



## TOWN BOARD REGULAR MEETING

March 9, 2015 - 7:00 P.M. Town Board Chambers  
301 Walnut Street, Windsor, CO 80550

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

### MINUTES

Roll Call Mayor Vazquez called the meeting to order at 7:01 p.m.

- |                     |                        |  |
|---------------------|------------------------|--|
| 1. <u>Roll Call</u> | Mayor<br>Mayor Pro Tem | John Vazquez<br>Myles Baker<br>Christian Morgan<br>Jeremy Rose<br>Kristie Melendez<br>Robert Bishop-Cotner<br>Ivan Adams |
|---------------------|------------------------|--|

Also present:	Town Manager Town Attorney Town Clerk/Assistant to the Town Manager Deputy Town Clerk Communications/Assistant to the Town Manager Chief of Police Director of Economic Development Director of Engineering Assistant Town Attorney/ Town Prosecutor Associate Planner Interim Planning Director	Kelly Arnold Ian McCargar Patti Garcia Krystal Eucker Kelly Unger John Michaels Stacy Johnson Dennis Wager Kim Emil Josh Olhava Scott Ballstadt
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- Pledge of Allegiance  
**Town Board Member Bishop-Cotner led the Pledge of Allegiance.**
- Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board  
**Town Board Member Melendez motioned to approve the Agenda as presented; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rose, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**
- Board Liaison Reports
  - Mayor Pro Tem Baker – Water & Sewer Board; North Front Range/MPO alternate  
There are no updates since the last Water & Sewer Board meeting. The next meeting is scheduled for March 11, 2015 at 7:00 a.m. at the Community Recreation Center
  - Town Board Member Morgan – Parks, Recreation & Culture (PReCAB); Great Western Trail Authority (GWTA)  
The PReCAB meeting was moved to March 10, 2015. They will be taking a small tour of some areas.  
The Great Western Trail Authority applied for a Colorado State trails grant of \$200,000 that was turned down. They will be working on some other options to match funds from the CDOT grant that was received.

- Town Board Member Melendez – Downtown Development Authority (DDA); Chamber of Commerce  
No reports from the DDA at this time. The next meeting will be Wednesday March 18, 2015. The Chamber of Commerce is having their annual retreat the morning of March 11, 2015 at Water Valley.
- Town Board Member Rose – Clearview Library Board  
No report at this time.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission  
Historic Preservation Commission meets March 11, 2015.  
Planning Commission discussed items three and four on tonight’s agenda.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board  
The Poudre River Tail Corridor approval initiatives are moving along and have a deadline of May 31, 2015. Funds ranging from of \$20,000-\$25,000 were approved for river bank repairs. The Poudre River Trail Corridor also has a Trail-Athlon scheduled for May 9, 2015 at Poudre Learning Center from 9:00-12:00.  
The Tree Board has ordered the Arbor Day shirts. The schools chosen to host programs for this year are Grandview Elementary and Windsor Charter Academy. Also, the tree sale was a success this year.
- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO  
No report on the MPO at this time but will forward minutes from the last meeting to the Town Board when they are received.

5. Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the February 23, 2015 Regular Town Board Meeting and Minutes of the November 17, 2014 Special Meeting – P. Garcia
2. Advisory Board Appointment – P. Garcia
3. Resolution No. 2015-17 - A Resolution Approving An Agreement For Use Of Available Public Facilities In The Event Of An Emergency Between The Town Of Windsor And The American Red Cross, And Authorizing The Mayor To Execute Same – M. Chew

**Town Board Member Melendez 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, Rose, Morgan, 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 – Ordinance No. 2015-1494 Amending Chapter 17 of the Windsor Municipal Code for the Purpose of Adopting Regulations for the Imposition of a Road Impact Fee for Oil and Gas Wells within the Town of Windsor

- Staff presentation: Scott Ballstadt, Interim Director of Planning

**Town Board Member Melendez 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, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

Staff Presentation:

Mr. Ballstadt presented an ordinance to update the road impact fee within the fee schedule. The last road impact fee was updated in 2007 and the Town was not experiencing the current level of oil and gas well development at that time.

After the City of Greeley updated their road impact fee, staff contacted Duncan and Associates to prepare a similar road impact fee update. As a result, the proposed amendment would be to add a road impact fee of \$1,032.00 per oil and gas well that would be assessed as a condition of approval on any future conditional use grants for oils and gas wells.

Mr. Morgan asked how they came up with that figure.

Mr. Ballstadt stated it is based on a formula that Duncan and Associates has generated.

Mayor Vazquez stated it is an equation based on certain criteria that will adjust as criteria changes.

Mr. Ballstadt stated he believes they took the trip generation from Loveland's oil and gas information but the actual methodology is the same as in Chapter 17 of the municipal code.

Mr. Morgan asked if that was based on wells within the city limits.

Mr. Ballstadt stated that was.

Ms. Melendez asked if any of the oil and gas industries have been contacted regarding this issue.

Mr. Ballstadt stated they have had contact with the two operators that they primarily work with and have received a few questions for clarification from them.

Mayor Vazquez asked what happens if it is being piped?

Mr. Arnold stated that issue has not been discussed but if that does come up in the future it could be reassessed.

Mayor Pro Tem Baker asked if it would need to be piped before the conditional use grant is approved.

Mr. Arnold stated yes it would.

Mr. McCargar stated the applicant has the option to seek a second opinion.

Mayor Vazquez stated the only difference is this is such specialized traffic; one could hire a traffic engineer to evaluate land use to appeal our fees but not sure there would be enough data specific to truck traffic for that appeal process.

Mayor Vazquez asked Mr. McCargar if all the information needed was entered into the record.

Mr. McCargar stated it appears the record is complete.

Public Comment

None

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

2. Ordinance No. 2015-1494 - Amending Chapter 17 of the Windsor Municipal Code for the Purpose of Adopting Regulations for the Imposition of a Road Impact Fee for Oil and Gas Wells within the Town of Windsor
  - First reading
  - Legislative action
  - Staff presentation: Scott Ballstadt, Interim Director of Planning

Mr. Ballstadt stated he had nothing further to add at this time.

Mr. Adams stated he is not completely comfortable with this ordinance but will support the board in what the vote is but he will not support it.

Mayor Vazquez asked Mr. Adams if there is anything he would like to bring to light that the board may need to consider to gain Mr. Adams support or any recommendations to Mr. McCargar for changes in the wording.

Mr. Adams stated if it could be done he would appreciate it but he just feels uncomfortable that the oil and gas road impact was being singled out.

Mr. Vazquez confirmed with Mr. Adams that his opinion is that the road impact fee specifically for oil and gas is being capricious.

Mr. Adams stated that was correct.

**Mayor Pro Tem Baker motioned to approve Ordinance No. 2015-1494 - Amending Chapter 17 of the Windsor Municipal Code for the Purpose of Adopting Regulations for the Imposition of a Road Impact Fee for Oil and Gas Wells within the Town of Windsor on first reading; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rose, Morgan, Melendez, Bishop-Cotner, Vazquez; Nays – Adams; Motion carries on a 6-1 vote.**

3. Public Hearing – Final Major Subdivision Plat for the Village East Subdivision – Randy Geist of Global Asset Management, LLC, applicant/ David Tschetter of Tschetco, Inc., applicant’s representative
  - Staff presentation: Josh Olhava, Associate Planner

Prior to public hear, Mayor Vazquez recused himself from these proceedings and relinquished the gavel to Mayor Pro Tem Baker.

**Town Board Member Melendez 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, Morgan, Melendez, Bishop-Cotner, Adams; Nays – None; Motion passed.**

Staff Presentation:

Associate Planner Olhava reported that the applicant, Mr. Randy Geist, represented by Mr. David Tschetter, submitted a major subdivision plat, known as Village East Subdivision. The subdivision encompasses approximately 65 acres and is zoned Residential Mixed Use. A total of 191 single family residential lots and 17 tracts are platted in two phases of development. Part of Phase II will include a Public Park site. The single family residential lot sizes range from approximately 6,000 – 11,000 sq. ft.

The applicant held a neighborhood meeting on January 30, 2014 in accordance with Chapter 16 of the Municipal Code. During that meeting there was limited attendance. The applicant received Preliminary Plat approval at the May 21, 2014 Planning Commission meeting. During that meeting no major concerns or issues were raised. On March 4, 2015, the Planning Commission held a public hearing prior to providing their recommendation of the Final Subdivision Plat. This project is in conformance with the comprehensive plan as well as the Vision 2025 document.

At their March 4, 2015 regular meeting, the Planning Commission forward to the Town Board a recommendation of approval of the final major subdivision and Resolution No. 2015-18, subject to the following conditions, and staff concurs with this recommendation:

1. All remaining staff and Board comments shall be addressed prior to recordation.
2. All subdivision requirements shall continue to be met.

Public Comment

None

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

4. Resolution No. 2015-18 – A Resolution Approving the Final Major Subdivision Plat for the Village East Subdivision - Randy Geist of Global Asset Management, LLC, applicant/ David Tschetter of Tschetco, Inc., applicant's representative
  - Quasi-judicial
  - Staff presentation: Josh Olhava, Associate Planner

Staff Presentation:

Associate Planner Olhava reported he had nothing further at this time.

**Town Board Member Melendez motioned to approve Resolution No. 2015-18; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rose, Morgan, Melendez, Bishop-Cotner, Adams; Nays – None; Motion passed.**

### **Gavel is returned back to Mayor Vazquez**

#### 5. January 2015 Financial Report

- Staff presentation: Kelly Arnold, Town Manager

Mr. Arnold presented the Town of Windsor January Financial Report:

- December was a very strong month for sales
- Collections are up from previous years
- A payment collected in December 2013 that showed in January 2014 report when a vendor bought blades directly from Vestas. This was a big sales check of about \$319,000.00 so that will skew the January Collections for a period of time. Without that, our collections of \$1.1 million in January 2015 compared to January 2014 are significantly higher in regular sales tax collections.
- This was the highest January collection
- A significant number of business licenses were issued in January
- 30 building permits were issued in January 2015 compared to 35 issued in January 2014
- Expenses are in line at this point
- Payment was made to USA Pro Cycling
- The capital plan is in progress for summer projects

Mayor Vazquez asked for a status on the water tank project as we are at 96% of budget on that. Mr. Wagner stated an inspection was completed last week inside the tank. The tank was being cleaned out and it is expected that will continue for a couple of days. After that they will spray it down with a chlorine solution then start filling it. It is expected to have water in it within 10 days.

Mayor Vazquez asked if it will come in under, over or at budget.  
Mr. Wagner stated it will come in at budget.

Mr. Arnold stated the February report will show a breakdown of the Community Recreation Center expansion collection and will have a separate column to report this so not skew collection data for the future.

#### D. COMMUNICATIONS

1. Communications from the Town Attorney  
Town Attorney McCargar gave a reminder of the executive session this evening and stated a single motion with both topics would suffice.
2. Communications from Town Staff  
None
3. Communications from the Town Manager  
Town Manager Arnold noted the developer newsletter is in the packet.  
Town Manager Arnold also introduced Jake Kauffman as he works behind the scenes on the operations of electronics for meetings. He has been with the town a year and moving to Los Angeles to be a production assistant. Town Manager Arnold thanked Jake for all he has done and appreciated his service to the Town.
4. Communications from Town Board Members

None

E. EXECUTIVE SESSION

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.

1. Economic Development Prospect (Stacy Johnson)
2. Windsor Estates street maintenance agreement (I. McCargar and D. Wagner)

**Town Board Member Melendez motioned 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.**

1. Economic Development Prospect (Stacy Johnson)
2. Windsor Estates street maintenance agreement (I. McCargar and D. Wagner);

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

**Upon a motion duly made, the Town Board returned to the Regular Meeting at 8:10 p.m.**

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 at 8:10 p.m.

F. ADJOURN

**Town Board Member Robert Bishop-Cotner motioned to adjourn; Mayor Pro Tem seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None. Motion passed.**

The meeting was adjourned at 8:10 p.m.



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Krystal Eucker, Deputy Town Clerk