



**TOWN BOARD REGULAR MEETING**  
March 14, 2016 - 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.

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MINUTES

A. CALL TO ORDER

Mayor Vazquez called the regular meeting to order at 7:02 p.m.

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

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
	Director of Planning	Scott Ballstadt
	Director of Parks, Recreation and Culture	Eric Lucas
	Deputy Town Clerk	Krystal Eucker

- 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  
**Town Board Member Melendez motioned to approve the agenda as presented. Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas –Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**
- Board Liaison Reports
  - Mayor Pro Tem Baker – Water & Sewer Board; North Front Range/MPO alternate  
Mayor Pro Tem Baker- Absent
  - Town Board Member Morgan – Parks, Recreation & Culture; Great Western Trail Authority  
Town Board Member Morgan reported the Parks and Recreation Board had some public comments regarding the disc golf course located near Eastman Park and the maintenance there. Staff agreed to see if there are any issues regarding maintenance at the park. Fishing guidelines for Eastman Park were also updated to make them more conducive for

kids fishing there with adults. A presentation was made to the Board on the Band Shell project and the proposed fee structure for the Community Recreation Center. Another presentation was made on a piece of software called Echolink which tracks usage for individuals walking, biking, the weather that could give staff a better idea of peak times for when the parks are being utilized.

Mr. Morgan also reported the Great Western Trail Authority met with an individual from Weld County regarding weeds. The Board was informed on the weeds along the trail and what could be done to mitigate those weeds. Some Board members also brought forward the idea of individuals completing useful public service hours as a way to get individuals out working on the trail.

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

Town Board Member Melendez reported the Downtown Development Authority meets on March 16, 2016.

Ms. Melendez reported she was unable to attend the Chamber of Commerce meeting but they did appoint new officers.

- Town Board Member Rose – Clearview Library Board

Town Board Member Rose reported the Library Board is continuing discussions on expanding the library.

- 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 reported the Tree Board met and the poster contest winners were decided. Arbor Day events will be at Mountain View Elementary School on April 14, 2016 and Tozer Elementary on April 15, 2016. The Arbor Day 5K run/walk will be held on April 17, 2016 at Boardwalk Park.

Mr. Adams reported the Poudre River Trail Corridor Board will be completing repairs on two areas; one being east of the bridge on Highway 257. An amount of \$30,000 has been approved for those repairs.

- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO  
Mayor Vazquez had no report.

5. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the February 22, 2016 Regular Town Board Meeting – K. Eucker
2. Consideration of Great Western Trail Authority Bylaw Amendments – P. Garcia
3. Advisory Board Appointments – P. Garcia
4. Report of Bills for February 2016 – D. Moyer
5. Resolution No. 2016-13 - A Resolution of the Windsor Town Board Approving the Accessioning of Items to the Town of Windsor Museum Collection – E. Lucas

6. Resolution No. 2016 -14 - A Resolution Approving and Accepting a Dedication of Right of Way for Roadway and Related Public Transportation Purposes at the Northeast Corner of Weld County Road 13 and Crossroads Boulevard, in the Town of Windsor, Colorado – D. Wagner  
**Town Board Member Adams motioned to approve the consent calendar as presented; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas –Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

#### C. BOARD ACTION

1. Site Plan Presentation – Water Valley South Subdivision 23<sup>rd</sup> Filing, Lots 1 & 2 – Water Valley Vaults (self-storage project updates) – Justin Donahoo, Trollco Inc., applicant/ Brent Cooper, Ripley Design, Inc., applicant’s representative
  - Staff presentation: Josh Olhava, Senior Planner

Per Mr. Olhava, the applicant, Mr. Justin Donahoo, Trollco Inc., represented by Mr. Brent Cooper, Ripley Design, Inc., is proposing an amendment to a previously approved site plan for the Water Valley Vaults located in Water Valley South. The original site plan was approved in 2008 and 2009. The site plan encompasses approximately 11.7 acres and is zoned Limited Industrial (IL).

Site characteristics include:

- 4 total phases of development;
- 8 total self-storage type buildings ranging from 960 square feet to 2,560 square feet;
- 121 storage based units;
- a caretakers quarters (utilizing the existing home site);
- 42 total parking spaces;
- approximately 33 percent of the site to be landscaped; and
- an RV Dump station.

Building and structural details include:

- prefinished metal siding;
- split-faced CMU walls and supports;
- vertical stone veneer accents;
- prefinished metal doors; and
- metal trim.

The site plan 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 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 applicant is also concurrently completing a minor subdivision to adjust some of the building envelopes that were previously platted.

Mr. Vazquez inquired about the RV dump station.

Mr. Olhava stated an RV dump station is where an RV can dump waste into an outlet.

Mr. Vazquez inquired if the RV dump is a vault.

Mr. Olhava stated he does not have the details on the dump station but the Town's engineering staff has reviewed the plans.

Mr. Vazquez inquired if the units will be independently owned.

Mr. Olhava stated the units will be individually owned.

Ms. Melendez inquired if the units will be big enough to house an RV.

Mr. Olhava stated the units will be able to house an RV as some of the units go up to 2,500 square feet. There is also an option of installing a mezzanine.

Mr. Vazquez inquired if the units will actually be storage units or will they be the man cave concept where uses were not restricted to solely storage.

Mr. Olhava stated the project presented is the man cave project. The name and the layout have changed.

Mr. Vazquez inquired if the units could be made habitable.

Mr. Olhava stated they cannot. The applicant has stated that restriction will also be in their HOA conveyance.

Mr. Vazquez inquired about running commercial businesses.

Mr. Olhava stated a business would need to meet code requirements and the buildings would need to meet the building and fire code requirements. All businesses purposed for the units will go through the business licensing process through the Town which will include a zoning review by the Planning Department. Customer traffic will also not be allowed at the site.

Mr. Vazquez inquired if an individual that restores vehicles could work out of one of these units.

Mr. Olhava stated they would if the business meets all code regulations.

Mr. Adams inquired how e a limited amount of customers for an individual like a mechanic.

Mr. Olhava stated those details could pose a challenge on being regulated. The intent is to restrict customers on the site. If complaints are received, those complaints would be followed up on.

Mr. Ballstadt stated the units are not intended to be habitable nor for commercial uses that will bring commercial traffic to the site.

Mr. Adams inquired as to how far the oil wells are from this site.

Mr. Olhava stated the oil and gas wells are a good distance away from the site.

Mr. Morgan inquired if the units are considered wet units with electricity.

Mr. Olhava stated the units will have electricity and water and sewer extends into the building. It is not known at this time if the water and sewer run to each individual unit.

Mr. Morgan inquired if that will be set up as a 100 year lease or would they actually own the units.

Mr. Olhava stated the units fall under condominiums so the units will be purchased as real estate.

Ms. Melendez inquired about the buildings in the presentation being numbers but are represented by letters from Ripley Design.

Mr. Olhava stated originally they were platted with letters.

Mr. Vazquez inquired if there will be a second access of New Liberty Road.

Mr. Olhava stated there is an emergency access off Crossroads Boulevard.

Mr. Adams inquired if the landscaping will be enough at 30%.

Mr. Olhava stated the applicant is proposing a berm with landscaping on top of the berm so there is a type of landscaped wall.

Mr. Vazquez inquired as to the minimum landscape requirement for limited industrial zoning.

Mr. Olhava believes it is 20%.

Mr. Vazquez inquired as to why there is a City of Greeley stamp on the drawings.

Mr. Olhava stated there is a water line on the western property boundary.

Ms. Melendez inquired if there is a business model known like this anywhere else.

Mr. Olhava stated that is unknown.

2. Public Hearing – Ordinance No. 2016-1519 – An Ordinance Approving the Re-zoning of Tract A, Hilltop Estates Subdivision – Dr. Ahmed M. Sherif and Rabla A. Haderi, applicants/ Thomas Canzona and William Garcia, applicant’s representatives

- Staff presentation: Josh Olhava, Senior 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, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.**

Per Mr. Olhava the applicants, Dr. Ahmed M. Sherif and Rabla A. Haderi, represented by Mr. Thomas Canzona and Mr. William Garcia, are requesting to rezone approximately 9.6 acres from Single Family Residential (SF-1) to Low Density Estate Residential (E-1) zoning. Staff is concurrently reviewing a minor subdivision to split the lot into two estate lots.

Lot 1 is proposed to include the existing neighborhood detention pond; currently staff is working with the applicants on the management and maintenance of that detention pond. Lot 2 is outside the oil and gas buffer area. The applicants received approval for the use of a septic system for Tract A, subject to the property being rezoned to E-1. Sewer is not accessible and septic systems are used throughout Hilltop Estates; so the proposed lots will be compatible with the existing neighborhood and neighbors use of septic systems.

Mr. Vazquez inquired if the septic option has gone through the water board.  
Mr. Olhava stated it has and Dennis Wagner has signed off on it.

Mr. Olhava stated the applicant did hold a neighborhood meeting on Tuesday January 5, 2016 at the Community Recreation Center. Some neighbors had concerns about overall drainage and detention in the area which were directed to engineering staff.

Mr. Vazquez inquired as to why this application requires a rezone for an E-1 zoning when it is currently SF-1 zoning.

Mr. Olhava stated in terms of density, the applicant can do the larger estate lots but the issue is the septic which is not allowed for SF-1. The applicant has also inquired about equestrian uses.

Mr. Ballstadt stated the SF-1 zoning does not allow for either the use of septic or any livestock so the only zoning districts they are able to propose the septic system and/or livestock would be in the E-1 district. The rezoning process is the correct process because the variance request would require the applicant to provide hardship.

Mr. Morgan inquired if the existing farmhouse is part of the application.

Mr. Olhava stated there is a farmhouse that is accessible by an access road.

The applicant's representative Mr. William Garcia stated this property was originally planned for a Church relocation site. The current use will decrease the density use. To improve the drainage and clarity of who is in charge of the drainage, the applicant has worked with the engineering and planning staff of the Town to ensure that easement will be placed on the plat. The Grantee is intended to be Poudre Tech Metro District.

Mr. Rose inquired if the deed is restricting the property to only church uses.

Mr. Garcia stated deed restrictions have not been brought forward. Mr. Garcia stated the property will be used for personal use.

Mr. Rose inquired if the property could be used as a commercial site under the E-1 zoning.

Mr. Garcia stated they could but that is not the applicant's intention. Lot 1 is intended for the private residence of Dr. Sherif and his family with a home at approximately 10,000 square feet. The house on lot 2 is still in the planning stages.

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

3. Ordinance No. 2016-1519 - An Ordinance Approving the Re-zoning of Tract A, Hilltop Estates Subdivision – Dr. Ahmed M. Sherif and Rabla A. Haderi, applicants/ Thomas Canzona and William Garcia, applicant's representatives
  - First Reading
  - Legislative action
  - Staff Presentation: Josh Olhava, Senior Planner

**Town Board Member Adams motioned to approve Ordinance No. 2016-1519 - An Ordinance Approving the Re-zoning of Tract A, Hilltop Estates Subdivision; Town Board Member Morgan seconded the motion.**

Mr. Olhava had nothing further to add.

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

4. Resolution No. 2016-15 - A Resolution Approving an Agreement for Certain Economic Inducements and Development Incentives Between the Town of Windsor, Colorado, and CenterPointe Development Group (CDG), with Respect to the Development of Property for Commercial Purposes Within Windsor
  - Legislative action
  - Staff presentation: Stacy Johnson, Director of Economic Development

**Town Board Member Rose motioned to approve Resolution No. 2016-15; Town Board Member Bishop-Cotner seconded the motion.**

Per Ms. Johnson in December of 2015 the Economic Development staff was contacted by Clint Jameson a managing partner for Center Pointe Development Group (CDG) to discuss placing a Starbucks Café & drive thru at 1570 Main street. This is a new retail construction facility of 2,200 square feet. The construction cost is approximately \$1.6 million. Mr. Jameson is requesting some assistance with the development fees to be able to build a building for Starbucks Café in Windsor which includes waiving the Administrative Fee, Drainage Fee and the Windsor Use Tax and reimbursing the Water Plant Investment Fee and the Sewer Plant Investment Fee upon issuance of a Certificate of Occupancy. The total amount of fees waived or reimbursed is \$61,134.04.

Ms. Melendez inquired if this is approved how soon the process will get started.

Ms. Johnson stated a site plan should be presented within the next 30-60 days. The latest they would like to be open would be April of 2017.

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

5. Resolution No. 2016-16 - A Resolution Supporting the Town of Windsor's Efforts at Seeking a Grant from the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Funds for the Purpose of Constructing a Water Line
  - Legislative action
  - Staff presentation: Kelly Unger, Communications Manager/Assistant to the Town Manager

**Town Board Member Melendez motioned to approve Resolution No. 2016-16; Town Board Member Bishop-Cotner seconded the motion.**

Per Ms. Unger, Town staff is seeking support to apply for grant funding from the Department of Local Affairs to replace a water line. This pipe is about 35 years old and has had five record breaks since 2003. The water line serves about 550 homes. The grant funding would assist Windsor offset the costs needed for replacement of the line. The application is due to the Department of Local Affairs by April 1, 2016.

Mr. Vazquez inquired if this is in a street or if it is in open space.

Mr. Arnold stated it is in open space. The full funding amount has been budgeted for the project.

Mr. Vazquez inquired if this would interfere with the public works grant.

Mr. Arnold stated it would not. It would come out of the same fund but a different process being an administrative grant approval.

Mr. Vazquez inquired what the budget is for this project.

Ms. Unger stated the project costs are approximately \$800,000.

Mr. Vazquez inquired how much will be requested in the grant.

Ms. Unger stated \$200,000 is being requested.

Mr. Melendez inquired as to what is being done to ensure the new pipe will last longer.

Ms. Unger stated it is newer technology which will be a PVC pipe as opposed to the iron pipe currently in the ground. The Town's engineering staff have recommended the PVC pipe installation.

Mr. Arnold stated the ground is referred to as hot soils which have burned away at the pipe causing breaks.

Mr. Rose inquired if we are going in and tearing out the old pipe would it be make sense to replace more of the line.

Mr. Wagner stated similar breaks have not happened east of 11<sup>th</sup> Street. Soils where the breaks have happened may have a higher corrosive element than in other areas. Since there is no evidence of breaks east of 11<sup>th</sup> that area does not need to be replaced at this time.

Mr. Rose inquired if there would be a benefit to looking at anything else while doing this project.

Mr. Wagner stated not at this point.

Mr. Vazquez inquired if the pipe will be the same size.

Mr. Wagner stated the pipe that will be installed will be a 16" pipe line.

Mr. Vazquez inquired that when it comes to buried utilities, is the normal practice to fix problems when identified as opposed to estimate where the problems might occur and fix them then.

Mr. Wagner stated there is a lot of ductile iron pipe in the ground which has served well for many years but there are certain soils that it does not work well with.

Mr. Morgan inquired to what the disruption will be while the line will be replaced.  
Mr. Wagner stated there is some houses that will be affected and without water for about a day.

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

6. Process for Anticipated District 4 Vacancy
- Staff presentation: Kelly Arnold, Town Manager

Per Ms. Garcia, Ms. Melendez will soon be sworn in as the Mayor for the Windsor Town Board which will leave a vacancy for District 4. The Charter provides three options for filling that vacancy.

1. The position may remain vacant if it is less than one year until the next regular municipal election.
2. The Town Board may call for a special election to fill the vacated seat.
3. The Town Board may select a person to fill the position until the next regular municipal election.

Based on the time frame the option to leave the vacancy open if there is less than one year remaining on the term is not an option.

The second option is to hold a special election which would cost the Town approximately \$8,000. The election would be held on May 24, 2016.

The last option would be having the Town Board appoint an individual to that seat which is what staff is recommending based on the time constraint and the cost of an election. The Town is prepared to have an application ready and to start promoting that vacancy on March 15, 2016 if the Board wishes to move forward with that option. Individuals would need to submit an application and letter of interest to the Town by April 4, 2016. The process of reviewing the applications would take place on April 18, 2016 after the new Board is seated.

Mr. Vazquez inquired as to what would happen if no applications were submitted.  
Ms. Garcia stated if there is no interest in the first few days then postcards would be mailed to that district to solicit interest.

Mr. Vazquez commented that it is very important that individuals in District 4 have representation and suggests appointing an individual for the district.

Ms. Melendez believes appointing an individual would be a good solution.

Mr. Vazquez inquired if the Board has the ability to hold a special election if they decide not to choose from the pool of applicants.

Ms. Arnold stated that is an option.

Mr. Adams inquired as to the cost of a special election.

Ms. Garcia stated an estimated guess would be approximately \$8,000 for District 4.

Mr. Vazquez summarized the consensus of the Board which is to pursue appointments with the option of holding a special election.

7. Monthly Financial Report

- Staff presentation: Dean Moyer, Director of Finance

Mr. Moyer provided an overview of the Financial Report

- Sale tax collections of the 3.2 % sales tax for January were \$1,056,468.
- January 2016 sales tax was down \$50,486 over January 2015 which was a decrease of 4.56%.
- Construction Use tax in January is at 8.88% of the annual budget at \$156,504.
- CRC Expansion tax has surpassed the budget requirement for January 2016.
- Single Family Building permit total 18 for January 2016 which is down from 30 in January 2015.
- 34 business licenses were issued in January, of which 17 were sales tax vendors.

D. COMMUNICATIONS

1. Communications from the Town Attorney  
None

1. Communications from Town Staff

Ms. Garcia updated the Board on the status of the election; ballots were mailed out today and the election will be certified on April 13, 2016.

2. Communications from the Town Manager

Mr. Arnold reminded the Board of the joint work session with PReCAB. The work session in two weeks will be changed from the broadband discussion to discuss the I-25/392 CAC IGA.

Communications from Town Board Members

Ms. Melendez requested to have an updated version of the Comprehensive Plan.

E. BOARD ACTION

1. Resolution No. 2016-17 - A Resolution Approving an Amended and Restated Intergovernmental Agreement between the Town of Windsor and the Windsor Downtown Development Authority Regarding Continued Town Support of the Windsor Downtown Development Authority

- Legislative action
- Staff presentation: Kelly Arnold, Town Manager

**Town Board Member Melendez motioned to approve Resolution No. 2016-17; Town Board Member Adams seconded the motion.**

Per Mr. McCargar the Town of Windsor and Downtown Development Authority (DDA) have a long standing arraignment since 2011. That first IGA called for certain levels of Town funding

and also certain types of cooperation with the DDA to get them started. Over the course of each year, the DDA presents their budget to the Board and the Board approves or sends the budget back for amendments. The previous years the Board has approved the DDA budgets and have also extended funds to the DDA.

The resolution being presented to the Board is a modification of the existing IGA that would extend the Town's support to the DDA for another five years. At the end of that five year period this agreement will have the option to review the partnership at that time.

The DDA has its own tax base which is a very small fraction that supports them independently of the funds the Town provides. The Town also provides a sales tax base which is a number that is derived by the sales tax generated within the boundaries of the DDA.

The other aspect of this agreement is that the Town provides administrative support which in this agreement is fixed at \$35,000 per year. A number of Town staff have assisted the DDA with what they need. In the coming years the DDA has obtained an executive director so much of the administrative duties will fall on the executive director.

Town dollars are pledged to the DDA but if those dollars are not expended at the end of each fiscal year, those dollars roll into what is referred to as a special reserve fund under the IGA. Once the dollars roll into that fund they may only be used for capital projects.

Ms. Melendez commented that since the DDA's inception, they have made a tremendous amount of progress in a short period of time. There are some significant tools at their disposal now including the facade program.

Mr. Morgan agreed with Ms. Melendez and commented that in the last two years there have been some significant improvements in the downtown area.

Mr. Rose stated he is excited about the prospects of the DDA but is unsure if that requires Town support to accomplish those goals.

Mr. Adams inquired about the surplus reserve balance.

Mr. McCargar stated there is a carryover balance that reflects unexpended funds which is approximately \$500,000.

Mr. Adams stated he is in support of continuing with the agreement with the DDA.

Ms. Melendez commented that the DDA has been intentionally fiscally responsible with their money and have been frugal with the funds received by the Town. The DDA also knows that projects of a larger scale which might include the back lots could be a significant amount of money and \$250,000 that may not cover all the costs. It has been an intentional effort for the funds to roll over into the special reserve fund for capital projects. Ms. Melendez also stated since the inception of the DDA there have been little to no vacancies in the DDA and increase in sales tax.

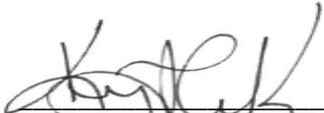
Mr. Vazquez commented that in the last several years there have been an increase in citizen engagement in the DDA but also encouraged the DDA to invest the in capital projects sooner rather than later.

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

F. ADJOURN

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

The meeting was adjourned at 8:52 p.m.



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Krystal Eucker, Deputy Town Clerk