



TOWN BOARD REGULAR MEETING
July 13, 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

Mayor Vazquez called the regular meeting to order at 7:06 p.m.

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

- | | | |
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| Also Present: | Town Manager
Town Attorney
Town Clerk/Assistant to Town Manager
Communications/Assistant to Town Manager
Chief of Police
Director of Engineering
Manager of Parks & Open Space
Assistant Town Attorney/ Town Prosecutor
Director of Planning
Associate Planner
Deputy Town Clerk | Kelly Arnold
Ian McCargar
Patti Garcia
Kelly Unger
John Michaels
Dennis Wagner
Wade Willis
Kim Emil
Scott Ballstadt
Josh Olhava
Krystal Eucker |
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1. Pledge of Allegiance
Town Board Member Morgan led the Pledge of Allegiance

2. 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 approve the agenda with the removal of Item B.3, Resolution No. 2015 -42 - Resolution Approving One No-Surface-Occupancy Oil and Gas Lease , and Related Terms, Between the Town of Windsor, Colorado, and Grizzly Petroleum Company, LLC, and Authorizing the Mayor Execute the Same (one small parcel of land totaling 0.331097 NET MINERAL ACRES, all in Section 20, Township 6 North, Range 67 West, in Weld County, Town of Windsor); Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays-None; Motion passed.

3. Board Liaison Reports
 - Mayor Pro Tem Baker – Water & Sewer Board; North Front Range/MPO alternate
Mayor Pro Tem Baker had no report from the Water and Sewer Board.

Mr. Baker reported the MPO met last Thursday and the executive director's evaluation process was approved with the removal of the automatic salary increase every January. The fiscal year 2016 Unified Planning Work Program (UPWP) and budget was approved contingent on the Technical Advisory Committee (TAC) final review. CDOT presented a north I-25 plan update with much of it revolving around Colorado being accepted into Phase II of the President's Resiliency Challenge. Projects on I-25 include improvements to areas where the rivers cross I-25. The Regional Transportation Element (RTE), consensus is to have further study on a transit connection between Fort Collins and Greeley that will touch through Windsor and the Bustang program stated today.

- Town Board Member Morgan – Parks, Recreation & Culture; Great Western Trail Authority
Town Board Member Morgan had no report.
- Town Board Member Melendez – Downtown Development Authority; Chamber of Commerce

Town Board Member Melendez reported the DDA will meet July 15, 2015.

Ms. Melendez reported the Chamber of Commerce After Hours will be July 14, 2015 from 5:00-7:00 at Windsor State Bank and the Annual Dinner is scheduled for July 22, 2015 at 5:00 pm at the Island at Water Valley.

- Town Board Member Rose – Clearview Library Board
Town Board Member Rose was absent.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission

Town Board Member Bishop-Cotner reported items C.2 and C.3 on tonight's agenda are related to the Planning Commission.

Mr. Bishop-Cotner reported the Historic Preservation Commission had not met due to lack of agenda items.

- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
Town Board Member Adams received a report from the Tree Board that 65 homes were visited on Sick Tree Day. Some of the common problems with trees were winter injury dieback, poor planting and evergreen injury due to the November cold snap. The Tree Board also left information and handouts at the homes that were visited. The meeting scheduled for July 28, 2015 has been cancelled.

Mr. Adams had no report for the Poudre River Trail Corridor Board.

- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO
Mayor Vazquez reported the Windsor Housing Authority is moving forward with Phase 2 construction. The Windsor Housing Authority anticipates issuing bonds with the assistance and collaborative effort with the Loveland Housing Authority.

4. Invited to be Heard

Mayor Vazquez opened the meeting for public comment.

Mark Crough, 8813 Longs Peak Circle, Windsor, CO 80550 stated he would like to apologize for crossing the line on opinion pieces that were submitted to the Beacon and the Coloradoan. Mr. Crough stated it was wrong to call out the decision making of the board as it relates to energy development in the area.

Mr. Vazquez addressed Mr. Crough and stated he respects and appreciates the fact that an apology was made in a public meeting to a group that he has criticized in the past and accepts Mr. Crough's apology.

Mr. Adams stated he seconds the comments that Mr. Vazquez made.

Mr. Baker stated he appreciated Mr. Crough's input.
Mr. Crough also stated the Tree Board visited his home and he was appreciative of that.

B. CONSENT CALENDAR

1. Minutes of the June 22, 2015 Regular Town Board Meeting and July 6, 2015 Special Meeting – K. Eucker
2. Report of Bills - June 2015 – D. Moyer
3. ~~Resolution No. 2015-42 – Resolution Approving One No-Surface-Occupancy Oil and Gas Lease, and Related Terms, Between the Town of Windsor, Colorado, and Grizzly Petroleum Company, LLC, and Authorizing the Mayor Execute the Same (one small parcel of land totaling 0.331097 NET MINERAL ACRES, all in Section 20, Township 6 North, Range 67 West, in Weld County, Town of Windsor)~~
4. Resolution No. 2015-43 - Resolution Approving the Issuance of Multifamily Housing Revenue Bonds by the Housing Authority of the City of Loveland on Behalf of the Windsor Housing Authority for the Sole Purpose of Qualifying the Interest Payable on the Bonds for Exclusion from the Gross Income of the Owner or Owners of the Bonds for Federal Income Tax Purposes Under the Applicable Provisions of the Internal Revenue Code of 1986; and Related Matters – I. McCargar
Town Board Member Adams motioned to approve the consent calendar as amended; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.

C. BOARD ACTION

1. Ordinance No. 2015-1500 - An Ordinance Annexing Certain Real Property Pursuant to the Enclave Annexation Powers Granted Municipalities Under the Colorado Municipal Annexation Act of 1965, and Designating Such Property as "The Breniman Annexation To The Town Of Windsor"
 - First reading
 - Legislative action
 - Staff presentation: Ian D. McCargar, Town Attorney

Town Board Member Melendez motioned to approve Ordinance No. 2015-1500, An Ordinance Annexing Certain Real Property Pursuant to the Enclave Annexation Powers Granted Municipalities Under the Colorado Municipal Annexation Act of 1965, and Designating Such Property as "The Breniman Annexation To The Town Of Windsor"; Mayor Pro-Tem Baker seconded the motion.

Town Attorney Ian McCargar stated the ordinance presented is the Breniman Annexation to the Town of Windsor. This enclave consisting of approximately 150.967 acres is located on the north side of the No. 2 Canal, west of Greenspire and south of Ventana along State Highway 257. A portion of the property will be zoned SF1, Single Family and another portion will be zoned RMU, Residential Mixed Use.

In this setting, the Town is authorized to annex the property by ordinance. The statutory enclave annexation process eliminates the public hearing requirements usually applicable to annexations by owner petition. No public hearing is required for enclave annexations.

Although the town has been working with the property owner's representative on an agreement regarding the terms of annexation and future development of the property, no agreement has been executed at this time. Assuming this ordinance goes to second reading successfully, it would be presented for approval at that time.

This property will be annexed primarily due to the oil and gas activity, allowing the Town of Windsor to impose municipal property taxes on the revenues around the production.

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

2. Public Hearing – Final Major Subdivision – Westwood Village Subdivision 6th Filing – 14th Street Real Estate LLC., applicant/ Tyler Texeira and Cathy Mathis, TB Group, applicant's representatives
 - Staff presentation: Josh Olhava, Associate Planner

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

Mr. Olhava stated, the applicant, represented by Mr. Tyler Texeira and Ms. Cathy Mathis has submitted a major subdivision plat, known as Westwood Village Subdivision 6th Filing. The subdivision encompasses approximately 6.3 acres and is zoned Residential Mixed Use (RMU). A total of 8 residential building envelopes are being platted with HOA maintained open space and private drives throughout the site. The envelopes are being site planned for attached residential dwellings, owned and maintained by 14th Street Real Estate LLC., that will rent out the units as "age in-place housing" with age restrictions.

The applicant held a neighborhood meeting on February 10, 2015 in accordance with Chapter 16, Article XXXI of the Municipal Code. There were approximately 10 neighbors in attendance. Notes from the neighborhood meeting are attached to this packet for the Town Board's information and reference. The applicant received Preliminary Plat approval at the March 18, 2015 Planning Commission meeting. No major concerns or issues were raised during that meeting.

The application is consistent with various elements of the Comprehensive Plan as well as the Vision 2025 documents.

At their July 1, 2015 meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of the final major subdivision as presented, subject to conditions set forth by staff.

Mr. Vazquez inquired if there were any objections or concerns with the conditions set forth by the Planning Commission.

Ms. Mathis stated there were no objections or concerns. There are a few remaining comments and redlines to resolve but they should be completed in the next few weeks.

Ms. Melendez inquired about the timeline of the project.
Ms. Mathis stated construction is expected to begin this fall.

Ms. Melendez inquired when the first move in date would be.
Ms. Mathis stated it would be 2016.

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, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.

3. Resolution No. 2015-44 – A Resolution Approving the Final Major Subdivision – Westwood Village Subdivision 6th Filling – 14th Street Real Estate LLC., applicant/ Tyler Texeira and Cathy Mathis, TB Group, applicant’s representatives
 - Quasi-judicial action
 - Staff presentation: Josh Olhava, Associate Planner

Town Board Member Adams motioned to approve Resolution No. 2015-44; Town Board Member Bishop-Cotner seconded the motion.

Mr. Olhava had nothing further to add.

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

4. Resolution No. 2015-45 – A Resolution Approving the Final Site Plan – Westwood Village Subdivision 6th Filling – Site Plan – 14th Street Real Estate LLC., applicant/ Tyler Texeira and Cathy Mathis, TB Group, applicant’s representatives
 - Quasi-judicial action
 - Staff presentation: Josh Olhava, Associate Planner

Town Board Member Melendez motioned to approve Resolution No. 2015-45; Town Board Member Adams seconded the motion.

Mr. Olhava stated, the applicant, represented by Mr. Tyler Texeira and Ms. Cathy Mathis has submitted a final site plan application, known as Westwood Village Subdivision 6th Filling – Site Plan. The site plan encompasses approximately 6.3 acres and is zoned Residential Mixed Use (RMU).

Site Characteristics include:

- 16 single story ranch structures;
- 34 age restricted housing units;
- 1 and 2 car garages;
- HOA maintained open space and private drives;
- Approximately 41 guest parking spaces;
- Building architecture reflects mid-century modern styles
 - Materials include stone, stucco, glass and vertical SmartSiding panels in earth tone colors; and

- Off-site improvements to the sidewalks on the existing Columbine Commons site and crosswalk improvements on 15th Street for better pedestrian mobility and circulation.

The application is consistent with various goals of the Comprehensive Plan as well as the Vision 2015 document.

At their July 1, 2015 meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of the final site plan subject to the conditions set forth by staff.

Mr. Vazquez inquired if there was anything that would prohibit using the solar powered flashers for the crossing signs; anything to enhance the crossings. The crosswalk on 15th has been an area of concern for some of the other board members.

Mr. Olhava stated there was discussion on enhancing the crossing to start with ramps, roadway marking and basic crosswalk signs. That is an issue that can be conveyed to the applicant.

Mr. Vazquez stated there is an assumption that pedestrians move at a particular rate, but that is a poor assumption knowing the location of this crosswalk, the facility adjacent to it and the majority of people utilizing it for the services.

Mr. Morgan stated he agrees with Mr. Vazquez and also stated the crossing is needed but it is in a difficult spot. Anything that would make drivers alert to the crossing would increase safety.

Mr. Vazquez suggested putting up the state law signs as well.

Mr. Vazquez inquired about the roadway that comes to a dead end on the site plan.

Mr. Olhava stated the road is part of the private drive system.

Ms. Melendez inquired if there would be private maintenance as well.

Mr. Olhava stated it will all be maintained by the HOA, 14th Street Real Estate will maintain all the open space as well as the private drives throughout.

Mr. Adams inquired about the style of the units.

Mr. Olhava stated the building elevations are included within the packet and the applicant has some pictures of the type of architecture.

Mr. Melendez inquired if the buildings are a variety and not all the same.

Mr. Olhava stated each building is different.

Stan Arnett with r4 Architects stated the intent of the project was to remind the residents of their past with a midcentury modern style since there will be an age restriction on the units in the project. The units will contain a lot of glass for a view of the outdoors and landscaping if they are not able to go outside. There will be 8 architectural buildings that will be similar but they will have different materials.

Mr. Adams inquired if these units will fit in with the existing homes in the area.

Mr. Arnett stated they addressed that issue with keeping the building materials down to a lower scale and using materials that have been used in the region. The tallest elevation is 14 foot with ADA accessibility to keep a low profile.

Mr. Adams inquired about pathways to establishments around the site plan.

Mr. Arnett stated there is discussion and consideration for sidewalks and pathways to surrounding areas.

Ms. Melendez inquired if they are lease only units.

Mr. Arnett stated they will all be leased units.

Ms. Melendez inquired if there has been a waiting list established.

Mr. Arnett stated there has not. Construction is expected to begin in August of 2015 as the first unit will be a model. The model is predicted to be ready at the end of the year or beginning of next year and leasing will begin after that.

Mr. Adams inquired how far south of the intersection at Main Street and 15th Street is the intersection that is being discussed.

Mr. Olhava stated the crossing is about mid-block between Main Street and Westwood Drive.

Mr. Vazquez inquired if there were any questions or concerns regarding the condition set forth on this project by the applicant.

Ms. Mathis stated there were none.

Mr. Vazquez asked Ms. Mathis to convey the concerns regarding the crossing back to the applicant that with the clientele and volume of traffic on that street, it does warrant special attention.

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

5. Request for Funding: CR 13 Poudre Trail Crossing
 - Legislative action
 - Staff presentation: Wade Willis, Parks & Open Space Manager

At the April 20, 2015 Town Board work session, staff was asked update the cost estimate and evaluate the feasibility of completing the Poudre Trail crossing at CR 13 this year instead of 2016. Through the process of acquiring the easement from the River West HOA, the HOA requested that the Town also look at completing a sidewalk from River West Drive to the new trail as shown in the attached exhibit.

Ms. Melendez inquired if the additional sidewalk that was mentioned was included in the cost estimate.

Mr. Willis stated it was.

Mr. Vazquez stated he is in support of the request to complete the project this year. The benefits of the project include removing the trail off a county road, aligning the trail together and with the parking area and not forcing people to go onto the street in the opposite direction of traffic. The addition of a sidewalk from the existing trail to the existing sidewalk at River West is also a good improvement.

Mr. Baker stated he agrees with Mr. Vazquez and also stated anytime a project can be enhanced and get more people onto them safely is a good project.

Mr. Adams stated he would also support the project and likes the idea of the sidewalk east of the highway.

Mr. Melendez inquired if the existing trail will be taken out.

Mr. Willis stated they would remove it.

Mr. Vazquez inquired if flashing lights at pedestrian crossings are included in the design.

Mr. Willis stated they are.

Mr. Baker inquired if the sidewalk is 5 foot wide and the trail is wider than that.

Mr. Willis stated the trail is 10 foot wide and the sidewalk is 5 foot wide to match up with the existing sidewalk.

Mr. Morgan inquired if this project is going to negatively impact any other capital projects.

Mr. Willis stated it would not.

Mr. Arnold inquired if the project could be completed this year.

Mr. Willis stated he thinks it can but it depends on contractors.

Mr. Adams inquired why the trail could not be 10 foot all the.

Mr. Willis stated because it's a feeder to the trail and they feel 5 foot is sufficient.

D. COMMUNICATIONS

1. Communications from the Town Attorney

None.

2. Communications from Town Staff

Chief Michaels stated National Night Out is Tuesday August 4th from around 4:00 pm – 8:00 pm. At this time, there are only been 3 people signed up.

Ms. Garcia stated the second quarter Strategic Plan update is included within the packet which includes all the action items the staff has taken on in order to complete the Strategic Plan.

Ms. Garcia stated the second item is the liquor licensing authority report. On that report one of the items that was approved at the local level was an Art Gallery Permit for Memory Lane Antiques.

That permit was denied at the state but is being appealed at this time.

Mr. Vazquez asked that Ms. Garcia let Pam Caivano know how much the Town Board appreciated her efforts in locating an individual who lost their eyeglasses at the utility drop box.

3. Communications from the Town Manager

Mr. Arnold inquired if the Town Board is in agreement moving forward with the logo but taking off the 125th and starting next year with the new logo. In general, the Town Board agreed to move forward.

4. Communications from Town Board Members
None.

E. ADJOURN

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

The meeting was adjourned at 8:01 p.m.



Deputy Town Clerk, Krystal Eucker