Public Hearing - Ordinance No. 2014-1481 - Amending Chapter 16 of the Windsor Municipal Code for the purpose of adopting regulations for accessory dwelling units in residential zoning districts within the Town of Windsor
 - First reading
 - Legislative action
 - Staff presentation: Scott Ballstadt, Chief Planner

Ms. Melendez moved to open the public hearing; Mr. Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

Mr. Ballstadt presented the information to the Town Board noting:
Accessory Dwelling Units (ADUs) have become an increasingly popular concept in recent years due to a wide variety of factors. ADUs are considered an efficient “infill” development as they typically utilize existing water, sewer and street infrastructure. Additionally, declining household size; aging population; affordable housing options; and rental income for elderly or young homeowners are all examples of reasons why communities allow ADUs. Demand for accessory dwelling units is expected to increase in the near future as the baby boomer generation retires and a variety of housing options are needed.

J.D. Roybal, 224 N. 6th Avenue, spoke in support of the ADU Ordinance.

Ms. Melendez moved to close the public hearing; Mr. Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

6. Ordinance No. 2014-1481 - Amending Chapter 16 of the Windsor Municipal Code for the purpose of adopting regulations for accessory dwelling units in residential zoning districts within the Town of Windsor
 - First reading
 - Legislative action
 - Staff presentation: Scott Ballstadt, Chief Planner

Ms. Melendez motioned to approve Ordinance No. 2014-1481; Mr. Bishop-Cotner seconded the motion.

Mr. Ballstadt reported there is nothing further to add as all the details were covered during the Public Hearing under Board Action Item #C.5.

Roll call on the vote resulted as follows: Yeas – Baker, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – Morgan; Motion passed.

7. Public Hearing – Final Major Subdivision – Winter Farm Subdivision, Third Filing – Jeff Mark, The Landhuis Company, applicant; John Tufte, Lamp Rynearson and Associates, applicant’s representative
 - Quasi-judicial
 - Staff representative: Josh Olhava, Associate Planner

Mr. Adams moved to open the public hearing; Mr. Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

Mr. Olhava reported:

The subdivision encompasses approximately 102 acres and is zoned Single Family Residential (SF-1). A total of 241 single family residential lots and nine (9) tracts are proposed. The single family residential lot sizes range from approximately 6,000 – 10,000 sq. ft. There will be approximately 44 acres used as common areas and detention ponds (identified as nine (9) tracts) and approximately 13 acres will be used for street right-of-way. The developer plans to phase this project and build homes based on market conditions. The applicant received Preliminary Subdivision approval at the June 19, 2013 Planning Commission meeting. No concerns or issues were raised during that meeting.

Planning Commission and Staff recommend that the Town Board approve the final major subdivision, subject to the following conditions:

1. The applicant shall submit all necessary exhibits and execute the final Development Agreement prior to recordation.
2. The applicant shall provide to the Town an Ownership and Encumbrance report identifying any and all interest-holders in the property to be included in the signature blocks.
3. The applicant shall provide to the Town an executed bridge alignment and access agreement with the New Cache La Poudre Irrigating Company prior to the Town Board public hearing and action on the Major Subdivision application.
4. All remaining Planning Commission and staff comments shall be addressed prior to recordation.
5. All subdivision requirements shall continue to be met.

Mr. Olhava asked that the following documents be entered into the official record of this evening's proceedings: the application, staff memos and recommendations, packet materials and supporting documents, and all testimony received.

Jerry Hinde, 632 Yukon Court, stated that he is concerned about the prairie dog colony and wants to know what will be done about them. They have been moved in the past but they come back into the area where he lives. He would like to see a permanent resolution. Mr. Hinde also asked about the widening of County Road 19 and would like to also see the widening of the bridge to 4 lanes as well.

Nick Mask, 687 Dakota Way, lives in the first filing of Winter Farm. Currently his service plan has language which states the mill levy will not be raised to an "unreasonable mill levy" which has him asking what is unreasonable. His neighborhood is at 44 mills with an increase to possibly 50. Mr. Mask asked the Town Board to consider adding language to cap the mill levy amount at 39.

Jeff Mark, The Landhuis Company, applicant, stated they are aware of all issues that have come up either at Planning Commission or tonight's meeting. They will address all of these issues just as quickly as they can.

Bill Ankele, attorney from White Bear Ankele Tanaka & Waldron representing Winter Farms Metropolitan District, stated that there are three districts in Winter Farm. District one is populated by developer representatives. District two contains the currently developed lots and will include the new 241 lots. The Board for district two is made up of homeowners from the area and any future increases would cause that Board to have to take action.

Tim Turk, 625 Dakota Way, echoes concerns of Mr. Mask and Mr. Hinde. Mr. Turk would like to get on the record regarding the elementary school in this area that is at near capacity. With an additional 241 homes to be built, the school will not be able to meet the needs of all the area children. Mr. Turk would like to see the plot that is dedicated to a future school be utilized sooner than later and for the school district to accelerate their timeline on building this.

Mr. Adams moved to close the public hearing; Mr. Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

8. Resolution No. 2014-50 – A Resolution of the Windsor Town Board Approving the Final Plat for the Winter Farm Subdivision 3rd Filing in the Town of Windsor, Colorado - Jeff Mark, The Landhuis Company, applicant; John Tufte, Lamp Rynearson and Associates, applicant's representative
- Quasi-judicial
 - Staff representative: Josh Olhava, Associate Planner

Ms. Melendez motioned to approve Resolution No. 2014-50; Mr. Bishop-Cotner seconded the motion.

Mr. Olhava reported there is nothing further to add as all the details were covered during the Public Hearing under Board Action Item #C.7.

Jeff Mark, The Landhuis Company, applicant; stated that all of the conditions set forth by staff are acceptable.

Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

9. Resolution No. 2014-51 - A Resolution of the Town of Windsor Referring to the Voters a Measure Under Which the Town's Sales and Use Tax Rate will be Increased by Seventy-Five One-Hundredths of a Percent (.75%) from 3.2% to 3.95%; Establishing a Sunset Requirement; Restricting the Use of Revenues Generated From the Tax Increase; Authorizing the Issuance of Revenue Bonds; Setting the Ballot Title and Ballot Question Referring This Resolution at an Election to be Held November 4, 2014; Providing the Effective Date of This Resolution; and Setting Forth Details in Relation Thereto
- Legislative action
 - Staff presentation: Kelly Arnold, Town Manager

Mr. Adams motioned to approve Resolution No. 2014-51; Mr. Bishop-Cotner seconded the motion.

Mr. Arnold reported that the Town Attorney has put together the question for the November ballot to include the feedback from the Town Board work session.

Mr. McCargar made amendments as requested by Town Board members at the work session. All revenue will flow into the CRC expansion fund. Of the revenue .55% will be set aside to pay the bonds, the other .2% for operation, maintenance, depreciation and equipment. Any revenue received above .75% will be set aside to accelerate the payback on the bonds. Sunset language states that once the bonds are paid the sales tax rate reduces from 3.95% to 3.4%. Also, the ballot question will debruce the Town in order for the Town to be able to retain all of the excess revenue for repayment. The Town needs to keep FCPA requirements in mind going forward as the Town cannot spend its resources to promote or support this measure.

Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

10. Resolution 2014-52 - 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 (13.0489 Net Mineral Acres, in part of the North one-half of Section 20, Township 6 North, Range 67 West, in Weld County, Town of Windsor)
- Legislative Action
 - Staff representative: Ian D. McCargar, Town Attorney

Ms. Melendez motioned to approve Resolution No. 2014-52; Mr. Bishop-Cotner seconded the motion.

Mr. McCargar reported that the primary term of the lease is three years; the lease royalty is 20%; there is a bonus consideration of \$2,000.00 per net mineral acre; the net mineral acreage is 13.0489 acres; the initial

bonus payment is \$26,097.80; the surface use of this Lease is a "No Surface Occupancy" Oil and Gas Lease prohibiting all activities of any type regarding oil and gas development upon the surface of the subject properties; this acreage is part of an existing drilling program being undertaken by Extraction involving lands located outside of the town limits of Windsor as well as lands within the town limits of Windsor.

Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

11. Resolution 2014-53 - A Resolution Amending the Town of Windsor Downtown Commercial Corridor Design Standards to Encourage and Accommodate the Use of Bicycles
 - Legislative Action
 - Staff representative: Joe Plummer, Director of Planning

Mr. Adams motioned to approve Resolution No. 2014-53; Mr. Bishop-Cotner seconded the motion.

Director of Planning Plummer reported that the Downtown Development Authority (DDA) discussed the current Downtown Corridor Plan Guidelines which pertains to bicycle parking in the downtown district.

At July 29, 2014 meeting of the DDA and following previous discussions about this section of the Downtown Corridor Plan, it was the consensus of the DDA that the language in paragraph 1 was impractical as far as requiring a five percent (5%) ratio of bicycle parking to vehicular parking and requiring no less than one (1) bicycle rack for each building within the downtown district; and the language in paragraph 3 was impractical since bicycles should not be located right at or adjacent to building entries due to interference with ingress and egress to and from buildings and also because in order to be functional and usable bicycle racks need to be visible from adjacent streets.

This issue was taken to the Planning Commission on 8/20/2014 and they recommend that the Town amend this section of the Downtown Corridor Plan with the changes to address these issues, and staff concurs with this recommendation.

Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

D. COMMUNICATIONS

1. Communications from the Town Attorney
No report

2. Communications from Town Staff
Director of Parks Melissa Chew reported that there is a summation of expenditures in the Town Board packet which shows up to date numbers for outreach for the Community Recreation Center ballot question. Ms. Chew reminded everyone that the Harvest Festival is this weekend.

Director of Engineering Dennis Wagner shared photos from construction of a large water storage facility in Windsor. When complete the tank will be 24 feet deep and 60 feet across with walls that are 13" thick.

3. Communications from the Town Manager
Mr. Arnold hosted City Managers and HR Directors recently where they had a two hour discussion on trends in human resources in the area. They also discussed different organizations perspectives and the need to keep open communications about human resources.

Mr. Arnold noted that an e-mail from Ms. Garcia has gone out to the Mayor and Town Board about their Harvest Festival duties this weekend.

4. Communications from Town Board Members

Town Board Member Bishop-Cotner stated he will be out of town Monday 9/1/14 as well as following Monday 9/8/14.

D. ADJOURN

Mr. Bishop-Cotner made a motion to adjourn the meeting; Mr. Adams seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

The Regular Meeting was adjourned at 9:16 p.m.



Bruce Roome, Deputy Town Clerk