



TOWN BOARD REGULAR MEETING
August 24, 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 7:03 p.m.

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

Also Present:	Town Manager	Kelly Arnold
	Assistant Town Attorney/ Town Prosecutor	Kim Emil
	Town Clerk/Assistant to Town Manager	Patti Garcia
	Communications/Assistant to Town Manager	Kelly Unger
	Chief of Police	John Michaels
	Director of Planning	Scott Ballstadt
	Director of Finance	Dean Moyer
	Associate Planner	Josh Olhava

- Pledge of Allegiance
Town Board Member Morgan 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
Mayor Pro Tem Baker motioned to approve the agenda as presented. Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Vazquez; Nays- None; Motion passed.

- Board Liaison Reports
 - Mayor Pro Tem Baker – Water & Sewer Board; North Front Range/MPO alternate
Mayor Pro Tem Baker had no report.
 - 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 Chamber of Commerce meets next week.
Ms. Melendez reported the DDA sales tax collections for June 2015 were \$4,061 above June 2014. Sales tax collections are just above budget and expenditures are under the six month

benchmark to date. A plan was also set for the budget and mill levy discussions. September 2, 2015, a committee will be looking at the executive director position.

The US Pro Challenge Get Mugged promotion was a success as most businesses ran out of mugs before the race got to Windsor. The DDA is also looking in conjunction with Town of Windsor to bring back the farmers market in 2016.

The annual DCI Conference in Durango will be attended by Ms. Melendez and Jason Shaffer.

- Town Board Member Rose – Clearview Library Board
Town Board Member Rose had no report.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission
Town Board Member Bishop-Cotner had no Report.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
Town Board Member Adams-absent.
- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO
Mayor Vazquez had no report.

2. Invited to be Heard

Mayor Vazquez opened the meeting for public comment.

Pamela Maraz, 1953 Dominica Ct, Windsor, CO

Ms. Maraz stated she received a violation for a curb gutter ramp. The ramp helps getting into the driveway easier with a smaller vehicle. Ms. Maraz stated the water flow goes through the ramps well and they don't collect debris. Ms. Maraz would like to see the ordinance changed to be allowed to use the ramps on the curbs.

Marv Walker, 1915 Captivia Ct, Windsor, CO

Mr. Walker stated he received a violation for the curb gutter ramps as well. Mr. Walker stated the curbs in his neighborhood do not have graduated drive entries and the angles and heights are 6-7". Most passenger cars have 5-6" of clearance and golf cars have about 2-3". Mr. Walker received information from the code enforcement officer that the issue was being looked into but there has not been a decision to allow the ramps. Mr. Walker feels that if there is not a specific code to address the ramps, the interpretation of the code is being made on someone's opinion. The code section referenced in the violation states, "for the purposes of this section, obstruct means to render impassable, or to render passage unreasonably inconvenient or hazardous" which Mr. Walker feels the ramps are not. The ramps are made out of recycled rubber with a 5" hole for water flow and can easily be moved when needed. Mr. Walker is asking the Town Board to interpret code for curb ramps and handed information regarding the ramps to Mr. Arnold.

Mr. Vazquez stated there have been communications regarding this issue as staff did forward these concerns to the Town Board.

The Town Board agreed to further discussion on the issue.

B. CONSENT CALENDAR

1. Minutes of the August 10, 2015 Regular Town Board Meeting – P. Garcia

2. Advisory Board appointments – P. Garcia
3. Authorization of Mayor to Sign Letter in Support of the Northern Integrated Supply Project (NISP) – K. Arnold

Town Board Member Melendez motioned to approve the Consent Calendar as presented; Town Board Member Bishop-Cotner seconded the motion. Roll Call on the vote as follows: Yeas –Baker, Morgan, Rose, Melendez, Bishop-Cotner, Vazquez; Nays-None; Motion passed.

C. BOARD ACTION

1. Ordinance No. 2015-1504 – An Ordinance Repealing, Amending and Readopting Article I, Chapter 16 of the Windsor Municipal Code With Respect to Metropolitan District Approvals in the Town Of Windsor

Super-majority vote required for adoption on second reading

- Second reading
- Legislative action
- Staff presentation: Kimberly A. Emil, Assistant Town Attorney

Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2015-1504 – An Ordinance Repealing, Amending and Readopting Article I, Chapter 16 of the Windsor Municipal Code With Respect to Metropolitan District Approvals in the Town Of Windsor; Town Board Member Melendez seconded the motion.

Assistant Town Attorney Kimberly Emil presented for final adoption an Ordinance which amends the Code to incorporate the metropolitan district policy revisions authorized during various work sessions on this topic.

The key revisions were presented on first reading. The Ordinance was modified to catch a small typographical error after first reading. Other than that, the Ordinance is identical to what was presented for first reading

Mr. Baker inquired on when the clock starts on the 30 mill levy.

Mr. Mock stated it starts within 5 years from first building permit issued within the district. There is flexibility to have the district boundaries redrawn.

Mr. Baker inquired if the property is built out in 6-7 years, how that will affect those homes that were built in year 7.

Mr. Mock stated the tax gets put in place presumable in year 5 and all properties within that district are subject to that tax for 30 years.

Mr. Vazquez inquired if it is until the debt is retired.

Mr. Mock stated that was correct.

Mr. Vazquez inquired if the debt is specific.

Mr. Mock stated the 30 year period is available up to 34 mills and can be imposed to pay for the initial infrastructure necessary to serve the district and that can be in the form of paying debt service on bonds or it can be on a pay as you go basis. The debt/tax is not

... tied to a specific bond. Under this policy we have up to 34 mills that can go towards paying for those improvements but it doesn't have to be 34, it could be 20 mills, leaving an additional 19 mills available for operation and maintenance costs.

Mr. Baker inquired if a developer could request an amendment or change.

Mr. Mock stated there is nothing that says they cannot ask.

Mr. Vazquez commented that the purpose of this is to create a model that would offer a high level of certainty with a fairly efficient experience through the process and perhaps with minimal legal fees.

Mr. Rose inquired what the typo was.

Mr. Mock stated it was in section 19-1-100 that related to the timing for submittal of the service plan. The first draft did not include the word "no."

Mr. Jon Turner, 6379 Crooked Stick Drive, Windsor, CO commented that he feels this is not beneficial to the home owner. Pointed out negative impacts and believes this is making it potentially harder on homeowner.

Mr. Vazquez inquired what options the developer would have after a metro district is approved, and then go into a 15 year recession.

Mr. Mock stated there are several options like coming back to the town Board to request a service amendment. Another would be looking at the timing when the levy has to be put in place.

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

2. Resolution No. 2015-56 – A Resolution Pursuant to Section 19-1-60 (a) of the Windsor Municipal Code Approving the Format for a Model Metropolitan District Service Plan Within the Town of Windsor.

- Legislative action
- Staff presentation: Kimberly A. Emil, Assistant Town Attorney

Town Board Member Melendez motioned to approve Resolution No. 2015-56; Town Board Member Bishop-Cotner seconded the motion.

Assistant Town Attorney Kimberly Emil stated the resolution is approving the format for the model service plan.

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

3. Ordinance No. 2015-1505 – An Ordinance Approving the Re-zoning of a Portion of the Highland Meadows Golf Course Subdivision 13th Filing, Jon Turner, Colorado 80 Holdings, LLC., applicant/ Eric Greene, Power to Play Sports, applicant's representative
Super-majority vote required for adoption on second reading
 - Second reading
 - Legislative action
 - Staff presentation: Josh Olhava, Associate Planner

Town Board Member Morgan motioned to approve Ordinance No. 2015-1505 – An Ordinance Approving the Re-zoning of a Portion of the Highland Meadows Golf Course Subdivision 13th Filing, Jon Turner, Colorado 80 Holdings, LLC., applicant/ Eric Greene, Power to Play Sports, applicant's representative; Town Board Member Melendez seconded the motion.

Associate Planner Josh Olhava presented Ordinance No. 2015-1505 that was approved on first reading by the Town Board following a public hearing at the August 10, 2015 regular meeting. No major concerns or issues were raised by the Town Board. No changes have been made to the ordinance since first reading.

The applicant, Mr. Jon Turner, represented by Mr. Eric Greene is requesting to rezone approximately 3.7 acres from Residential Mixed Use (RMU) to General Commercial (GC) zone district. The rezoning petition is necessary to realign the zoning lines with the re-platting of certain lots under the name Highland Meadows Golf Course Subdivision 13th Filing, to accommodate the planned Power to Play Sports complex. The proposed zoning is consistent with adjacent parcels and the intended use of the site.

Staff and the Planning Commission recommend approval of Ordinance 2015-1505 on second reading as presented.

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

4. Site Plan Presentation – Windsor Commons Subdivision 2nd Filing, Lot 3 – Windsor Commons Self Storage expansion – Garry Wilkening, Wilkening Storage LLC., applicant
 - Staff presentation: Josh Olhava, Associate Planner

Per Associate Planner Josh Olhava, the applicant, Mr. Garry Wilkening is proposing to expand his existing self-storage business within the Windsor Commons Subdivision. The site is located directly north and east of his existing facility, east of and adjacent to Automation Drive, and directly north of the Windmill Child Enrichment Center.

Site characteristics include:

- 7 total buildings ranging from 2,700 to 29,000 square feet each;
- an office building;
- a workshop;
- 4 off street parking spaces, including accessible parking space(s); and
- approximately 23% landscaped areas.

The current presentation is intended for the Town Board's information. Should the Town Board have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff's review of the project. The site plan will be reviewed and approved administratively by staff, however, if the project review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Planning Commission and Town Board for review.

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

Mr. Vazquez inquired if the buildings will be consistent in appearance.

Mr. Wilkening, 11535 West Hampden Avenue, Lakewood, CO stated the stone work will be a stacked stone.

Ms. Melendez inquired if there will be 2 offices.

Mr. Wilkening stated they will be moving the office from the current facility and expanding the apartment.

Mr. Vazquez inquired if the caretaker will be overseeing both locations.

Mr. Wilkening stated they would be.

Ms. Melendez inquired if they will be on site 24/7.

Mr. Wilkening stated they would be.

Mr. Arnold inquired if the facility will be doubling up business such as working with U-Haul.

Mr. Wilkening stated they would not be and there would be no secondary business at the facility.

Mr. Arnold inquired how many units are in the existing facility.

Mr. Wilkening stated there are 260 units and they have been sold out for 3 years.

Mr. Arnold inquired how many units will be added.

Mr. Wilkening stated when the facility is finished they will have a total of 640 units.

Mr. Wilkening stated they will have a temperature controlled building as well. Temperature controlled units are inside storage so the units will not have as much dust filtration. They could be used for high end electronics or furniture.

Mr. Vazquez inquired what uses are allowable within the storage units or what is prohibited.

Mr. Wilkening stated the lease agreement specifically outlines what can or cannot be used at the facility. Running a store front is not allowed.

Mr. Vazquez inquired about the temperature control in reference to marijuana.

Mr. Wilkening stated nothing live is allowed in the units and there is no electricity within the units. Every morning there is a lock check done at the facility.

5. Consideration of Letter of Support – Department of Local Affairs Grant for Feasibility Study
- Staff presentation: Patti Garcia, Town Clerk/Assistant to Town Manager

Town Clerk Patti Garcia stated included in the packet is a Letter of Proposal and Scope of Work which, once finalized, will be submitted to the Department of Local Affairs as a request for a \$25,000 Administrative Planning Grant.

The library has outgrown their current facility and a study conducted in early 2015 concluded the majority of patrons would visit the library if it was in the downtown area. The study brought up discussions with the DDA on if there were any potential locations available within the DDA area but it looks to be there are not. The Library and the DDA were asked to work together with Downtown Colorado Inc. for assistance to inquire if there was mutual interest with both parties to have the library in the downtown area and what some of those locations could be.

Through that time, the library saw some draft renderings of what the library could look like in the DDA area and were excited about it. With that, discussion with Don Sandoval from the Department of Local Affairs took place and the project was presented to him. Mr. Sandoval mentioned there would be more strength in the administrative grant if it was a partnership potentially with the DDA, Town of Windsor and the Library. After meeting with the DDA, they are supportive of the 3 way partnership with the Town of Windsor, the Library and themselves.

Staff anticipates the project including more than library relocation; as noted in the attached Scope of Work, it requests the selected firm identify other community uses and services (senior center, cultural center, etc.) for inclusion in the project. There are items identified in the letter and scope which are still under discussion; those items are listed in red.

Ms. Melendez commented that both the DDA and library are excited about the potential from this. The library stated if they don't go to this next step, they will be looking outside of downtown.

Mr. Baker inquired from the town's perspective, is that the best use of the property.

Mr. Vazquez stated that question is unknown until after the study is completed. If the space is a high profile space, as a non-revenue generating tax exempt business, it may not be.

Ms. Melendez commented that there is no tax increment associated with the library that the DDA would pull from but the library did have roughly 218,000 visitors to the library last year.

Mr. Arnold inquired if asking for support of the letter is that also asking the Town Board to commit to a fiscal partnership as well.

Ms. Garcia stated they would be. The total partnership is \$25,000 and broken down to 3 equal amounts of \$8,333.00 per partner.

Town Board Member Melendez motioned to offer a Letter of Support to the Department of Local Affairs for the grant on the Feasibility Study; Mayor Pro Tem Baker seconded the motion.

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

Mr. Arnold also commented on the timeline. If the partnerships come together as recommended, there will be about a 60-day window before the project would start. Once an award letter is received from DOLA, the DDA and the Town of Windsor will send out a request for a proposal with bids.

6. Financial Report - July 2015

- Staff presentation: Dean Moyer, Director of Finance

Director of Finance Dean Moyer provided an overview of the financial report included in the Town Board Packet and noted a record high gross sales tax collection for the single month of July.

- CRC expansion sales tax collections surpass budgeted requirements for the 6th consecutive month
- Single Family Residential building permits total 193 through July 2015 which is up from 159 in July 2014.
- 50 Business licenses were issued in July, of which 33 were sales tax vendors.
- 2143 total active business licenses; 1464 are sales tax vendors.
- Above required monthly collection for construction use tax.
- Expenditures are at a 58% benchmark; operations are at 52%, capital is at 18% and the total budget is at 35%.
- General fund expenditures are slightly head of the benchmark due to having more employees this time of year.

Mr. Vazquez inquired if the CRC expansion can't get done for \$16 Million due to the market and price of materials, what are some options.

Mr. Moyer stated that would be approached like any other project. A review of other projects and what the extent would be if the project is over budget and also look at individual items in the Capital Improvement Plan.

D. COMMUNICATIONS

1. Communications from the Town Attorney
None
3. Communications from Town Staff
None
4. Communications from the Town Manager

Mr. Arnold stated there were about 70 applicants for the Director of Parks and Recreation. Of those, 6 applicants have been contacted to participate in the interview process with 2 internal and 4 external applicants. The interview process will be September 3 and 4, 2015 and Town Board Member Morgan will be assisting. The names of the individuals selected for the interview process will be publically released this week. A public reception for the candidates will be September 3, 2015 at the Community Recreation Center.

5. Communications from Town Board Members

Ms. Melendez inquired about the police report as it shows two areas that look to have increased from year to date; hang up calls and citizen service.

Chief Michaels stated 911 is easily accessible with it being available on cell phones.

When dispatch receives a 911 hang up, officers are sent to the scene to make sure there are no problems.

Citizen Service is categorized as non-criminal events. This could be informational calls or assistance requests so having a high number in this area shows citizens are engaged.

Ms. Melendez also provided a reminder for the all school alumni reunion at Windsor High School from 1:30-4:30 followed by other activities in Boardwalk Park and at the American Legion.

Mr. Vazquez provided a reminder about Harvest Feast including the parade and Bulls on the Beach.

E. ADJOURN

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

The Meeting was adjourned at 8:03 pm.



Krystal Eucker, Deputy Town Clerk