



## WINDSOR TOWN BOARD MEETING

July 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 24 hours prior to the meeting to make arrangements.

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### MINUTES

#### A. CALL TO ORDER

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

1. Roll Call	Mayor	John Vazquez Christian Morgan Kristie Melendez Ivan Adams
Absent:	Mayor Pro Tem	Myles Baker Jeremy Rose 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 Engineering	Dennis Wagner
	Manager of Parks & Open Space	Wade Willis
	Assistant Town Attorney/ Town Prosecutor	Kim Emil
	Director of Planning	Scott Ballstadt
	Associate Planner	Paul Hornbeck
	Director of Finance	Dean Moyer

#### 2. Pledge of Allegiance

Town Board Member Melendez 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 Vazquez stated that due to the super majority vote requirement for second reading of ordinances that Item C.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", and Item C.2. Resolution No. 2015-48 - A Resolution Approving an Annexation Agreement Between the Town of Windsor and Breniman Farms, LLC, with Respect to The Breniman Farm Annexation to the Town of Windsor, Colorado, would need to be removed from the agenda as there are only four Town Board members in attendance.

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

#### 4. Board Liaison Reports

- Mayor Pro Tem Baker – Water & Sewer Board; North Front Range/MPO alternate  
Absent; no report.
- Town Board Member Morgan – Parks, Recreation & Culture (PReCAB); Great Western Trail Authority  
Town Board Member Morgan reported that at the July 20, 2015 PReCAB meeting the board discussed concepts for the Boardwalk Park Amphitheater with concept 1 being favored by the group. Mr. Morgan also noted the Parks Legacy Plan discussion which is a 15-20 year plan going forward to provide Windsor a sustainable legacy related to parks. Mr. Morgan did not have an update for the Great Western Trail Authority but reported that there would be a 5k/1k on August 15 and he would provide more details at the next meeting.
- Town Board Member Melendez – Downtown Development Authority (DDA); Chamber of Commerce  
Town Board Member Melendez reported on the Chamber of Commerce Annual Dinner that had been held on July 22; she stated the event was well attended with around 125 in attendance. She stated that three awards were given away with the theme of “Thrive, Nourish, Plant” – Manweiler’s was given the Thrive and Plant award and Mayor Vazquez was given the Nourish award. Ms. Melendez provided an update on the DDA stating they are preparing for the 2016 budget, reviewing the final report from Downtown Colorado Inc. (DCI) which is helping define potential locations for the library and also working on the search for an Executive Director. The Pro Challenge will be on August 22 and the DDA is providing participating businesses with commemorative mugs to be handed out with purchases on that day. It was also noted that the DCI conference is in August, 2015 and two DDA board members will be attending.
- Town Board Member Rose – Clearview Library Board  
Absent; no report.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission  
Absent; no report.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board (PRTC)  
Town Board Member Adams stated that the July 28, 2015 Tree Board meeting had been cancelled and that the PRTR will meet Thursday, August 6.
- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO  
Mayor Vazquez stated that Mayor Pro Tem Baker had attended the last MPO meeting so the update will be provided when he is in attendance.

5. Invited to be Heard

Mayor Vazquez opened the meeting for public comment.

Jerry Opplinger, Johnstown, addressed the Town Board stating he is a representative of a group of homeowners trying to stop the Martin Marietta plant. He stated they had been successful with a recommendation of denial from the Weld County Planning Commission and that the agenda item will be before the Weld Board of County Commissioners (BOCC) on August 12 and requested someone from Windsor attend. Director of Planning Ballstadt stated that Associate Planner Josh Olhava attended the Weld Planning Commission meeting and will be attending the BOCC meeting on behalf of the Town. Mayor Vazquez stated he could attend the BOCC meeting if needed; he noted that the proposed project is out of Windsor’s growth management area but he could provide comments.

B. CONSENT CALENDAR

1. Minutes of the July 13, 2015 Regular Town Board Meeting and July 6, 2015 Special Meeting – K. Eucker
2. Resolution No. 2015-46 - A Resolution for Approval of a Mutual Aid and Assistance Agreement in Support of Colorado's Water/Wastewater Agency Response Network (CoWARN) - T. Walker
3. Resolution No. 2015-47 - A 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 to Execute the Same (One Small Parcel Of Land Totaling 0.21771 Net Mineral Acres, all in Section 20, Township 6 North, Range 67 West, in Weld County, Town of Windsor) – I. McCargar

**Town Board Member Adams motioned to approve the consent calendar as presented; Town Board Member Melendez seconded the motion. Roll call on the vote resulted as follows: Yeas –Morgan, Melendez, 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. 2015-1500 - 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"

*Super-majority vote required for adoption on second reading*

- Second reading
- Legislative action
- Staff presentation: Ian D. McCargar, Town Attorney

Removed from the agenda.

2. Resolution No. 2015-48 - A Resolution Approving an Annexation Agreement Between the Town of Windsor and Breniman Farms, LLC, with Respect to The Breniman Farm Annexation to the Town of Windsor, Colorado

- Legislative action
- Staff presentation: Ian D. McCargar, Town Attorney

Removed from the agenda.

3. Public Hearing - An Ordinance Amending the Off-Street Parking Requirements in Article X, Chapter 16 of the Windsor Municipal Code for the Purpose of Creating a Downtown Parking District and Amending the Existing Parking Regulations within the Town of Windsor

- Legislative action
- Staff presentation: Paul Hornbeck, Associate Planner

**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 –Morgan, Melendez, Adams, Vazquez; Nays- None; Motion passed.**

Associate Planner Hornbeck reported that staff has worked in collaboration with consultant Fox, Tuttle, Hernandez to develop an ordinance to amend the off-street parking requirements in the downtown area. The proposed amendment presented at the work session remains unchanged, based on the positive feedback received.

As was previously discussed at the work session, the 2012 Downtown Windsor Parking Study gauged perception of parking downtown through surveys of downtown business owners, employees, and visitors. In general, responses indicated that parking was only a problem on occasion. The study also found that non-event days were not reaching the capacity of the parking system and that current parking supply was about 40% underutilized during such times. Additionally, the study found that the overall parking supply was slightly less than what the Municipal Code would require for all current uses, indicating a disconnect between the current parking requirement and actual parking demands. Mr. Hornbeck noted the study recommended the need for a strategic adjustment of the parking requirements in the Municipal Code.

The Municipal Code amendment for consideration adjusts the parking requirements by giving greater flexibility and more options to property owners downtown. Recent building additions and improvements downtown have shown a growing momentum in downtown but have also shown the current parking regulations can be difficult for properties owners to comply with. Current parking regulations are applied the same for all properties, regardless of their location within Town; the one-size-fits-all approach does not recognize the unique nature of downtown. With the creation of a Downtown Parking District, which coincides with the Downtown Development Authority boundary, parking regulations can be targeted specifically to downtown and to encourage continued investment downtown.

Mr. Hornbeck reported on the key points of the proposal:

- Parking ratio of 2 spaces/1,000 square feet for all commercial uses
- Exemption provided for the first 1,000 square feet of additional space added
- A parking credit is given for adjacent on-street parking at a ratio of 1 space/25 feet of linear street frontage
- A certain percentage of parking can be provided off-site within 1,000 feet based on building square footage
- New buildings and additions over 20,000 square feet must submit a Parking Management Plan
- A change of use does not require additional parking unless the change is from residential to commercial

It was noted that the existing parking code will remain in effect for areas outside of the Downtown Parking District and remains substantively the same except for the following changes for consistency with the downtown regulations:

- The maximum distance for off-site parking is increased from 500 feet to 1,000 feet
- Off-site parking requires a Town approved parking agreement rather than a parking easement
- Off-site parking must be paved and connected to the subject parcel with sidewalks

As was discussed with the Town Board at the work session, it is recognized that downtown parking will need to continue to be monitored as these new regulations are implemented and new development and redevelopment occurs.

Mr. Hornbeck reported the Planning Commission forwarded a recommendation of approval to the Town Board.

The Town Board discussed the ordinance with the Mayor voicing concern regarding the policy being all inclusive and asked how the 20,000 square feet was developed related to new buildings and additions being required to submit a Parking Management Plan.

The Town Board went on to discuss what the ordinance would accomplish; Mr. Adams felt that it would eliminate opportunity for development in the downtown development area and Mayor Vazquez feels that it would allow for more development as it doesn't require additional parking. Town Board Member Melendez stated the DDA board approved the ordinance as well.

Associate Planner Hornbeck stated the ordinance would provide more flexibility in order to provide more overall parking. He provided the Hearth Restaurant as an example; under proposed ordinance they would have been able to meet the Code as opposed to asking for a variance.

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

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

4. Ordinance No. 2015-1501 - An Ordinance Amending the Off-Street Parking Requirements in Article X, Chapter 16 of the Windsor Municipal Code for the Purpose of Creating a Downtown Parking District and Amending the Existing Parking Regulations within the Town of Windsor
  - First reading
  - Legislative action
  - Staff presentation: Paul Hornbeck, Associate Planner

**Town Board Member Melendez motioned to approve Ordinance No. 2015-1501, An Ordinance Amending the Off-Street Parking Requirements in Article X, Chapter 16 of the Windsor Municipal Code for the Purpose of Creating a Downtown Parking District and Amending the Existing Parking Regulations within the Town of Windsor; Town Board Member Morgan seconded the motion**

Associate Planner Hornbeck had nothing further to add.

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

5. Public Hearing – An Ordinance Amending the Minimum Exterior and Interior Standards in Article XI, Chapter 16 of the Windsor Municipal Code for the Purpose of Adding Language Pertaining to Design Criteria for Non-Residential Metal Buildings within the Town of Windsor

- Legislative action
- Staff presentation: Paul Hornbeck, Associate Planner

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

Associate Planner Hornbeck reported that the number of recent site plan reviews have brought to the attention of Planning Commission and Town staff the need to consider amending the municipal code to address minimum architectural standards for metal buildings that are located outside of the Town's Commercial Corridors. Members of the Town Board also indicated during those reviews that they would support requiring architectural enhancements if such requirements were codified.

Mr. Hornbeck stated that town staff has historically requested applicants add some architectural embellishment to metal buildings in order to enhance the building appearance, protect property values, and ensure high quality development. Applicants have typically added architectural features but a number of recent projects have requested approval of metal buildings without architectural enhancements. Outside of commercial corridors, the Municipal Code does not have minimum design standards for non-residential buildings so these projects have been approved.

The use of a wainscot, or veneer, to the lower portion of metal buildings has been successfully implemented on a number of metal buildings throughout Town. Given the success of this treatment, staff is proposing codifying a wainscot requirement through this ordinance. A minor change has been made since the work session to require a wainscot or "similar architectural feature."

Mr. Hornbeck reported the Planning Commission forwarded a recommendation of approval to the Town Board.

Mayor Vazquez asked if this would accomplish the intent to provide alternative construction materials that achieve the aesthetics that the Town wants. Associate Planner Hornbeck stated it would.

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

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

6. Ordinance No. 2015-1502 – An Ordinance Amending the Minimum Exterior and Interior Standards in Article XI, Chapter 16 of the Windsor Municipal Code for the Purpose of Adding Language Pertaining to Design Criteria for Non-Residential Metal Buildings within the Town of Windsor
  - First reading
  - Legislative action

- Staff presentation: Paul Hornbeck, Associate Planner

**Town Board Member Melendez motion to approve Ordinance No. 2015-1502, An Ordinance Amending the Minimum Exterior and Interior Standards in Article XI, Chapter 16 of the Windsor Municipal Code for the Purpose of Adding Language Pertaining to Design Criteria for Non-Residential Metal Buildings within the Town of Windsor; Town Board Member Morgan seconded the motion.**

Associate Planner Hornbeck had nothing further to add.

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

7. Public Hearing – An Ordinance Amending Articles X, XVII, XVIII, XIX, XX, XXI, XXIII, and XXIV, Chapter 16 of the Windsor Municipal Code for the Purpose of Creating Regulations Pertaining to Mobile Food Vending within the Town of Windsor
  - Legislative action
  - Staff presentation: Paul Hornbeck, Associate Planner

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

Associate Planner Hornbeck stated that the Town has been working to address mobile food vending popularity. Mobile food vending, including food trucks and food carts, has grown in popularity throughout the region and country in recent years and Town staff occasionally receives inquiries about what regulations exist in Town for such uses. The Municipal Code does not specifically address mobile vending so this amendment has been proposed to clearly define the use and mitigate potential negative impacts associated with it.

The proposed amendment would allow mobile food vending as an accessory use on developed properties that are non-residentially zoned. Staff has incorporated some changes based on feedback from the Planning Commission and Town Board work sessions and further review. A mobile food vendor would have to adhere to a minimum setback of 200 feet from the front door of any restaurant. Language has been added to clarify that use of the public right-of-way during special events is allowed under review by the Parks and Recreation department. A reference to Municipal Code Chapter 6 has been added to address use of the public right-of-way in other circumstances. The intent is to regulate the right-of-way through business licenses, only allowing mobile vendors to stop in the right-of-way if they are flagged down by patrons.

At the July 15, 2015 Planning Commission, Nick Hoover of the Colorado Restaurant Association was present and requested that two additional requirements be added to the proposed ordinance. He requested a requirement that mobile food vendors return to a commissary or “home base” when they are not in operation. The ordinance as proposed requires mobile food operations to either be removed from the site, or to be stored in an inconspicuous location. The Colorado Retail Food Establishment Rules and Regulations require most mobile food operations

to return to a commissary. These rules are enforced by local health departments so Town staff does not believe the ordinance needs to include this requirement.

The second change Mr. Hoover requested was to prohibit mobile food vendors from setting up chairs and tables for patrons. Because mobile food vendors may operate in conjunction with uses with outdoor seating, Town staff believes enforcement may be difficult. Since mobile food vending would be a new use in Windsor, there may need to be adjustments made to the ordinance over time to address concerns that arise. Mr. Hornbeck stated that the Code could be further amended in the future if the two issues prove to be problematic.

Mr. Hornbeck reported the Planning Commission forwarded a recommendation of approval to the Town Board.

Mayor Vazquez asked if there was any requirement for approval or permission for mobile food vendors in large parking lots, ie King Soopers. Mr. Hornbeck stated the Code requires property owner permission; issues are between the tenant and landlord.

Town Board Member Melendez asked if there were any comments received from restaurants. Mr. Hornbeck stated there were no comments received.

Town Board Member Morgan inquired what would dictate the space between the mobile food vendors. Mr. Hornbeck stated the 200 foot requirement is from business door.

Mayor Vazquez opened the meeting for public comment.

Nick Hoover, Colorado Restaurant Association thanked the Town of Windsor staff for the 200 foot setback. Mr. Hoover spoke to the items the Restaurant Association recommended to Planning Commission. The requirement to return to a commissary is in the retail food establishment rules and regulations for a majority of mobile food vendors that have been approved by the state health department. He stated the concern expressed by the Planning Commission is that it could be repetitive. Mr. Hoover stated that due to the county health department not being located in Windsor the chance of an inspector coming by is minimal and would be difficult for them to enforce it. If it is included in the ordinance the Town of Windsor could enforce it and the mobile food vendor would stay mobile. The second recommendation was to not all the mobile vendors to provide tables and chairs in order to clarify the difference between food trucks and restaurants.

Mayor Vazquez stated he supported the language of not allowing tables and chairs to be provided by food truck; he gave the example of High Hops and the mobile vendors at that location. Director of Planning Ballstadt stated if the two item are included in the Code it obligates town staff to enforce it; the majority of the time it would not be Planning staff to enforce but the Police Department who would be tracking mobile food vendors and checking who owns the tables and chairs.

Town Attorney McCargar spoke to the concentrating of mobile food vendors; he reads the ordinance that it requires a site plan. Associate Planner Hornbeck stated that the proposal is

laid out is that there would not be any accessory use approval or permit; by right it would be permitted. Mr. McCargar stated that once the use becomes a primary use, such as if there is an abundance of vendors in one location, then there is the question if it is accessory to the primary use or not. If the dominant use is mobile food vending, then it bumps up against the notion of accessory use. Mr. McCargar also noted that if the Code states you must comply with state, county and local law and if that law requires you to relocate a mobile facility to some other permanent place, ie commissary, then you have to do it anyway. There are a very small number of food vendors that do not have to meet that requirement that we would have to be worried about. The Code recommended states that if you leave your mobile food vending equipment on site after your business is done it has to be inconspicuous. Town Attorney McCargar provided support regarding staff's opinion related to the providing of tables and chairs; he stated that enforcement and prosecution would be difficult.

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

8. Ordinance No. 2015-1503 – An Ordinance Amending Articles X, XVII, XVIII, XIX, XX, XXI, XXIII, and XXIV, Chapter 16 of the Windsor Municipal Code for the Purpose of Creating Regulations pertaining to Mobile Food Vending within the Town of Windsor
  - First reading
  - Legislative action
  - Staff presentation: Paul Hornbeck, Associate Planner

**Town Board Member Melendez motion to approve Ordinance No. 2015-1503, An Ordinance Amending Articles X, XVII, XVIII, XIX, XX, XXI, XXIII, and XXIV, Chapter 16 of the Windsor Municipal Code for the Purpose of Creating Regulations pertaining to Mobile Food Vending within the Town of Windsor; Town Board Member Adams seconded the motion.**

Associate Planner Hornbeck had nothing further to add.

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

9. Resolution No. 2015-49 – A Resolution Approving 2014 Audit Report
  - Staff presentation: Dean Moyer, Director of Finance

**Town Board Member Melendez motion to approve Resolution No 2015-49; Town Board Member Morgan seconded the motion.**

Director of Finance Moyer reported on the 2014 audit noting the packet included the summary findings and the audit report. Mr. Moyer stated the audit presentation is usually brought to the Town Board in June but the Town changed out the accounting system last year so the audit took more time to complete.

Tyra Litzau, Anton Collins Mitchell LLP, CPAs, presented the 2014 Audit Report and Comprehensive Financial Report. As in previous years, the Town received an unqualified audit

opinion, which is the best opinion possible. Ms. Litzau provided an overview of the packet information.

Mayor Vazquez thanked Mr. Moyer and his department for their efforts. Mr. Moyer thanked Accounting Manager Cheryl Turner and Budget Analyst Vicki Miller on the work they do in relation to the audit.

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

10. Discussion of Potential 2016 CIP Items: New traffic signal at Middle School in partnership with CDOT; New Liberty Road extended

- Staff presentation: Kelly Arnold, Town Manager

Town Manager Arnold addressed the Town Board and noted that an update regarding the Quiet Zone would also be provided with his presentation.

Mr. Arnold stated that staff is in the midst of developing two 2016 Capital Improvement Projects (CIP) that need attention prior to the August 17, 2015 work session a which there will be a complete review of the 2016 CIP and five year capital improvement project proposal. These items are geared towards negotiations and/or actions prior to August 17 which is why they are being discussed at this time.

Traffic Signals on Main Street

One of the projects is the replacement of the traffic signal on 9<sup>th</sup> Street in front of the Middle School. This signal replacement came from a previous Town Board work session as a possible project. During that work session, it was reported that this project would not be addressed by CDOT for several years at the current replacement program, but if the Town participated in the replacement, then it might get consideration. As a result, CDOT agreed to fund a draft preliminary cost estimate before the end of their fiscal year (June 30).

Mr. Arnold reported that CDOT is going to do a traffic study on Main Street from both ends of town limits and determine if their system is operating efficiently and effectively. The study will be done a couple of weeks after Labor Day. We will then see if we get some improvements at 7<sup>th</sup> and Main Street intersection which could help the issues at 7<sup>th</sup> and Walnut. Once the system is fine-tuned, if need be, CDOT will come back and install a queue detector so that the priority becomes 7<sup>th</sup> street; particularly the flow from south to north and the turn from north bound to west bound lanes. The queue detector will provide a longer cycle while vehicles are detected in the turn lane. It was clarified that the queue detector is just for peak movements during school mornings and from 5:00 – 6:00 p.m.

CDOT had some leftover planning money and did a preliminary design for 9<sup>th</sup> and Main Street; this is referred to as the CDOT signal with a cost of \$450,000 or more. CDOT stated they would move this up to one of the first projects in their 2017 fiscal year which will start July 1, 2016 if we were to put money forward on the project. If funds are provided, the project will be finalized now so that by July of next year the signal would be operating before the 2016 school year. Mr. Arnold noted that this particular signal is not scheduled for replacement anytime soon but the CDOT Director does not like span wire signals in urbanized areas and wants to move the

project along. In order to get the project moving, they have requested funding of \$160,000 to \$180,000. In order to have colored poles it would be an additional \$10,000 to \$15,000.

Last week Town staff met with CDOT staff to discuss the cost and agreed that this project is feasible if the Town Board wanted to assist in funding the project in 2016. An amount of \$160,000 to \$180,000 would likely be accepted by CDOT.

Mayor Vazquez voiced support in participating with CDOT to get the project moving; Town Board Member Melendez concurred. Mayor Vazquez offered that the oil and gas royalty dollars could be used for the project. Town Board Member Morgan also voiced support of the project and stated that the light as it currently stands is not easily visible. Mr. Morgan also voiced support for getting an estimate for colored poles as Main Street is a good location to begin that effort. Mr. Arnold stated most of the surrounding communities have colored poles; generally in brown or black. The poles would need to be replaced if using colored poles. Mr. Vazquez if the poles could be reused at different locations in Town.

Mayor Vazquez stated he likes the lighted street signs; Mr. Arnold will talk to CDOT about that and he noted that CDOT will not maintain the lighted signs.

Town Board Member Adams also voiced support for the signal and improvements.

#### Completion of New Liberty Road

For the past year, town staff has been talking with the developer on when they will start building New Liberty Road from the top of Hilltop west to County Line Road. The developer has some limitations and motivation to finish it off; it could probably be done in phases if the Town agreed to that. Mr. Arnold stated he believe it would be beneficial for the Town to take the lead on the project and get the road built in the next nine months. Staff is working from the concept of having the road completed sooner versus over phases based upon development would benefit the entire community transportation system. The developer may want to add medians or landscaping similar to Water Valley and Highland Meadows; those are considered enhancements and would be on the developer to provide.

Discussions with the developer have been that the Town would fund the project. But some portion of the project would be reimbursed by the developer as they gain beneficial use of the New Liberty Road, but the balance would be a cost to the Town because of the benefit to construct in advance of development.

Based upon current estimates, completing New Liberty Road would cost between \$2M and \$3M; probably closer to \$2M. Between now and August 17, Mr. Arnold would report to the Town Board how the project is developing cost-wise. Mr. Arnold also believes that since the developer has some use for the road then the Town would enter into an intergovernmental agreement with metropolitan district or somebody so there would be a reimbursement component set up based on beneficiary use of the road. When all built out about the Town would be responsible for a quarter to half of the responsibility for the road and the other portion would be paid back/reimbursed by the developer. Concepts have been discussed with the developer, terms have not. Mr. Arnold told the Town Board if they liked the concept, then some funds could be reserved in the 2016 CIP which would be presented in August, 2015. If the

project could get designed and ready and get constructed early next season it could be up and operating by early summer next year.

Mayor Vazquez voiced support of the project noting we need to get the right of way and the roadway connected for safety purposes.

Town Manager Arnold stated the project could be funded with Road Impact Fee funds as it is a capacity building project, if desired.

Board Member Morgan inquired how traffic would be handled; Director of Engineering Wagner stated that we typically don't do anything until it meets warrants.

Town Board Member Adams reported that a new golf course is expected and believes the developers would be thinking about this road.

Mr. Arnold stated that the Town Board will see a placeholder amount for the project on August 17, 2015 and hopes to have more details regarding the project at that time.

#### Quiet Zone Update

Town Manager Arnold distributed an update on the project provided by FHU and stated he wanted to update the Town Board on where we are and request guidance to go over the grant amount.

Bids were opened on two elements of the project:

- Railroad work – We had competitive bids and there was \$2.8M set aside; the low bid came in at \$2.2M.
- Roadway work – No roadway bids were received. The Town talked to the companies that had attended the pre-bid meeting and had a variety of concerns; they were too busy and can't complete the project on schedule, the project was too small, federal money involved, and missed bid date. After discussions with FHU and FRA it was determined to put out a second opportunity to bid. The grant amount is \$355,000, the engineers estimate is \$775,000 and the bid came in at just over \$1M. Costing assumptions were made by the bidders related to the work such as having to move from one crossing to the next to complete the project.

Mr. Arnold noted the Professional Services budget of \$150,000 is about spent and the Other Project Costs related to the agreement with Great Western Railway (GWR) of \$117,634. The amount listed as included in the GWR Estimated to subtract from the total is a duplication of flagging services that was already accounted for. If we move forward today with the current costs we are over the grant by \$166,000. Mr. Arnold recommended approving the railroad equipment bid as the bid is only good for so long. We might get a better bid for the concrete if we wait until winter. In order to meet the schedule, staff needs support acknowledging the project will go over the grant amount.

Mayor Vazquez recommended not doing concrete work in the winter. Town Board Member Melendez inquired what was out of pocket to date; Mr. Arnold responded only staff time. Ms. Melendez supported moving forward and keeping the project on schedule. Town Board Member Morgan stated he thought the Town was going to have to fund the project as the grant

was initially \$2.8M and is now \$3.3M. Town Board Member Adams supports the moving forward providing the Town has the funds available.

Town Manager Arnold stated that he will keep the Board informed on progress.

11. Discussion regarding Weld County Coordinated Planning Agreement (CPA) and July 28, 2015 meeting with Weld County Commissioners

- Staff presentation: Scott Ballstadt, Director of Planning

Director of Planning Ballstadt stated that in order to review referrals in accordance with Section 3.1 of the CPA which requires a referral response within twenty-one days, the Planning Commission has decided to revise the Town's referral review process. The consensus at the July 15, 2015 regular meeting was that, instead of scheduling referrals as action items on a regular meeting agenda, future review of referrals from other jurisdictions will be processed administratively unless the Planning Commission has concerns.

Staff will forward a draft response letter based on the Town's plans, codes, intergovernmental agreements and other relevant documents to the Planning Commission for review. If no Planning Commission concerns with the draft letter are received within one business day, staff will forward the letter to the referring jurisdiction. If a Planning Commissioner has concerns with the draft response, they may request that the Chairman direct staff to schedule the referral as an action item at a regular meeting (responses to the staff email will not discuss details of the land use application or any other dialogue in order to avoid violating open meeting requirements).

This process will allow the response regarding most referrals that generate standard comments to be made within the twenty-one day referral comment period. Therefore, the CPA referral review timeframe no longer requires discussion with the County Commissioners.

#### D. COMMUNICATIONS

1. Communications from the Town Attorney  
Town Attorney McCargar reminded the Town Board of the Executive Session following the meeting.
2. Communications from Town Staff  
Chief of Police Micheals reported there are currently 14 Block Captains for National Night Out which is next Tuesday night. Information will be forwarded to the Town Board so they can participate.
4. Communications from the Town Manager  
Town Manager Arnold reported the reception for Melissa Chew is Monday at 3:30 p.m. at the recreation center; Monday will be her last day.
5. Communications from Town Board Members  
Town Board Member Melendez asked about the status metropolitan district information; Mr. McCargar advised that the revisions will be before the Town Board in August and that he would provide a preview of the model service plan for review.

#### 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. Economic Development Incentives (Stacy Johnson)

**Town Board Member Melendez motioned to go into 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. Economic Development Incentives (Stacy Johnson); Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas – Morgan, Melendez, Adams, Vazquez; Nays- None; Motion passed.**

The Executive Session commenced at 9:39 p.m.

Upon a motion duly made, the Town Board returned to the regular meeting at 10:45 p.m.

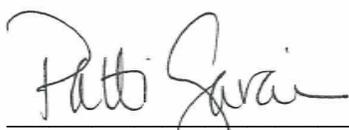
The Executive Session was closed and the Town Board returned to the Regular Meeting.

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 10:46 p.m.

E. ADJOURN

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

**The meeting was adjourned at 10:46 p.m.**



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Patti Garcia, Town Clerk