



TOWN BOARD REGULAR MEETING
September 22, 2014 - 7:00 P.M.
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

1. Roll Call
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| Mayor | John Vazquez
Christian Morgan
Kristie Melendez
Robert Bishop-Cotner
Ivan Adams |
| Absent: | Jeremy Rose
Myles Baker |

Also present:	Town Manager Town Attorney Town Clerk/Assistant to Town Manager Chief of Police Director of Finance Director of Planning Director of Engineering Associate Planner Management Assistant	Kelly Arnold Ian McCargar Patti Garcia John Michaels Dean Moyer Joe Plummer Dennis Wagner Paul Hornbeck Kelly Unger
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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
Ms. Melendez motioned to approve the agenda as presented; Mr. Adams seconded the motion. Roll call on the vote resulted as follows: Yeas – Bishop-Cotner, Morgan, Melendez, Adams, Vazquez; Nays – None; Motion passed.

4. Board Liaison Reports
- Mayor Pro-Tem Baker – Water & Sewer Board, MPO
No report - absent
 - Town Board Member Morgan – Parks, Recreation & Culture; Great Western Trail Authority
Mr. Morgan stated no report for either board.
 - Town Board Member Melendez – Downtown Development Authority (DDA); Chamber of Commerce
Ms. Melendez reported that the DDA will look at their budget on October 15, 2014 with final presentation to the Town Board on November 24, 2014 for budget adoption. On October 2, 2014 at 6 pm in Town Board Chambers the Holtkamp Group will be in attendance to present the Mill Feasibility study and this is open to public. Ms. Melendez and several DDA Board members attended the Downtown Colorado Inc. conference in early September. This was a good conference as it had informative workshops and programming and they are hoping to use much of what they learned as they move forward with the DDA. At the conference DDA members presented the Windsor Downtown Mill project as well as the Downtown land development project to developers for input. The Windsor Chamber of Commerce, the DDA and the Town of Windsor will partner together for the next big event which is on December 6, 2014 and is called Windsor Wonderland. There is more information coming soon.

Ms. Melendez reported that tomorrow (9/23/14) is the Windsor Business Expo from 2-7 pm at the Windsor Community Recreation Center. Also, in August the Chamber hosted the New Teachers Breakfast Wrap-Up which welcomes all of the new teachers for the upcoming school year.

- Town Board Member Rose – Clearview Library Board
No report - absent
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission
Mr. Bishop-Cotner noted that Planning Commission heard a Weld County referral to expand the Musket Corporation transloading facility as well as the site plan for Schlumberger Lift Solutions case which the Town Board is hearing tonight.
- Town Board Member Adams – Poudre River Trail Corridor Board; Tree Board
Mr. Adams stated the Tree Board meeting is tomorrow (9/23/14) at 5 pm and that the Poudre River Trail Corridor Board meets the first Thursday of October.
- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO
Mayor Vazquez reported that he has no report for the Windsor Housing Authority and that Mayor Pro Tem Baker attended the last North Front Range/MPO meeting on the Mayor's behalf and gave that report at the last meeting.

5. Public Invited to be Heard

Mayor Vazquez opened the meeting for public comment.

Terri Richter, 2057 Arroyo Court, stated she is in attendance along with the majority of the audience to plea and beg the Town Board to enforce tighter restrictions to the oil and gas industry. Great Western Oil and Gas is moving in next to her neighborhood and she has heard there are several more oil and gas companies on their way to this area. Ms. Richter stated that she hopes since the Town of Windsor is home rule municipality that tighter restrictions could be enforced including extending the 500' distance requirement for residential areas, 500' is not far enough away. She is concerned about health effects of industry on residents living close to these sites. Ms. Richter spoke to Great Western representative and she told him that she likes to sleep with the windows open at night and his response was to get an air conditioner. Her other concern is that Great Western has no pipeline so with 30 wells operating over the next 20 to 30 years there will be a large amount of trucks coming down the road. Ms. Richter asked for help so that their neighborhood does not become a pin cushion.

Mayor Vazquez stated that this is not the first time the Town Board has heard this request. Colorado has limitations on municipalities on how oil and gas development occurs. Colorado is a right to mine state which means mining is a protected constitutional right. The problem is the relationship between oil and gas companies and surface users has always been a confrontational existence. With the increased technology directional drilling has been revolutionary. The Town of Windsor over that past several years has become very involved including creating a local designee for when applications are submitted to the state. Before this change access, hours of process, screening, etc. were items that were decided before the Town ever saw the paperwork. The Town has spent a lot of time working with the industry to ensure they are not allowed near schools, parks, or neighborhoods. Great Western has been a good partner to date but this piece of property could test this relationship. The Town asks the industry to go above industry standards to which they have done in the past but we don't know what is going to happen with this particular piece of property. This is the first time the Town of Windsor has been in this position of an enclave annexation. The Town is hoping to beat the permit process so they can put them through the Conditional Use Permit process. Mayor Vazquez appreciates this issue with this property and is hoping Great Western steps up and becomes a partner and collaborates with the Town and the neighborhood. The Town Board is working very hard on behalf of Bison Ridge and what is happening with Great Western. He also recommends talking to state officials as well.

Ms. Richter stated she hopes traffic on County Road 13 can be contained as it is residential. Mayor Vazquez answered they are working on a pipeline system that will hopefully alleviate that issue.

Mayor Vazquez stated we need to find a way to co-exist. Ms. Richter stated to let them know what they can do.

Don Pierce, 8668 Blackwood Drive, stated he appreciated the Mayor's comments. There are hundreds of homeowners on each side of this property that their homes are worth \$500,000 to \$700,000 each and are concerned with air quality and environment. Mr. Pierce doesn't think we can change the setback requirements but wanted to know if there is a possibility that the Town Board can ask the commission to wait to have the permits not issued for this area until the commission has issued some recommendations. Mayor Vazquez answered that there is nothing the Town of Windsor can do to delay a permit application. Town Manager Arnold stated that he has not heard that it can be done. Mayor Vazquez said he is not sure what the backlog at the state is which is why this is a race. If the Town can get the annexation completed they will have to go through the Conditional Use Grant process. It is out of the Town's control and is up to the industry with how they want to move forward in Windsor.

Nicholas Luca, 1227 Walnut Street, asked for more time and effort on this. Mr. Luca talked to state director of department of health who stated no health studies done to the effects immediate to these sites. The Director's department is doing audits about once every five years. Mr. Luca asked the Town Board to commission a health study using the funds received from the oil and gas industry. Specifically a study for health effects of those that live near the sites. He asked if the Town could request quotes for pricing to conduct some sort of health study for the air in the community. This would help make us feel safe and keep citizens in Windsor. Mr. Luca stated development will happen and no one knows the true impacts of the industry.

Dale Agan 5973 Woodcliffe Drive, lives within 1,500 feet of where a well has been drilled and states it has been ongoing for several months and it isn't pleasant. When they are drilling they feel vibration and pictures rattle on the walls. County Road 13 is getting really bad because of all the truck traffic. Citizens are concerned regarding the aesthetics; we don't want to become another Greeley. Mr. Agan asked if the majority of citizens spoke out through a referendum would this public opinion give the Town Board more weight in their discussions. Mayor Vazquez stated that it would take a statewide ballot initiative to make any change since this is constitutional. Mr. Agan asked if the town can help with environmental issues. He would like to keep rigs away from our community some way.

Johnathan Awatt, Highland Meadows, stated the mineral lease gives the leaseholder the ability to drill and extract. There has been talk of air and environmental concerns but it would make sense to look into the noise as fracking is very loud. Could the Town set up an ordinance that would address this and make these operations cease and desist. These companies have a right to drill but are limited to fix what is damaged such as roads.

Desiree Luca, 1227 Walnut Street, asked if the Town of Windsor opens the Conditional Use Grant to public comment. She also asked if Great Western will provide a meeting for Bison Ridge. Mayor Vazquez stated if they go through the Conditional Use Grant process then yes there would be public comment. If the process is through Larimer County then Windsor serves as a referral.

Paul Ehni, 2058 Arroyo Court, feels that it continues to be a secretive industry in their mind. Mr. Ehni states that they are in the neighborhoods working and the residents have not been notified on what they are doing. He wants to know what kind of power they have to request information from Great Western. He called Larimer County designee and was told there was nothing they can do. Mr. Ehni asked what determines how it gets landscaped, is it the individual company. Mayor Vazquez stated that yes it is the companies and they have often gone above what is requested by the Town. He said that the industry has never told us to date that anything we have requested is unreasonable. Mayor Vazquez noted the Town of Windsor website and information located regarding well heads in GMA.

Terri Richter spoke again stating she talked with Great Western and asked them that due to damage to the homes what can be done. Per Great Western they have a huge insurance policy to pay for damages they

may cause. Great Western states they have to prove they did the damage in order to receive funds. Ms. Richter asked regarding fracking that she has heard that fracking fluid is dangerous. Mayor Vazquez noted what was in the fluid and stated that he believes it is not dangerous.

Bob Howard, 5856 Stone Chase Drive, asked about hours of operation for these wells. The site is surrounded on three sides by residential neighborhoods and he can hear and see the operations from his home. Mr. Howard asked if there is any way to control the time of these operations. He also noted the condition of County Road 13 and that it has deteriorated. This Sunday morning he observed approximately 15 tractor trailers all in a row on the road and traffic halted during the operations. Mayor Vazquez stated drilling operations are 24/7 as the rigs cannot be shut down and restarted. This is why the Town asks for the additional screening and light. Mr. Howard asked about the timing for annexation. Per Town Attorney McCargar the newspaper notice has been sent to newspaper and should be published this week in the Greeley Tribune. The process cannot start for 30 days after the publication. The first reading will be at the October 13, 2014 meeting and the second reading will be October 27, 2014.

Mayor Vazquez thanked the citizens that attended and understands that they want to protect their investments.

B. CONSENT CALENDAR

1. Minutes of the September 8, 2014 Regular Town Board Meeting – B. Roome
2. Resolution No. 2014-55 - A Resolution Approving An Intergovernmental Agreement Between The Town Of Windsor And The RainDance Metropolitan District Nos.1-4 – I. McCargar

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

C. BOARD ACTION

1. Resolution No. 2014-56 – A Resolution Making Certain Findings of Fact Concerning the Harmony Ridge Annexation to the Town of Windsor, Colorado, Determining Substantial Compliance with Section 31-12-101, C.R.S. “The Municipal Annexation Act of 1965”; and Establishing Dates for Public Hearings before the Planning Commission and the Town Board of the Town of Windsor, Colorado with Regard to the Harmony Ridge Annexation
 - Legislative action
 - Staff presentation: Joseph P. Plummer, AICP, Director of Planning

Mr. Bishop-Cotner motioned to approve Resolution No. 2014-56; Ms. Melendez seconded the motion.

Mr. Plummer stated that this resolution establishes the public hearings for the Harmony Ridge annexation. He noted the location and subject properties. There is a statutory requirement to establish the dates for Planning Commission and Town Board. Per Mr. Plummer staff recommends approval as presented.

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

2. Site Plan Presentation – Great Western Industrial Park, Ninth Filing, Lot 2 Site Plan (Schlumberger Lift Solutions, 31660 Great Western Drive) – Schlumberger Lift Solutions, LLC, applicant / Michael Bray, dc Construction Company, applicant’s representative – P. Hornbeck
 - Staff presentation: Paul Hornbeck, Associate Planner

Mr. Hornbeck stated that this is a site plan presentation and comments will be taken on the project.

A summary of the project per Mr. Hornbeck:

The applicant, Schlumberger Lift Solutions, LLC, represented by Mr. Michael Bray, DCB Construction Company, is proposing to construct a new building in the Heavy Industrial (I-H) zoning district in the Great Western Industrial Park Subdivision, located at 31660 Great Western Drive. Site characteristics include: 17.8 acres in size; approximately 14, 440 square foot metal building; approximately 13 acre outdoor storage yard; 34 off street parking spaces, including two ADA accessible parking spaces; and an irrigated landscaped area of approximately 6% of the total site and 23% of the developed portion of the site.

Per Mr. Hornbeck, there is no recommendation as this item is for presentation purposes.

Mayor Vazquez inquired about the landscaping to clarify exactly how much area will be landscaped. Mr. Hornbeck stated that they will landscape approximately 6% of the entire site. The Town usually requires 15% but with such a large area that would have meant about 2 acres of landscaping which was determined to be too much.

Mayor Vazquez stated that looking at elevations it is mono-material and he recalls that there are requirements for steel construction to have additional features. Mr. Plummer stated that a masonry wainscoting element is required for buildings in limited industrial parks and this is a general industrial park with different requirements.

Mayor Vazquez would like to have a better understanding of the traffic impact on these site plans. How is our infrastructure capacity and it would be good to have a conversation about how we move forward. This is not particular to this site plan and Schlumberger in particular but it is part of the Great Western industrial park. Town Manager Arnold stated that they did not include assessed road impact fees as incentives for this Schlumberger development so the Town will collect those fees. This fee is more volume based than heavy truck impact. The question is does the Town Board want to review developments like this or is this about a general issue with increased traffic. The Town has looked at other models in the region and could meet with Town Board and discuss ideas and brainstorm. This could happen either as a group in a work session or meet with staff with small groups. Mayor Vazquez stated that this is the third site plan this year but thinks this is the time to have this conversation and make some decisions in moving forward. Mr. Morgan asked when was the last time the Town of Windsor had a traffic study done. Mr. Arnold stated that no but generally the Town knows where the trucks specific to a development will be going. Mayor Vazquez replied it would be best to do this in an informal meeting. Mr. Arnold will set up a meeting on a Friday to meet. Ms. Melendez asked to look at this at a macro-level to include Bison Ridge, etc. Mayor Vazquez stated that County Road 15 and Harmony Road gets brought up at Coffee with the Mayor.

3. Resolution No. 2014-57 – A Resolution of the Windsor Town Board Approving and Adopting the 2014-2016 Town of Windsor Strategic Plan
 - Staff presentation: Kelly Arnold, Town Manager

Mr. Bishop-Cotner motioned to approve Resolution No. 2014-57; Mr. Morgan seconded the motion.

Mr. Arnold told the Town Board congratulations as you are at the end of your journey. He talked about a journey and how you get there and your accomplishments along the way and you end with the document that has been created. Mr. Arnold stated if the Town Board feel that this is a plan that they are willing to support and fund then we will move forward over the next two years.

Gregg Piburn, Leaders Edge Consulting, stated that the responsibility of any Board or Council is to be at the 30,000 foot level and try to help create clear pictures of a desired future and believes that they Town Board has achieved that. He feels that this plan is doable, actionable and relevant.

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

4. August Financial Report
 - Staff presentation: Dean Moyer, Director of Finance

Mr. Moyer reported:

The Town recorded the highest gross sales tax collection for the single month of August on record at \$579,423. August 2014 year-to-date gross sales tax increased 20.29% over August 2013. Construction use tax through August is at 55.22% of the annual budget at \$966,262. Year-to-date total revenue through August exceeded expenditures by roughly \$1M. Ideally through the eighth month of the year you would like to see 67% collection rate on your annual budget number. We have reached that benchmark in two of the three tax categories and are very close on the third. At this point last year we had collected \$3.9M in property taxes, or 95.8% of the annual budget. We are on the exact pace this year.

Single Family Residential (SFR) building permits total 176 through August. This is down from the August 2013 number of 270. 22 business licenses were issued in August, 14 of which were sales tax vendors. Construction use tax is below our required monthly collection for the sixth month this year. We issued 17 SFR permits in the month of August. Through eight months in 2014 we are averaging 22 SFR permits per month. Through August 2013 we averaged 33.75 SFR permits per month.

We budgeted \$6M in sales tax for 2014, making our average monthly collection requirement \$500,000. We were above that mark for the seventh month out of eight for this year. In January we received a large "outlier" payment from a local manufacturer of \$319,175. Reducing January's collection by this amount down to \$891,348, through the first eight months of 2014 we are averaging \$627,321 in collections per month. If we maintain this average through the end of the year, we will come in at \$7.5-\$7.8 in collections. Through August we have collected \$5.3M in sales tax. This is roughly \$900,000 higher than through August 2013.

The general fund operations are right at the budget benchmark as we finish the summer season. As one would expect through August, operations connected with community events and aquatics have almost completed their entire budget. Finance is slightly ahead of the benchmark due to contract payments made to sales tax auditors. Economic Development is ahead of the pace due to annual payments for memberships being made early in the year. Our monthly budgeted total expenditures equal \$3,228,884. In August we collected \$2,331,616 in total revenue. The chart on the right reflects our actual results through August. August YTD revenue total exceeded expenditures by roughly \$1M, which was expected due to summer.

Mayor Vazquez asked for clarification on the capital total and wondered why it was only at 52%. Mr. Moyer stated that this is caused by outstanding invoices and projects wrapping up including two very large projects that have large payments forthcoming.

D. COMMUNICATIONS

1. Communications from the Town Attorney
Mr. McCargar noted that the newspaper notification has been sent to the Greely Tribune so the clock starts running on the enclave annexation as soon as that is published. Ms. Garcia is still waiting to hear back from them for the publication date.
2. Communications from Town Staff
Mr. Wagner reported that the roundabout at Eastman Park Drive and Water Valley Parkway is done and it took just under three months to complete, one month ahead of schedule.

3. Communications from the Town Manager

Mr. Arnold noted the monthly Northern Integrated Supply Project (NISP) report in the packet. He anticipates that the technical report should be out for January of 2015. At that time the final review will be done publicly of the draft supplement EIS. After that is complete then the permitting process moves forward. Last week the NISP group met and decided to fund it at a higher level that was talked about in August at the capital meeting. Next year the engineer of record will be announced which is a big step. Last, they might possibly purchase property for this.

This Friday (9/26/14) Mr. Arnold and Mr. Wagner are meeting with a group that came out of the water treatment plant feasibility study. The agenda is legal counsel coming up from Denver that is knowledgeable about water and how to establish an authority. Also on the agenda is an update from the 3 largest water providers in the group (Loveland, Fort Collins/Loveland Water District, North Weld) and have them share about where they are and their planning process. These three are at the table now but we don't know what they are thinking.

Mayor Vazquez asked about a Peaking Plant and being able to expand service into the south part of town through the Fort Collins Water District. Mr. Arnold will bring this to the group.

Tomorrow (9/23/14) is the next meeting of the group that is talking about Kodak redevelopment. This is a smaller group that includes Kodak, CareStream, Great Western Development, Weld County and the Town of Windsor.

Mr. Arnold discussed a HB1371 meeting being set up by Chris Woodruff that is searching for alternatives.

4. Communications from Town Board Members

Ms. Melendez stated that Mayor Brookshire has made a request to meet with the Windsor Town Board. It was discussed to maybe add the County Commissioners as well.

D. ADJOURN

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

The Regular Meeting was adjourned at 8:42 p.m.



Bruce Roome, Deputy Town Clerk