



TOWN BOARD REGULAR MEETING
April 27, 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 |
| | | Ivan Adams |
| | | Kristie Melendez |
| | Absent | Robert Bishop-Cotner |

Also Present:	Town Manager	Kelly Arnold
	Town Attorney	Ian McCargar
	Town Clerk/Assistant to Town Manager	Patti Garcia
	Communications/Assistant to Town Manager	Kelly Unger
	Chief of Police	John Michaels
	Director of Parks, Recreation & Culture	Melissa Chew
	Assistant Town Attorney/ Town Prosecutor	Kim Emil
	Interim Director of Planning	Scott Ballstadt
	Town Forester	Ken Kawamura
	Deputy Town Clerk	Krystal Eucker

- Pledge of Allegiance
Town Board Member Baker 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 Morgan motioned to amend the agenda to remove Item B.5 to a date yet to be determined; Town Board Member Melendez seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rose, Morgan, Melendez, Adams, Vazquez; Nays- None; Motion passed.
- Arbor Day Poster & Poetry Contest Recognition
Town Board Member Adams recognized members of the Tree Board: Chair Alison O'Connor, Vice Chair Mary Monroe, Bill Monroe, Secretary Wendy Ball, Rebekah Wilson, Janene Willey, recently resigned member Craig Bonesteel and non-voting ex officio lifetime member Gene Morey. Also recognized was the Town of Windsor Forester Ken Kawamura. Ms. O'Connor gave a brief overview of Arbor Day and the Tree Board.

Mayor Vazquez along with members from the Tree Board acknowledged the students that received awards from the poetry and poster contest.

5. Board Liaison Reports

- Mayor Pro Tem Baker – Water & Sewer Board; North Front Range/MPO alternate
Mayor Pro Tem Baker had no report at this time. The next Water & Sewer Board meeting will be May 8, 2015 at 6:30 a.m. at Town Hall.
- Town Board Member Morgan – Parks, Recreation & Culture; Great Western Trail Authority
Town Board Member Morgan gave an update on upcoming events with Great Western Trail Authority.
- Town Board Member Melendez – Downtown Development Authority; Chamber of Commerce
Town Board Member Melendez had no report from the Chamber of Commerce. Ms. Melendez gave a reminder of the All Town BBQ that is scheduled for June 4, 2015 from 5:00 p.m.-7:00 p.m. at Boardwalk Park. The next meeting has moved from May 6, 2015 to May 16, 2015 to accommodate the Comprehensive Plan Business Meeting.
Ms. Melendez reported the DDA's website will continue to be updated with the events at Boardwalk Park. A new rack card will also be developed with the events that are scheduled at Boardwalk Park this summer. Funding was allocated for billboards that will go up promoting Windsor's 125th anniversary. Also, the second half of the retreat was concluded last week. The DDA's plan is to update and/or develop a solid strategic plan.
- Town Board Member Rose – Clearview Library Board
Town Board Member Rose has no report at this time. The next meeting will be April 30, 2015 at 5:30 p.m.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission
Absent; no report.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
Town Board Member Adams had no report at this time for the Poudre River Trail Corridor Board. The next meeting will be May 7, 2015 at 7:00 a.m.
Mr. Adams noted that after spending Friday at the schools and Saturday morning at the 5K walk/run, the Tree Board and the Town Forester went to public works and sold trees for 3 hours. Sick tree day is scheduled for June 23, 2015.
- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO-
Mayor Vazquez had no report at this time. The next meeting is the first Thursday of next month.

6. Proclamation for National Preservation Month

Mayor Vazquez read the proclamation.

7. Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the April 13, 2015 Regular Town Board Meeting – P. Garcia

2. Advisory Board Appointments – P. Garcia
3. Resolution No. 2015-27 - A Resolution Approving The Acquisition Of Easements For The Law Pre-Disaster Mitigation Project, And Authorizing Individuals To Execute Same – I. McCargar
4. Resolution No. 2015-28 - A Resolution Approving The Acquisition Of Easements For The Law Basin West Tributary Project, And Authorizing Individuals To Execute Same – I. McCargar
5. Resolution No. 2015-29 - A Resolution Ratifying, Approving, And Confirming The Terms And Conditions Of An Agreement For The Establishment Of The Northern Colorado USA Pro Challenge Local Organizing Committee – M. Chew

Mayor Pro Tem Baker requested to remove Item B.5. Resolution No. 2015-29 - A Resolution Ratifying, Approving, And Confirming The Terms And Conditions Of An Agreement For The Establishment Of The Northern Colorado USA Pro Challenge Local Organizing Committee.

Mayor Pro Tem Baker motioned to approve the Consent Calendar as amended; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rose, Morgan, Melendez, Adams, Vazquez; Nays- None; Motion passed.

C. BOARD ACTION

1. Windsor Severance Historical Society – Public Art Presentation
 - Staff Presentation: Melissa Chew, Director of Parks, Recreation and Culture

Director of Parks, Recreation and Culture, Melissa Chew stated the Windsor Severance Historical Society approached the Parks, Recreation and Culture Advisory Board about the opportunity to place a sculpture at Boardwalk Park to celebrate Windsor's history and heritage. The recently adopted landscape plan for the museum area at Boardwalk Park did include an area for placement of a sculpture. The Windsor Severance Historical Society and the Parks, Recreation and Culture Advisory Board are in agreement that the area at Boardwalk Park is an appropriate space for the sculpture. The Windsor Severance Historical Society has been encouraged to move forward with the concept of the sculpture and once they are moving forward to come back and go through the formal public art plan process.

Sandy Brug, Windsor Severance Historical Society, stated when the book was published on the photographic history of Windsor there were discussions on what their next project would be. After seeing the future landscape plan for Boardwalk Park with an area designated for a statue, they decided that is what the next project would be. The two major things they want to portray with a statue are to continue talking about the history of Windsor and also thank the many volunteers that worked to develop the historical society. Part of the story that is trying to be captured with the sculpture is the importance of water in Windsor. Without water, Windsor would be a very different place. Without individuals like Benjamin Eaton who had the foresight to establish canals, reservoirs and ditches, we wouldn't have had the agriculture and irrigation. Immigrants came to the area, particularly Germans from Russia to raise sugar beets. One of the ways water was obtained in the past for domestic use was from Dan the Water Man. Dan would deliver water to town and the citizens would line up with cisterns to fill. Another piece to the sculpture was family and how the families worked together. After determining the three components for the sculpture, it was time to find an artist.

Ms. Burg stated the Windsor Severance Historical Society hopes Windsor is willing to accept the statute as a gift and that word is spread about the project since a minimum of \$150,000 will need to be raised.

Austin Weishel, artist, stated he has been published in magazines and won an award for Top Monument in Washington D.C. last year. Mr. Weishel stated he was approached about a year ago regarding the project for the Windsor Severance Historical Society.

In the beginning of the process, the main focus was on water and agriculture with water being pumped through the sculpture. With the amount of maintenance that would be required for a sculpture with water being pumped through it, that idea was quashed.

Mr. Weishel stated the marquette is one-third life size at about 24" tall. When completed the sculpture will be about one and one-quarter life size. The goal of the sculpture is to be the focal point of Windsor by being more of a historical monument and symbol of Windsor.

Mr. Arnold asked about what the process is and how long it will take.

Mr. Weishel stated he starts all his sculptures the same way. The first step in the process is to build an armature out of steel, weld it together and then add foam and clay. To create a sculpture of this size it will take around 9 months of sculpting and an additional 5 months of bronzing. The bronzing process will take place in Loveland. Once the sculpture arrives for bronzing in Loveland, the sculpture will be cut up in pieces. Then molds are created from the different pieces. This sculpture will have one time molds so it will not be repeated. The molds will then be filled with wax that is hallowed. A piece is then cut from the mold and silica sand is filled on the inside of the mold and applied to the outside of the mold. The wax is then melted out of the mold and the bronze is poured in to create the sculpture. The bronze is heated at 2,000 degrees when it is being poured. The pieces will then be welded back together, chased with air tools and finished off to look like it has always been one piece. There will be reinforcements inside the structure for added strength. The patina coloring portion is done by heating the bronze to 300 degrees to open up the pores of the metal and different types of acids are used for different colors. This particular sculpture will be a bronze color. Bronze sculptures require very low maintenance and will last 100 plus years. Film will be gathered throughout the process to create a video of the history of the project and the history of Windsor.

Mr. Adams asked why and when the change was made from the overhead pump to what the sculpture is now.

Mr. Weishel stated the pump on the original was used more in the east and was not accurate to what was being used around this area. Other modifications have been made since the original design to be more accurate to this area.

Mr. Vazquez asked what the next step is.

Ms. Chew stated the presentation to the Town Board was for informational purposes as the Windsor Severance Historical Society will be starting a fundraising campaign. When the fundraising campaign begins, they wanted the Town Board to be aware of the intent to place a sculpture in a Windsor town park. The Parks, Recreation and Culture Advisory

Board have been very supportive of the project. Fundraising will be going on for the next few months and grant opportunities have been made aware to the Windsor Severance Historical Society.

Mr. Vazquez stated he will pledge \$100; Mr. Adams will match the \$100.00 pledge as well.

2. Public Hearing – Ordinance No. 2015-1496 - Amending International Residential Code Section R310.2, Adopted by Reference in Chapter 18, Article III of the Windsor Municipal Code, with respect to basement window wells

- Staff presentation: Scott Ballstadt, Interim Director of Planning

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

Interim Director of Planning Ballstadt stated prior to 1999, new homes with unfinished basements were allowed to install basement window wells that, while meeting the code minimum dimensional requirements for an unfinished basement, would not meet the minimum dimensional requirements required to finish a sleeping room in the basement. It became necessary to amend the code as homeowners wishing to finish their basements were being required to excavate the non-compliant window wells, oftentimes after the property had been landscaped.

Therefore, in 1999 the Town of Windsor amended its adoption of the building code to require that all residential basement windows requiring a window well meet the dimensional requirements whether or not the window is located in a sleeping room.

Since its adoption, this amendment has worked well in most situations, allowing homeowners to finish their basements without having to replace non-compliant window wells. However, there have been some instances where requiring all window wells to meet egress requirements has caused issues, and that is the reason for this proposed ordinance amendment.

While it is difficult to determine which portions of an unfinished basement may eventually be finished as sleeping rooms, the enclosed ordinance retains the window well requirement of the 1999 amendment while proposing to add exceptions. The following exceptions are intended to allow a sleeping room to be served by a single egress window well (as opposed to requiring multiple window wells in the same room) and to acknowledge that certain portions of the basement may not feasibly be finished as sleeping rooms:

“For all building permits issued after June 14, 1999, all escape and rescue windows requiring a window well pursuant to the International Residential Code shall comply with the dimension requirements set forth in this Section.”

Exceptions:

- (a) Window wells located in rooms other than sleeping rooms are not required to comply with the minimum dimensions of this section provided they are not

located in areas of an “Unfinished Basement” where a sleeping room could be located.

- (b) Where at least one window well complying with this section is installed in a sleeping room, additional window wells in said sleeping room are not required to comply with this Section.”

The proposed ordinance is consistent with the Comprehensive Plan, the Vision 2025 Document and the Strategic Plan.

The Planning Commission held a public hearing at their April 15, 2015 regular meeting and recommended approval of the proposed ordinance as presented to the Town Board. The Northern Colorado Builders Association was informed of the proposed ordinance and had no comments.

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

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

3. Ordinance No. 2015-1496 – An Ordinance Amending International Residential Code Section R310.2, Adopted by Reference in Chapter 18, Article III of the Windsor Municipal Code, with respect to basement window wells

- First reading
- Legislative action
- Staff presentation: Scott Ballstadt, Interim Director of Planning

Town Board Member Melendez motioned to approve Ordinance No. 2015-1496, An Ordinance Amending International Residential Code Section R310.2, Adopted by Reference in Chapter 18, Article III of the Windsor Municipal Code, with respect to basement window wells; Mayor Pro Tem Baker seconded the motion.

Mr. Ballstadt had no further comments at this time.

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

4. Ordinance No. 2015-1497 – An Ordinance Establishing The Amount Of Compensation For Town Board Members And The Mayor Of The Town Of Windsor, Colorado, Pursuant To The Town Of Windsor Home Rule Charter

- First reading
- Legislative action
- Staff presentation: Kim Emil, Assistant Town Attorney

Town Board Member Morgan motioned to approve Ordinance No. 2015-1497, An Ordinance Establishing The Amount Of Compensation For Town Board Members And The Mayor Of The Town Of Windsor, Colorado, Pursuant To The Town Of Windsor Home Rule Charter; Mayor Pro Tem Baker seconded the motion.

Assistant Town Attorney Emil stated Section 3.6 of the Home Rule Charter requires that Town Board and Mayoral compensation shall be set by ordinance. In the April 13, 2015 work session, the Town Board directed staff to prepare an ordinance to increase the Town Board and Mayoral compensation and to switch payments to be made quarterly. The current levels of Town Board compensation were set by Ordinance No. 2007-1276, adopted in January, 2007. The ordinance before the Town Board is to increase Town Board compensation to \$8,000 per year and Mayoral compensation to \$12,000 per year payable quarterly. These increases shall apply to those taking office after this ordinance is effective, not for the current term of office for any Town Board Member or the Mayor.

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

5. Financial Report March 2015

- Staff Presentation: Dean Moyer, Director of Finance

Mr. Moyer provided an over of the financial report included in the town board packet and noted that March sales tax collections were at a record high.

- Year to date sales tax collections are up by 1.22%
- 50 Business licenses were issues in March, of those 27 were sales tax vendors
- 77 Single Family Building Permits have been issued through March 2015 as compared to 48 through March of 2014.
- Construction use tax is below required monthly collections
- Community Center Recreation Tax collected \$138,906.00 in March 2015
- Since Costco opened there has not been a decrease in sales tax collections from grocery stores

Mr. Vazquez asked if based on the trend line, are the year to date revenues not meeting the monthly expended budget line.

Mr. Moyer stated part of the trend line includes the recreation center. If that was taken out it would look different.

Mr. Vazquez asked if the projects at 95% complete are actually completed and closed out or are overruns anticipated on those projects.

Mr. Moyer stated grants are being closed out on the water tank project and the Weld County Road 21 bridge project is about finished.

Mr. Vazquez asked if the two projects will be under budget or on budget.

Mr. Moyer stated they would be on budget.

Mr. Baker asked if the GEO code revenues for King Soopers are shifting with other businesses opening in town.

Mr. Moyer stated he has not seen a shift there but in looking at the area referred to as The Highlands; their revenues are now about the same as Safeway with Safeway slightly higher.

Mr. Baker asked if The Summit is considered to be in Eagle Crossing.
Mr. Moyer stated that The Summit is at Eagle Crossing.

Mr. Vazquez asked what percentage of revenue is that project generating.
Mr. Moyer stated it is 2.34% or 3.34%.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Mr. McCargar stated there is an Executive Session and in order to go into the executive session properly, a motion needs to be made for the purpose that is on the agenda.

2. Communications from Town Staff

Ms. Unger reminded the Town Board that if they are interested in scheduling district meetings for the Comprehensive Plan she is available to help coordinate the meetings. Please email by May 1, 2015 with a date between May 25, 2015-June 30, 2015 along with the preferred location and time

Ms. Melendez asked if there were specific dates set for the district meetings.

Ms. Unger stated there are not.

3. Communications from the Town Manager

Mr. Arnold stated the discussion for the work session next week will include the cooperative planning agreement, water conservation and the flood gate project.

Communications from Town Board Members

Mr. Vazquez stated he will be meeting with Weld County Commissioner Conway and Mayor Norton to discuss ideas and plans for the Highway 34 corridor.

A joint session with the Larimer County Commissioners is scheduled for May 1, 2015.

Mr. Vazquez received a report of a line of sight issue at Stone Mountain Drive and 7th Street on northwest corner and requested that be looked into.

Mr. Vazquez noted he received a noise complaint from neighbors on north side of King Soopers. They say they have had a number of concerns about the trucks and the noise. If there are no results with local management, a meeting may need to be set up with regional managers.

E. EXECUTIVE SESSION

An executive session pursuant to Colorado Revised Statutes § 24-6-402 (4)(b) to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions concerning a request for interpretation of an intergovernmental agreement between the Town of Windsor and City of Fort Collins (K. Arnold; Ian McCargar)

Town Board Member Melendez motioned to go into an executive session pursuant to § 24-6-402 (4)(b) to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions concerning a request for interpretation of an intergovernmental agreement between the Town of Windsor and City of Fort Collins (K. Arnold; Ian McCargar); Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas- Baker, Rose, Morgan, Melendez, Adams, Vazquez; Nays- None; Motion passed.

Upon a motion duly made, the Town Board returned to the regular meeting at 8:55 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 8:55 p.m.

F. ADJOURN

Mayor Pro Tem Baker motioned to adjourn; Town Board Member Morgan 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 8:55 p.m.



Krystal Eucker, Deputy Town Clerk