



**TOWN BOARD REGULAR MEETING**  
**February 28, 2010 - 7:00 P.M.**  
**Town Board Chambers – 301 Walnut Street**  
**Windsor, CO 80550**

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**AGENDA**

**A. CALL TO ORDER**

1. Roll Call

The following Town Board members were present:

Mayor John Vazquez  
Mayor Pro-Tem Matthew O'Neill  
Robert Bishop-Cotner  
Mike Carrigan  
Kristie Melendez  
Jon Slater  
Don Thompson

Also present:

Town Manager	Kelly Arnold
Town Attorney	Ian McCargar
Director of Finance	Dean Moyer
Director of Planning	Joe Plummer
Chief Planner	Scott Ballstadt
Director of Engineering	Dennis Wagner
Director of Parks & Recreation	Melissa Chew
Director of Public Works	Terry Walker
Chief of Police	John Michaels
Town Clerk	Patti Garcia

2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board

**Town Board Member Slater motioned to approve the agenda as presented; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater, Thompson, Vazquez**  
**Nayes – None. Motion carried.**

3. Board Liaison Reports

- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission Alternate  
No report.
- Town Board Member Carrigan – Water & Sewer Board  
Town Board Member Carrigan stated he had been unable to attend the Water & Sewer Board meeting but received an update from Director of Engineering Wagner who noted that the topic of discussion had been water & sewer service to The Gathering at Windsor Church property on WCR 72.
- Mayor Pro-Tem O'Neill – Library Board; Planning Commission; North Front Range/MPO Alternate  
Mayor Pro-Tem O'Neill reported the Library Board's regular meeting scheduled for February 22<sup>nd</sup> was rescheduled to March 3 due to the joint Town, School and Library Board meeting and the Planning Commission would be meeting on Thursday. The MPO will discuss Call for Projects at their upcoming meeting; at the last meeting the 2035 regional transportation plan update was reviewed.

Mayor Vazquez noted, pursuant to several phone calls received, that the community is still opposed to the emissions testing. He requested that Mayor Pro-Tem O'Neill relay the information to the MPO.

- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board  
Town Board Member Melendez stated the Chamber meeting was being held Thursday at 6:30 p.m. The Cache la Poudre Trail has hired a trail manager; the public announcement will be made around March 17. The Poudre Trail-a-thon is planned for May 7<sup>th</sup> and more additional information available at a later date.
- Town Board Member Slater – Tree Board; Windsor Housing Authority  
Town Board Member Slater noted there was no report from the Tree Board and the Windsor Housing Authority is wrapping up legal items.
- Town Board Member Thompson – Parks & Recreation Board, Great Western Trail Board  
Town Board Member Thompson stated the Parks & Recreation Board would be meeting Tuesday night. The Great Western Trail Board discussed trail signage and an inquiry regarding allowing horses on the trails. The Board does not want to allow horses due to maintenance costs and staking activities.
- Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT)  
SALT members Nichole Fisher and Quint Johnson addressed the Town Board giving an update of future summer events; Battle of the Bands, annual town Easter egg hunt for children, flashlight Easter egg hunt for older students and an Island Party on Martin Lind's property.

5. Advisory Board Recognition

No members present.

6. Public Invited to be Heard

Peggy Haller addressed the Town Board and reported she had attended the joint meeting of the Town, School and Library Boards. She was encouraged by the decision to have the bylaws reviewed and hoped it would be done in a timely manner. Ms. Haller requested to be notified of those meeting dates.

**B. CONSENT CALENDAR**

1. Minutes of the February 14, 2011 Regular Town Board Meeting – P. Garcia
2. Liquor License Special Event Application – Norco Juniors – P. Garcia

**Town Board Member Slater motioned to approve the Consent Calendar as presented; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater, Thompson, Vazquez**

**Nays – None. Motion carried.**

**C. BOARD ACTION**

1. Public Hearing – Amendment to Chapter 16 of the Windsor Municipal Code to adopt certain regulations to allow Seasonal Sales for Christmas Trees and Pumpkins and for Farmers Markets – J. Plummer

**Town Board Member Slater motioned to open the public hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater, Thompson, Vazquez**

**Nays – None. Motion carried.**

Director of Planning Plummer noted the Town Board and Planning Commission have both had work sessions regarding seasonal sales regulations. The Planning Commission recommended approval of the ordinance as presented.

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

**Town Board Member Slater motioned to close the public hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater, Thompson, Vazquez**

**Nays – None. Motion carried.**

2. Ordinance amending Chapter 16 of the Windsor Municipal Code to adopt certain regulations to allow Seasonal Sales for Christmas Trees and Pumpkins and for Farmers Markets – First Reading - J. Plummer (Ordinance No. 2011-1404)

**Town Board Member Slater motioned to approve Ordinance No. 2011-1404, an Ordinance amending Chapter 16 of the Windsor Municipal Code to adopt certain regulations to allow Seasonal Sales for Christmas Trees and Pumpkins and for Farmers Markets on First Reading; Town Board Member Bishop-Cotner seconded the motion.**

Director of Planning Plummer stated he had nothing further to add unless the Town Board had questions regarding the ordinance as presented.

**Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater, Thompson, Vazquez**

**Nays – None. Motion carried.**

3. Public Hearing - Ordinance Rezoning the Windsor Highlands Annexation No. 2, Raindance River Annexation, and a part of Windsor Highlands Annexation No. 1 – Martin Lind/Water Valley Development Company, applicant/Steven Humann, TST Engineering, applicant's representative - S. Ballstadt  
**Town Board Member Slater motioned to open the public hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater, Thompson, Vazquez**

**Nays – None. Motion carried.**

Chief Planner Ballstadt reviewed the agenda item along with the memorandum provided in the Town Board packets. The Windsor Highlands Annexations 1 and 2 property is currently zoned Estate Residential with the Raindance River as a mix of Heavy Industrial, Estate Residential, Residential Mixed Use and Open Space zoning. The request is to rezone a majority of the property to Residential Mixed Use with approximately 43 acres at County Line Road and Crossroads Boulevard to be zoned General Commercial.

Mr. Ballstadt noted the Planning Commission recommendation was from December 7, 2006 as the applicant had requested the project be put on hold. The proposal has not changed in form since the recommendation. The Code does not provide for expiration of recommendations from the Planning Commission; since the application is the same, it is what is before the Town Board for consideration. Staff is concurrently administratively reviewing a minor subdivision application which would subdivide the property into five parcels.

Mr. Ballstadt also noted that when the Land Use Map was amended in 2004, it showed the related property as Residential Mixed Use and General Commercial but due to limitations in the sewer capacity in the Town's Sewer Master Plan, the overall density is limited to one unit per acre. The property is approximately 1,100 acres and will yield about the same number of units as opposed to a higher density that might have come with Residential Mixed Use.

Steve Humann, TST Engineers, representing the applicant, addressed the Town Board and spoke regarding the Master Plan and noted it does show over 50% Open Space. The Estate Zoning allows for bonus density given certain amounts of open space through clustering of units. This provides for 25% more density or 1.25 units per acre. Mr. Humann stated the Sewer Master Plan anticipated the worst case scenario of 1.25 units per acre along with 68 acres of commercial in the sewer capacity that was built into the sewer. The intent of the Master Plan that will be considered after the rezoning, is to have 45 acres of commercial with less than one 1 unit per acre.

Town Board Member Thompson inquired as to water density and how it is estimated. Mr. Humann and Director Engineering Wagner responded that it is based on a variety of factors and varies from different municipalities. Mr. Humann noted the Town of Windsor would have approve any and all uses based on evaluations of estimated sewer flows.

Mayor Vazquez clarified that Raindance and Water Valley West are the same property.

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

**Town Board Member Slater motioned to close the public hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson, Vazquez  
Nays – None. Motion carried.**

4. Ordinance Rezoning the Windsor Highlands Annexation No. 2, Raindance River Annexation, and a part of Windsor Highlands Annexation No. 1 – Martin Lind/Water Valley Development Company, applicant/Steven Humann, TST Engineering, applicant’s representative - First Reading - S. Ballstadt (Ordinance No. 2011-1405)

**Town Board Member Slater motioned to approve Ordinance No. 2011-1405, Ordinance Rezoning the Windsor Highlands Annexation No. 2, Raindance River Annexation, and a part of Windsor Highlands Annexation No. 1 – Martin Lind/Water Valley Development Company on First Reading; Town Board Member Bishop-Cotner seconded the motion.**

Chief Planner Ballstadt stated he nothing further to add and that the Planning Commission recommended approval of the ordinance as presented.

**Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson, Vazquez  
Nays – None. Motion carried.**

5. Resolution Ratifying, Approving and Confirming the Terms and Conditions of the Master Plan for the Water Valley West Subdivision – Martin Lind/Water Valley Development Company, applicant/Steven Humann, TST Engineering, applicant’s representative – S. Ballstadt (Resolution No. 2011-08)  
**Town Board Member Slater motioned to approve Resolution No. 2011-08; Town Board Member Melendez seconded the motion.**

Chief Planner Ballstadt reviewed the resolution and noted the anticipated 1,073 mixed residential units. The commercial area is subject to the commercial corridor guidelines; commercial standards will apply and the applicant is amenable to that requirement.

Mr. Humann addressed the Town Board regarding the Master Plan. He stated this is designed to be a resort destination including a 110 acre lake, 18-hole golf course and residential and commercial units.

**Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson, Vazquez**

**Nayes – None. Motion carried.**

6. An Ordinance Creating and Establishing the Windsor Downtown Development Authority in the Town of Windsor, Colorado, Second Reading – I. McCargar (Ordinance No. 2011-1401)

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

**Town Board Member Slater motioned to approve Ordinance No. 2011-1401, An Ordinance Creating and Establishing the Windsor Downtown Development Authority in the Town of Windsor, Colorado on Second Reading; Town Board Member Melendez seconded the motion.**

Town Attorney McCargar noted the ordinance is a statutory housekeeping action; it is the formal action establishing the Downtown Development Authority (DDA).

Town Manager Arnold stated that once the ordinance is adopted, it will be send to the Weld County Assessor to formally establish the DDA.

**Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson, Vazquez**

**Nayes – None. Motion carried.**

7. An Ordinance Amending the Windsor Municipal Code with Respect to the Assessment of Court Costs in Certain Cases Filed in the Windsor Municipal Court, Second Reading – I. McCargar (Ordinance No. 2011-1403)

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

**Town Board Member Slater motioned to approve Ordinance No. 2011-1403, An Ordinance Amending the Windsor Municipal Code with Respect to the Assessment of Court Costs in Certain Cases Filed in the Windsor Municipal Court on second reading; Town Board Member Bishop-Cotner seconded the motion.**

Town Attorney McCargar reviewed the ordinance and noted that it provides that, upon conviction, anyone who appears or enters a plea due to a plea agreement or are found guilty at trial will pay court costs of \$20. There have been no changes since first reading.

**Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson, Vazquez**

**Nayes – None. Motion carried.**

8. A Resolution in Support of Obtaining Great Outdoors Colorado Grant Funding for the Diamond Valley Community Park Plaza and Field Lights Project within the Town of Windsor, Colorado – M. Chew (Resolution No. 2011-09)

**Town Board Member Melendez motioned to approve Resolution No. 2011-09; Town Board Member Thompson seconded the motion.**

Director of Parks & Recreation Chew addressed the Town Board regarding the resolution and Great Outdoors Colorado (GOCO) grant opportunity. Ms. Chew noted the GOCO grant funds would assure that the Diamond Valley Park project would be completed with funds going to lights for the ball fields and for the restroom building. Ms. Chew noted if the project is less than anticipated, we have a sufficient match and would not have to reimburse GOCO which would be a savings to the Town.

**Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson, Vazquez**

**Nayes – None. Motion carried.**

9. Relay for Life Reimbursement Request – M. Chew

Director of Parks & Recreation Chew reported to the Town Board that the Town of Windsor has reimbursed 501(c)3 organizations in the past and noted the current request from the American Cancer Society for the 2011 Relay for Life fundraiser at Eastman Park. The reimbursement request is for \$600 which would be a reimbursement of the rental of the show stage and Eastman park use.

Representatives from the American Cancer Society were present and thanked the Town Board for their support over the years. They reviewed how their funds are used locally and within the region.

Ms. Chew recommended approval of the request.

**Town Board Member Slater motioned to approve the reimbursement request; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater, Thompson, Vazquez**

**Nays – None. Motion carried.**

#### D. COMMUNICATIONS

1. Communications from the Town Attorney

Town Attorney McCargar acknowledged the amount of work that staff has put into the Water Valley West proposal.

2. Communications from Town Staff

No communications.

3. Communications from the Town Manager

Town Manager Arnold noted Public Management article that he submitted and was published regarding titled “Carpe Diem!”. He thanked Ms. Chew for her help in editing the article.

Mr. Arnold reviewed the Future Meetings Agenda.

4. Communications from Town Board Members

Town Board Member Thompson reported a committee if being created to address the library by laws. It is anticipated the by laws will be complete by the end of March, 2011. The Town Board discussed the library issue.

Mayor Vazquez noted he had received comments during Coffee with the Mayor and received many emails with comments. He stated a reoccurring theme was the belief that the library district does not have an approved budget per their by laws as it has never come before the Town Board or School Board for approval. He inquired if there was a way to put a moratorium on any capital expenditures by the library district until they have an approved budget.

Town Attorney McCargar noted a letter could be drafted to the library requesting the budgets for the years that there are concerns or just for the current year. In the written communication, a request to not expend any additional capital dollars could take place until the Town Board reviews the requested documents.

Mayor Pro-Tem O’Neill stated that he understood that the budgets were to be submitted, but did not read where they had to be approved by the town and school boards. Mr. O’Neill noted this information will be reviewed by the library district attorney for clarification.

The Town Board directed the Town Attorney to draft a letter from the Mayor or Town Manager to the library district asking for compliance with their by laws and the statute for this year, along with clarification of the mill levy situation.

Mayor Vazquez requested that Town Board Member Thompson keep the entire town board apprised of the discussions by the newly formed library committee. Town Board Member Melendez and Town Board Member Thompson will represent the Town Board on the committee, which the Town Board supported.

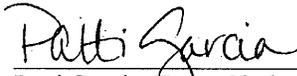
Town Board Member Carrigan inquired as to the water & sewer situation for The Gathering Church and as they are estimating costs. Town Manager Arnold reported that we have asked the church to start the process. They will file a petition to Weld County to consider allowing them to provide a septic system and be a use by special right in Weld County. Weld County will forward to our planning commission to discuss and provide a recommendation. When Weld County affirms the decision, there will still be a need for water on the site and the Town Board will, at some point, need to consider if water is to be provided or not.

**E. ADJOURN**

**Town Board Member Bishop-Cotner motioned to adjourn; Town Board Member Carrigan seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Thompson, Vazquez**

**Nayes – None. Motion carried.**

  
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Patti Garcia, Town Clerk