



## TOWN BOARD REGULAR MEETING

December 8, 2014 - 7:00 P.M.

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

### MINUTES

#### A. CALL TO ORDER 7:04 pm

##### 1. Roll Call

Mayor  
Mayor Pro Tem

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

Absent:

Christian Morgan

Also present:

Town Manager  
Town Attorney  
Assistant to the Town Manager/Town Clerk  
Director of Finance  
Director of Engineering  
Chief Planner  
Management Assistant

Kelly Arnold  
Ian McCargar  
Patti Garcia  
Dean Moyer  
Dennis Wagner  
Scott Ballstadt  
Kelly Unger

##### 2. Pledge of Allegiance

Town Board Member Rose 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 Attorney McCargar recommended an addition under Board Action (as Item C.5.) for review and consideration of Agreement for Lease of Kyger Reservoir Water between the Town of Windsor and Stone Creek Consultants, LLC.

**Town Board Member Melendez motioned to approve the agenda as amended; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

##### 4. Board Liaison Reports

- Mayor Pro-Tem Baker – Water & Sewer Board  
Mayor Pro Tem Baker stated he has no update as there have been no meetings. The next scheduled meeting is February 11, 2015.
- Town Board Member Morgan – Parks, Recreation & Culture (PReCAB); Great Western Trail Authority (GWTA)  
No report - absent
- Town Board Member Melendez – Downtown Development Authority (DDA); Chamber of Commerce  
Town Board Member Melendez reported that the Town, the DDA, and the Chamber of Commerce sends their thanks to Great Western for bringing Santa Claus on the train to

the event. Early estimates are that approximately 1,200-1,500 attended, with well over 400 of those being children.

The Chamber of Commerce is in the middle of a Board election which closes December 14, 2014 and from this two new Directors will join the Board. The Chamber got the opportunity to attend the WACE Conference in February, they perhaps will send the Board President. They are going to schedule a retreat in late February or early March of 2015 and will be planning their Annual Dinner date.

- Town Board Member Rose - Clearview Library Board  
Town Board Member Rose stated he had no report and that the Board would meet this Wednesday at 5:30 pm.
- Town Board Member Bishop-Cotner –Historic Preservation Commission; Planning Commission  
Town Board Member Bishop-Cotner reported that the Historic Preservation Committee meets on Wednesday. The Planning Commission met last week on Wednesday and from that meeting item #1 for tonight was tabled by them.
- Town Board Member Adams – Poudre River Trail Corridor Board (PRTCB); Tree Board  
Town Board Member Adams reported that the Tree Board decided on a theme for the poster contest with the schools. They heard a report from the town forester on all that takes place with their reviews. Dates were set to include the tree sale on April 17 and 18, 2015 and sick tree day will be held on June 23, 2015.

PRTCB discussed the corridor master plan status which is moving along and ready to be finalized. They discussed the appraisals that they still are working on along the trail. They also discussed working with Great Western Railroad on moving the trail to be able to work with the railroad. It will end up being the City of Greeley, Town of Windsor, and the Trail Board all working together.

- Mayor Vazquez – Windsor Housing Authority (WHA); North Front Range/MPO  
Mayor Vazquez reported that the North Front Range MPO met last Thursday where they discussed that the transportation commission will be voting on whether to appropriate \$30 million to the Crossroads and I-25 interchange which will include widening and a grade match. The MPO has approved all call for projects and Windsor has qualified for some funding. However, Windsor's share was rather small so the Windsor funds were appropriated to the 65<sup>th</sup> Avenue project for Evans and Greeley. Evans and Greeley extended their thanks to the Town of Windsor.

Dr. Jones, from the Great Western Trail Authority, gave the news that they received a \$500,000 award which is appropriated to make the trail connect from Severance to Eaton.

#### 5. Public Invitation to be Heard

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

#### B. CONSENT CALENDAR

1. Minutes of the November 24, 2014 Regular Town Board Meeting – B. Roome
2. Resolution No. 2014-77 - A Resolution of The Windsor Town Board Pursuant to Section 9.1 (A) Town of Windsor Home Rule Charter Reaffirming the Appointment of and Amending The Terms of Representation Between The Town of Windsor and Town Attorney Ian D. McCargar
3. Resolution No. 2014-78 - A Resolution Ratifying, Approving, and Confirming the Terms and Conditions of the Employment Agreement, as Amended, Between the Town of Windsor and Town Manager Kelly E. Arnold
4. Report of Bills – November 2014 – D. Moyer

**Mayor Pro-Tem Baker motioned to approve the Consent Calendar as presented; Town Board Member Melendez seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, 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 for the following Board Action items.

1. Public Hearing - Compliance with a Conditional Use Grant approved in 2013 for the property located at 217 2<sup>nd</sup> Street, Lot 17, Burlington Subdivision
  - a. Staff presentation: Ian D. McCargar, Town Attorney

**Town Board Member Adams motioned to open the public hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

Staff Presentation:

Per Mr. McCargar, in May 2013, the Planning Commission and Town Board approved a conditional use grant for Lot 18, Burlington Subdivision, to continue the outdoor storage use on the vacant, unimproved property. This conditional use grant was subject to specific conditions, with set deadline dates which were agreed to by the applicants, but all of those conditions have not been met. In accordance with Section 16-7-40 of the Municipal Code, a public hearing before the Planning Commission was scheduled on December 3, 2014 for the Planning Commission to receive testimony and make a recommendation to Town Board on this issue. However, the property owners were not in attendance at that meeting and the Planning Commission continued its public hearing until January 7, 2015 in order for the property owners to be present at the public hearing. Since that public hearing was continued, the Planning Commission was unable to make its recommendation to the Town Board. As such, it is appropriate for the Town Board to also continue tonight's public hearing until January 12, 2015 in order to receive the Planning Commission's recommendation that will be rendered on January 7, 2015 and to receive testimony and take action on this issue.

**Town Board Member Bishop-Cotner motioned to continue the public hearing until January 12, 2015; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

2. Resolution No. 2014 –79 - A Resolution Supporting the Efforts of the Windsor Housing Authority in Seeking Financial Support from the Colorado Department of Local Affairs with Respect to Phase 2 of the Windsor Meadows Workforce Housing Project, and Specifying the Financial Support Available from the Town for the Benefit of the Windsor Housing Authority in Conjunction Therewith.
  - a. Legislative action
  - b. Staff presentation: Ian D. McCargar, Town Attorney

**Town Board Member Melendez motioned to approve Resolution 2014-79; Town Board Member Bishop-Cotner seconded the motion.**

Staff Presentation:

Per Mr. McCargar, at the October 20th and November 24th work sessions, Chairman John Moore of the Windsor Housing Authority (WHA) met with the Town Board to discuss building permit fee waivers for Phase 2 of the Windsor Meadows Apartments. During the discussions, Mr. Moore requested that the Town consider waiving the same building permit fees for Phase 2 of the project as were waived for Phase 1, with the exception of the raw water fee which the WHA will be paying. At the November 24th work session it was the consensus of the Town Board to waive the building permit fees that are outlined in Section 2 of the enclosed Resolution No. 2014–79.

Staff recommends approval of Resolution 2014-79 as written.

Mr. Moore thanked the Board for their time and support. Mr. Moore stated that Phase 2 is well on its way to being very successful, hopefully as much as Phase 1 was.

Ms. Melendez asked if applicants are allowed to complete paperwork in 2014.

Per Mr. Moore, they are already receiving “placeholders” which will become official after January 1, 2015

Ms. Melendez asked when they will receive the final word that the project is a go.

Mr. Moore answered this would happen in February

Mayor Vazquez asked how many other projects area applying for this funding.

Mr. Moore answered that there is only one other and it is in Loveland.

Mayor Vazquez asked if the project in Loveland is competing for the same funds or can both projects stand alone on their merits and be awarded.

Per Mr. Moore, the projects are stand alone and both should qualify.

Mayor Vazquez asked if the Loveland Housing Authority is the guarantor on the project.

Per Mr. Moore, they are

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

3. Resolution No. 2014-80 - A Resolution Establishing Rates For Town Of Windsor Water Service Customers, And Authorizing The Implementation Of Such Rates
  - a. Legislative action
  - b. Staff presentation: Dean Moyer, Director of Finance

**Town Board Member Melendez motioned to approve Resolution 2014-80; Town Board Member Bishop-Cotner seconded the motion.**

Staff Presentation:

Per Mr. Moyer, the current rate structure was developed in response to the worst part of the drought in 2003, as well as the 2011 water rate study recommendations. The Town added a third tier to this system in 2012 to target those customers that use on a monthly basis more water than was dedicated with their property when annexed, especially targeting single family homes without a non-potable irrigation system. The tiers are tied to the annual CBT water share allocation, one tier at the historical allocation of 16,000 gallons per month, the second tier being 16,001 up to 22,500 gallons per month and the third tier being over 22,500 gallons per month. The 22,500 gallons per month equates to 100% CBT allocation spread over 12 months.

Historically the Town has passed along any increases from our suppliers and cost of service increases to our customers by adjusting the dollars charged per 1,000 gallons. The Town adopted a policy of not increasing the rates until January of the following year. The Town has learned from Greeley that the cost for 2015 water should increase by 4%. The Town also learned that North Weld will not be increasing our rate for 2015. The Town's contract with South Fort Collins does not call for any cost increase in 2015 water. Water purchase records show that we purchase about 33% of our water supply from the City of Greeley.

Using a weighted average approach to apply the cost increase, an increase of rates by 1.33% for 2015 is proposed. This is figured by dividing a 4% increase by the 33% portion of our overall water supply.

Staff recommends adopting the rate structure as presented effective beginning January 15, 2015. This recommendation was approved by the Water and Sewer Board at their meeting on October 8, 2014.

Mayor Pro-Tem Baker asked what the base fee goes towards.

Per Mr. Moyer this goes part towards infrastructure and part to ensure that no matter how much water the Town sells there is still enough funding to operate.

Mayor Vazquez wanted to clarify that this rate increase is merely a pass through because the City of Greeley raised their rates.

Ms. Melendez asked if the base fee will remain the same and the upper tiers will be increased.

Per Mr. Moyer this is correct.

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

4. October Financial Report

- Staff presentation: Dean Moyer, Director of Finance

Staff Presentation:

Mr. Moyer first explained to the Town Board about one specific payment to the City of Greeley. This is for the Southgate IGA payment which is the business park by Peak Kia at Hwy 34 and CR7.

This IGA was made when Windsor annexed the land and the agreement was for the sales tax to be split with Greeley with 40% going to Greeley.

Mr. Moyer presented the October 2014 financial report highlighting the following:

- The Town recorded the highest gross sales tax collection for the single month of October.
- October 2014 year-to-date gross sales tax increased 20.20% over October 2013.
- Through October the Town has collected \$6.7M in sales tax, which is roughly \$1,000,000 higher than through October 2013.
- Construction use tax through October is at 73% of the annual budget at \$1,277,292.
- Single Family Residential (SFR) building permits total 217 through October. This is down from the October 2013 number of 309
- 20 business licenses were issued in October, 9 of which were sales tax vendors.
- Operations expenditures are on track as a whole, expending 79% of the annual budget compared to the benchmark of 83%.

Mayor Vazquez asked how difficult it would be to keep the table on capital projects updated in the financial monthly reports.

Mr. Arnold stated it is updated monthly and it is on the webpage. Staff will continue to include it in the monthly financial report if that is the direction that the Board wants to go.

Mr. Bishop-Cotner asked what category is orange in the chart.

Per Mr. Moyer this is storm drainage

Mr. Bishop-Cotner noted the steady pace of 20% above last year for sales tax for the entire year and asked why that is.

Per Mr. Moyer one reason for this was in January there was the single large \$320,000 payment which immediately put the Town at a much higher collection rate. With that payment removed we are at 12% above last year.

Mayor Pro-Tem Baker stated that next year should be higher again because of ballot increase, how will it be displayed

Per Mr. Moyer he will use a separate chart to accurately track those funds which will also ensure it doesn't skew the percentages of increase or decrease from the previous year.

Mayor Vazquez asked Mr. Moyer to provide data as to whether or not the Costco in Timnath has affected our stores and he would like to see it tracked through the first quarter of 2015.

5. Review and consideration of Agreement for Lease of Kyger Reservoir Water between the Town of Windsor and Stonecreek Consultants, LLC
  - Staff presentation: Dennis Wagner, Director of Engineering

**Town Board Member Melendez motioned to approve the Agreement for Lease of Kyger Reservoir Water between the Town of Windsor and Stone Creek Consultants, LLC; Town Board Member Bishop-Cotner seconded the motion.**

Staff Presentation:

Per Mr. Wagner this is an agreement with Stone Creek Consultants for them to lease up 165 acre feet of water stored in Kyger Reservoir for the calendar year of 2015 at a cost of \$1,000 per acre

foot. The water would be pumped from the Kyger Reservoir to the Poudre River, they won't use trucks to haul the water. Stone Creek is responsible for providing and maintaining the pumps.

Mr. Baker asked if the money goes into the water enterprise fund.

Per Mr. Wagner it will go into the Non-potable water fund.

Mr. Baker asked if he thinks that \$1,000 is a fair price.

Mr. Wagner answered that it is market value for water. The water is planned for augmenting the river for hydraulic fracturing of oil and gas wells and this is market price for that.

Mr. Baker asked if there have been any other inquiries about leasing water.

Mr. Wagner answered that right now there is one other company and he will most likely bring something to the Town Board in January. This request might be up to 400 acre feet of water.

Mayor Vazquez asked if this is a contract with a water broker who might turn around and sell the water to oil and gas users. The Town is not actually selling water directly to the oil and gas users.

Mr. Wagner stated this is a broker

Mayor Vazquez confirmed that this is an augmentation use where water is released directly into the river system and Stone Creek does the accounting. The water is not loaded up into trucks and hauled off to an oil and gas site, which means there is no more truck traffic being created by this agreement.

Mr. Baker asked if free water is still happening.

Mr. Wagner answered that the Poudre River is still free.

Mr. Baker asked if we are going to replenish our water supply for free.

Mr. Arnold stated it costs \$24,000 a month to set up and operate a pump so it needs to be debated if this is something the town wants to pursue.

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

#### D. COMMUNICATIONS

1. Communications from the Town Attorney –  
Mr. McCargar stated no communications

2. Communications from Town Staff -  
No communications

3. Communications from the Town Manager

Mr. Arnold stated that next week at the Community Recreation Center the Work Session is a joint session with the Planning Commission. There will be a presentation on demographics and the housing study. There will be a Regional Tourism Act Update by the GoNoCo Board. There also will be preliminary information on residential LED light conversion process. Following the agenda items Mr. Arnold and Mr. McCargar will host a holiday two hour reception with the Mayor and Town Board. This will be posted as per law.

4. Communications from Town Board Members

Ms. Melendez asked whether or not the December 22, 2014 meeting is cancelled or not.

Per Mr. Arnold it is cancelled.

Mayor Vazquez asked the community to keep the Denver Police Department officer who was stuck by a car in their thoughts and hope for his recovery.

This is the last Board meeting of 2014 and wishes everyone happy holidays, Happy Hanukah and Merry Christmas.

E. ADJOURN

Upon a duly made motion, the Regular Meeting was adjourned at 7:50 p.m.



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Bruce Roome, Deputy Town Clerk