



TOWN BOARD REGULAR MEETING
March 23, 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

A. CALL TO ORDER

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

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

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| Also present: | Town Manager | Kelly Arnold |
| | Town Attorney | Ian McCargar |
| | Town Clerk/Assistant to the Town Manager | Patti Garcia |
| | Communications/Assistant to the Town Manager | Kelly Unger |
| | Chief of Police | John Michaels |
| | Director of Economic Development | Stacy Johnson |
| | Director of Engineering | Dennis Wagner |
| | Director of Public Works | Terry Walker |
| | Director of Parks, Recreation & Culture | Melissa Chew |
| | Assistant Town Attorney/ Town Prosecutor | Kim Emil |

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
Mayor Pro Tem Baker motioned to amend the Agenda to move Item A.5. Town of Windsor's Proclamation to after the Board Liaison Report; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rose, Morgan, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.
4. Proclamation – National Intellectual/Developmental Disabilities Awareness Month – J. Vazquez
Mayor Vazquez read the proclamation.
5. Board Liaison Reports
 - Mayor Pro Tem Baker – Water & Sewer Board; North Front Range/MPO alternate

Mayor Pro Tem Baker reported that the Water & Sewer Board had a work session on March 11 with regional directors at which they were given an overview of current water sources and policy.

- Town Board Member Morgan – Parks, Recreation & Culture (PReCAB); Great Western Trail Authority

Town Board Member Morgan reported that PReCAB toured the Windsor and Greeley areas related to conservation easements. Mr. Morgan noted conservation easements are a complicated topic but could be a good thing for the Town of Windsor to consider.

- Town Board Member Melendez – Downtown Development Authority; Chamber of Commerce

Absent; no report.

- Town Board Member Rose – Clearview Library Board

Town Board Member Rose stated meets 5:30 on March 26, 2015; Mr. Rose noted that Ann Kling, Library Director, was present at the Town Board meeting.

- Town Board Member Bishop-Cotner – Historic Preservation Commission (HPC); Planning Commission

Town Board Member Bishop-Cotner reported the HPC elected officers for the next year at last meeting and stated that he was unable to attend the last Planning Commission meeting.

- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board

Town Board Member Adams reported that the Tree Board would be meeting on Tuesday at 5 p.m. and that the Poudre River Trail Corridor Board would be meeting on April 2.

- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO

Mayor Vazquez asked if Mayor Pro Tem Baker could attend the next meeting of the MPO; Mr. Baker stated he could attend.

6. Proclamation – Town of Windsor’s 125th Anniversary – J. Vazquez

Mayor Vazquez requested to recess the meeting Adams/Baker in order to read the Town of Windsor’s 125th Anniversary proclamation outside on the steps of Town Hall.

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

The meeting was recessed at 7:13 p.m.

The meeting reconvened at 7:33 p.m.

7. Public Invited to be Heard

Mayor Vazquez opened the meeting for public comment.

Chris Friede stated that she wanted to bring two land use issues which will be affecting Windsor to the Town Boards attention. The first is located between CR 15 and CR 17 south of Highway 34; Martin Marietta is proposing an asphalt plant on the 131 acre parcel just west of the Indian Peaks neighborhood. Ms. Friede reported on her concerns regarding the asphalt plant and the problems that could be incurred regarding the operations, including traffic issues, noise and odor. The second issue is the 137 acres north of the proposed asphalt plant and behind the Indian Head subdivision; Weld 34 LLC is proposing to develop the property into perhaps a

transload facility. Ms. Friede stated that they are asking for support for when the application is filed Concern re traffic. 2nd issue – North – 137 acres back of Indian Head subdivision. She asked for support that when an application be filed and Windsor receives a referral that Windsor would refer negatively to the application. She also reported that the Weld County Commissioners are looking at broad planning group to look at that particular corridor and look at a long term plan for that area.

Mayor Vazquez recommended to Ms. Friede that they be engaged with the Weld County Commissioners as they are the authority. He stated that he would like to see the Town review if the land use issues are in Windsor's growth management area.

B. CONSENT CALENDAR

1. Minutes of the March 9, 2015 Regular Town Board Meeting – K. Eucker
2. Report of Bills – D. Moyer
3. Resolution No. 2015-19 - A Resolution Approving the Windsor Estates Street Maintenance Agreement and Release, and Authorizing the Director of Public Works to Execute Same – I. McCargar
4. Resolution No. 2015-20 - A Resolution Authorizing the Expenditure of Economic Development Funds in Support of a Regional Tourism Project Within the Town Of Windsor and the Surrounding Vicinity – S. Johnson
5. Letter Authorizing Support of a State Historical Fund Grant for a Residential Property Survey, and Authorizing the Mayor to Execute the Same – J. Olhava

Town 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, Rose, Morgan, 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. 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
 - Second reading
 - Legislative action
 - Staff presentation: Kelly Arnold, Town Manager

Town Board Member Bishop-Cotner motioned to approve the 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 second reading; Mayor Pro Tem Baker seconded the motion.

Town Manager Arnold stated the ordinance was before the Town Board on second reading; the ordinance is the imposition of road impact fee for oil and gas purposes. The Town Board has discussed this for several years and we were able to find the consultant who recently did this study

for the City of Greeley and was also our consultant on the road impact fee. The Town engaged this individual who has come up with the fee that is being presented. If the ordinance is adopted, the next oil and gas wellheads that come through the Conditional Use Grant process will have this fee assessed as part of their permitting. There had been no changes since first reading.

Town Board Member Adams stated that he believes it is a poorly written policy and feels the Town Board is responsible for the policies; he is concerned with the singling out of the oil and gas industry. Other industries that are impacting the community are not assessed impact fees such as concrete and asphalt plants. He will be voting no.

Mayor Pro Tem Baker stated that he would be supporting the ordinance as he feels it is important to get oil and gas on the list just like the other industries; he does not believe one industry is being singled out – it is just adding an industry to the current list that are being assessed a road impact fee.

Mayor Vazquez stated that he doesn't disagree with Town Board Member Adams that some of the industries he mentioned don't have large building footprints which is what the road impact fee is based on. As a board, they will be discussing those uses and potential fees at a later date. He will be supporting the ordinance.

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

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

2. Ordinance No. 2015-1495 - An Ordinance Annexing Certain Real Property Pursuant to the Enclave Annexation Powers Granted Municipalities Under the Colorado Municipal Annexation Act of 1965
 - First reading
 - Legislative action
 - Staff presentation: Ian D. McCargar, Town Attorney

Town Board Member Bishop-Cotner motioned to approve the Ordinance No. 2015-1495, An Ordinance Annexing Certain Real Property Pursuant to the Enclave Annexation Powers Granted Municipalities under the Colorado Municipal Annexation Act of 1965 on first reading; Town Board Member Morgan seconded the motion.

Town Attorney McCargar presented the Vima Annexation and stated it was being done with the participation and request of the primary landowner. This enclave, consisting of approximately 7.278 acres is located on the north side of Eastman Park Drive, east of Diamond Valley Drive and just south of the Chimney Park Site.

This parcel meets the statutory requirements for an enclave annexation; it has been completely surrounded by the Town for at least three years. Although no public hearing is required for an enclave annexation, public comment is required on second reading under the Charter. The Municipal Annexation Act of 1965 only requires that the Town publish notice in the newspaper for four consecutive weeks. With the first publication of this annexation occurring on March 6,

2015, the statutory requirements for notice will have been met by the time this comes back for second reading on April 13, 2015

The Limited Industrial I-L zoning designation for this parcel has been requested by the primary property owner, and fits the overall character of the surrounding area.

Mayor Vazquez commented that this action is required as a result of HB13-1371; he will be supporting the ordinance but with objection as this is something that he doesn't agree with.

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

3. Resolution No. 2015-21 - A Resolution Approving the Establishment of the Town of Windsor Comprehensive Plan Advisory Committee, Outlining its Composition, and Affirming its Mission
 - Legislative action
 - Staff presentation: Kelly Arnold, Town Manager

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2015-21; Mayor Pro Tem Baker seconded the motion.

Town Manager Arnold reported that the Town has retained Houseal Lavigne Associates to prepare the Town's new Comprehensive Plan which was last updated in 2006. Houseal Lavigne have recommended the formation of the committee as a tool to gain input.

Mr. Arnold acknowledged the objectives of the Comprehensive Plan Advisory Committee which were outlined in the resolution.

Mr. Arnold stated that he committee is an ad hoc committee which will expire once the comprehensive plan is adopted. The membership of the CPAC consists of two Planning Commissioners, two Downtown Development Authority members, two Chamber of Commerce members, one school district representative and nine citizen representatives appointed by the Town Board, for a total of 16 CPAC members. They will meet in May and then again four or five times throughout the year. There is currently no Town Board liaison; everyone welcome to come but the Town Board can designate someone to assure there would be one person who would report out on progress. Town Board Member Bishop-Cotner offered to serve as the liaison as he is the liaison for the Planning Commission. Town Manager Arnold noted the intent of the liaison position is to listen to the feedback from the citizens and report back on the process. The Town Board discussed the liaison position and determined that there should be two representatives from the Town Board; one primary and one alternate position. Town Board Member Adams recommended Town Board Member Morgan as an alternate.

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

Town Board Member Adams motioned to amend agenda and add Item 3.b. The Creation of an Ad Hoc Position for a Town Board Member on the Comprehensive Plan Advisory Committee; Mayor Pro Tem Baker seconded the motion.

Town Board Members Bishop-Cotner and Morgan have agreed to fill the positions as liaisons.
Roll call on the vote resulted as follows: Yeas – Baker, Rose, Morgan, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

4. Resolution No. 2015-22 - A Resolution Approving an Agreement for Certain Economic Inducements and Development Incentives Between the Town of Windsor, Colorado, and J&J, Inc., with Respect to the Development of Property for Commercial Purposes Within Downtown Windsor

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

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2015-22; Mayor Pro Tem Baker seconded the motion.

Director of Economic Development Johnson reported the request is regarding a new restaurant going into downtown Windsor named The Hearth located at 205½ 4th Street. Ms. Johnson provided renderings of the restaurant including a layout of the restaurant. The 2nd floor of building of approximately 3,750 square feet is being renovated; the tenant finish and equipment is an approximate investment of \$350,000.

In February 2015, the Town received the initial request for assistance and/or waiver of development fees, specifically the Road Impact Fee (RIF). The request from the owners of building is to waive the Road Impact Fee assessed on their business in the amount of \$14,595; this would be reimbursed by the Economic Development Incentive Fund.

Ms. Johnson noted that the proposed sales tax revenue is estimated to be \$44,000 the first year with a five year total of approximately \$300,000 in revenue to the Town of Windsor. Payback of the waiver is estimated to be less than one year.

Ms. Johnson recommended approval of Resolution No. 2015-22

Jason Shaeffer, The Hearth co-owner, addressed the Town Board and stated that he is proud to be a business owner in Windsor. Mr. Shaeffer noted that providing the project progresses as expected, the restaurant will be up and running by August 2015.

Mayor Vazquez thanked Mr. Shaeffer for his efforts and noted he is excited to have another restaurant in Windsor.

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

D. COMMUNICATIONS

1. Communications from the Town Attorney
No communications.
2. Communications from Town Staff
Communications/Assistant to the Town Manager Unger stated official unveiling of the Windsor 1890 Red Ale would be held at High Hops on April 2 from 5-8 pm.

3. Communications from the Town Manager
Town Manager Arnold reported that there would be no meeting next week as it is the 5th Monday and that the April 6 work session may be cancelled. Mr. Arnold reviewed the future meetings agenda.
4. Communications from Town Board Members
None.

E. ADJOURN

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

The meeting was adjourned at 8:20 p.m.



Patti Garcia
Town Clerk/Assistant to the Town Manager