



TOWN BOARD REGULAR MEETING
March 28, 2011 - 7:00 P.M.
Town Board Chambers – 301 Walnut Street
Windsor, CO 80550

MINUTES

A. CALL TO ORDER

1. Roll Call

Mayor Vazquez called the meeting to order at 7:00 pm.

The following Town Board members were present:

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

Absent:

Also present:

Town Manager	Kelly Arnold
Town Attorney	Ian McCargar
Director of Finance	Dean Moyer
Director of Planning	Joe Plummer
Chief Planner	Scott Ballstadt
Associate Planner	Diana Aungst
Civil Engineer	Doug Roth
Director of Public Works	Terry Walker
Director of Human Resources	Mary Robins
Chief of Police	John Michaels
Town Clerk	Patti Garcia

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

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

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

4. Board Liaison Reports

- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission Alternate
No report.
- Town Board Member – Water & Sewer Board
Town Board Member Melendez provided a report submitted by Town Board Member regarding the March 23 special meeting of the Water & Sewer Board. Items of discussion included the water rate structure for 2011 and the future. Ms. Melendez reported Windsor has a two-tiered system with the second tier much higher than the first to encourage water conservation. Due to a projected rate increase, the water rate study will be discussed at an April work session. Mayor Vazquez requested an alternative be provided at the work session that doesn't raise the fees for those that are currently conserving but have those that abuse the water usage offset some of those additional costs and increases.

- Mayor Pro-Tem O'Neill – Library Board; Planning Commission; North Front Range/MPO Alternate
Mayor Pro-Tem O'Neill reported the Library Board would be meeting Tuesday night and items discussed at the Planning Commission were included on the Town Board agenda.
 - Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board
Town Board Member Melendez stated the Chamber of Commerce would be meeting next Wednesday at 6:30 a.m. The Cache La Poudre Trail Board met on March 17 CC meets next wed am at 6:30 a.m. They have hired Mike Sidwell as a fulltime trail manager for the Poudre Trail. Ms. Melendez also reminded the board of the upcoming Trail-A-Thon event on May 7.
 - Town Board Member Slater – Tree Board; Windsor Housing Authority
Town Board Member Slater noted the Tree Board has been busy preparing for the upcoming Arbor Day celebration.
 - Town Board Member Thompson – Parks & Recreation Board, Great Western Trail Board
Town Board Member Thompson stated the Parks & Recreation Advisory Board held elections at their last meeting and elected Phil Boatright as Chair and John Pankonin as Vice Chair. Mr. Thompson also reported on a proposed trail alignment being looked at by staff to connect Westwood Village and the Poudre Trail. Information regarding the YMCA survey will be reviewed at the April 18 work session. The Great Western Trail Board has been working on the April 16 Arbor Day festivities which is the same day as the River Bluff Grand Opening.
 - Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT)
Mayor Vazquez reported the MPO will be meeting the first Thursday in April and that there was not update from the SALT committee.
5. Colorado Chiefs of Police State Accreditation Presentation – Jerry Garner, Greeley Chief of Police
Police Chief Garner presented the State Accreditation to Police Chief Michaels and noted that of 239 police departments in Colorado, that Windsor is now one of 30 that are accredited. Chief Michaels credited Sergeant Jerry Selzer on his efforts on the three-year project.
- Mayor Vazquez commended the police department on the accreditation noting the Town's strategic plan is related to quality of life and the efforts of the police department continue to meet that need.
6. Public Invited to be Heard
Doug Patterson, Windsor resident, invited the Town Board to a meeting on April 21 at 7:00 p.m. at 1200 Cornerstone Drive at which Stay Lynne will be speaking on the International Council for Local Environmental Initiatives.

B. CONSENT CALENDAR

1. Minutes of the March 14, 2011 Regular Town Board Meeting – P. Garcia
 2. Liquor License Report of Changes – Highland Meadows, Hotel & Restaurant – P. Garcia
 3. Liquor License Renewal – Highland Meadows, Hotel & Restaurant – P. Garcia
 4. Liquor License Renewal – American Legion Post 109, Tavern – P. Garcia
 5. Liquor License Renewal – Duke of Windsor, Tavern – P. Garcia
 6. Advisory Board Appointments – P. Garcia
 7. Downtown Development Authority Board Appointments – P. Garcia
- Town Board Member Slater motioned to approve the Consent Calendar as presented; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:**

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

C. BOARD ACTION

1. Ordinance Amending Chapter 16 of the Windsor Municipal Code to adopt certain regulations pertaining to small and large places of assembly bringing such regulations in compliance with applicable federal and state law, Second Reading – J. Frey (Ordinance No. 2011-1406)
(Super-majority vote required for adoption on second reading)

Town Board Member Slater motioned to approve Ordinance No. 2011-1406, Ordinance Amending Chapter 16 of the Windsor Municipal Code to adopt certain regulations pertaining to small and large places of assembly bringing such regulations in compliance with applicable federal and state law on second reading; Town Board Member Melendez seconded the motion.

Town Attorney McCargar addressed the Town Board and noted the 18 month process of bringing the Town’s land use code into alignment with federal law when it relates to religious land uses. The ordinance brings uniformity and consistency to this process. Mr. McCargar recommended approval on second reading.

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

Mayor Vazquez noted the effort by staff was to streamline a process for the growing and expanding establishments in our community. Mr. Vazquez stated he believes this is a good ordinance as it defines a path for processes of this nature.

Roll call on the vote resulted as follows:

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

2. Ordinance Amending to Chapter 16 of the Windsor Municipal Code to adopt certain regulations pertaining to notification requirements for conditional use grant applications for Oil and Gas Operations and Open Surface Gravel Mining Operations, Second Reading - J. Plummer (Ordinance No. 2011-1407)
(Super-majority vote required for adoption on second reading)

Town Board Member Slater motioned to approve Ordinance No. 2011-1407, Ordinance Amending to Chapter 16 of the Windsor Municipal Code to adopt certain regulations pertaining to notification requirements for conditional use grant applications for Oil and Gas Operations and Open Surface Gravel Mining Operations on second reading; Town Board Member Thompson seconded the motion.

Director of Planning Plummer reported on the ordinance noting it had been reviewed and passed by the Town Board on first reading on March 14. The ordinance establishes new policies and procedures for better advertising for conditional use grants for oil and gas operations and surface and gravel mining operations. There have been no changes since first reading and the planning commission has recommended approval and staff concurs with the recommendation.

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

Roll call on the vote resulted as follows:

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

3. An Ordinance Amending the Windsor Municipal Code to Decrease the Per-Acre Value of Land for Purposes of Calculating School District Payments in Lieu of Land Dedication with Respect to Land Development within the Town of Windsor, Colorado, Second Reading – I. McCargar (Ordinance No. 2011-1408)

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

Town Board Member Melendez motioned to approve ordinance No. 2011-1408; An Ordinance Amending the Windsor Municipal Code to Decrease the Per-Acre Value of Land for Purposes of Calculating School District Payments in Lieu of Land Dedication with Respect to Land Development within the Town of Windsor, Colorado on second reading; Town Board Member Slater seconded the motion.

Town Attorney McCargar stated this was second reading of the ordinance which related to the re-evaluation of land dedication requirements for the Poudre School District. The school district hired an appraiser who provided a report of a 11% reduction in land evaluation. The payments in lieu of land dedication is a fee the Town collects and passes through to the school district for their use. Mr. McCargar noted there was no direct impact to the Town.

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

Roll call on the vote resulted as follows:

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

4. Public Hearing - Ordinance rezoning a portion of the Tacincala Annexation located south of WCR 72 and west of and adjacent to SH 257 from Single Family Residential (SF-1) to Residential Mixed Use (RMU) zoning district – Don Altman, Green Investments, LLC, applicant/Keith Sheaffer, TST Consulting Engineers, Inc., applicant’s representative – D. Aungst

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

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

Associate Planner Aungst addressed the Town Board regarding the rezoning and entered letters from Steve & Beth Forgie, David Tschetter and Raymond & Beverly Schuster into the record. Ms. Aungst reported the applicant is requesting the rezoning of the Collete Farm portion of the Tacincala Annexation from Single Family Residential (SF1) to Residential Mixed Use (RMU). The subject property is approximately 295 acres Ms. Aungst noted the rezoning request is consistent with the Windsor Land Use Plan Map. Ms. Aungst went on to explain the development agreement that will be created for the subject property will outline the requirement that the density not exceed the equivalency of four dwelling units per acre to ensure the sewer capacity is not overburdened. Ms. Aungst noted the applicant was present.

The Town Board discussed the various zoning options and noted that in areas such as Water Valley West rezoning, had a sewer capacity of 1 dwelling unit per acre due to the E1 zoning and the proposed property has a cap of single family residential which is approximately 4 dwelling units per acre. Mayor Vazquez noted the concerns of property owners east of the property and inquired as to options to preserve the environment of the estate lots if the RMU is granted.

Ms. Aungst referred to the map of the master plan and provided an overview of the mixed uses of the property and the density phasing starting with the single family, one-acre lots along the boundary of the property and transitioning to 6,000 square foot, single family lots, then allowing for duplexes and town homes with the center allowing for more multi-family options and commercial.

Keith Sheaffer, TST Consulting, addressed the Town Board and noted that he had several meetings with the neighborhood regarding the proposed zoning. Mr. Sheaffer explained the process that brought his client to the current application and noted the RMU zoning will allow for clustering and will create more open space and trails. Mr. Sheaffer noted the current SF1 zoning was not what his client was looking for as it was too dense. The change from SF1 zoning to RMU will provide for flexible programming of the development.

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

Town Board Member Slater motioned to close the public hearing; Mayor Pro-Tem O'Neill seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None. Motion carried.

5. Ordinance rezoning a portion of the Tacincala Annexation located south of WCR 72 and west of and adjacent to SH 257 from Single Family Residential (SF-1) to Residential Mixed Use (RMU) zoning district – Don Altman, Green Investments, LLC, applicant/Keith Sheaffer, TST Consulting Engineers, Inc., applicant's representative – First Reading - D. Aungst (Ordinance No. 2011-1409)

Town Board Member Slater motioned to approve Ordinance No. 2011-1409, Ordinance rezoning a portion of the Tacincala Annexation located south of WCR 72 and west of and adjacent to SH 257 from Single Family Residential (SF-1) to Residential Mixed Use (RMU) zoning district on First Reading; Town Board Member Thompson seconded the motion.

Associate Planner Aungst reported the Planning Commission reviewed the proposed ordinance at their March 16, 2011 meeting and recommended approval. Staff concurs with the recommendation.

The Town Board discussed the sewer capacity of a high density area compared to a low density area. Mayor Vazquez inquired if the adjustment to RMU is made how that could affect future developers along with the relation to the comprehensive plan and allowed density. Ms. Aungst noted the change from SF1 to RMU provides for different housing types, not a change in density and that the applicant cannot exceed the SF1 density.

Town Board Member Thompson stated his concern that the comp plan seems to be a moving target and noted that decisions are made based on the comp plan, ie zoning.

Staff reinforced the fact that applications are reviewed by staff and the planning commission and address zoning and density issues during that review process.

Director of Planning Plummer reviewed the Planning Commissions review procedures in using the comp plan noting they look at land use uses at the time and project for future land uses. Additionally, they look at the best utilization of the land based on infrastructure capacity. Originally, before the land was annexed it was zoned low density. After annexation the applicants requested an SF1 zoning district on the east side of CR15 and the west side of SH257; on the west side it was zoned as multi-family, and a 60 acre community park is planned north of the Windshire Park Subdivision. Mr. Plummer noted that as the economy and land uses change, requests are made that are reviewed and balanced against the comp plan. Regardless of the requests, the sewer requirements have to be met and density cannot be exceeded as it relates to the Sewer Master Plan.

Mayor Vazquez asked Green Investments if they would be willing to incorporate in their master plan around the perimeter more of an E2 type cluster which would be more consistent with what is currently there and would not make much of an impact related to the lot count. A representative of Green Investments stated he believed the annexation agreement restricted it to the one acre lots on the boundary. Mr. Sheaffer stated that neighbors and property owners had been notified that estate size lots would be around the perimeter. He noted it was addressed in the annexation agreement and believes it will probably be addressed in the development agreement to keep the estate sized lots along the perimeter.

Mayor Vazquez commented on the difference between RMU and SF1 zoning as the SF1 does not allow for commercial, such as convenience stores and gas stations and the requested zoning district does. Mr. Vazquez stated the town's commitment to being business friendly.

Mayor Vazquez requested the applicants to work with staff on the master plan before second reading and have exhibits that outline the commitment to keeping the lots as the applicants presented.

Mr. Sheaffer stated that all criteria will be met regarding the commercial zoning. The client has committed to a metropolitan district which will create uniformity of fences, landscape, and maintenance along SH257.

Town Board Member Thompson thanked the applicants for working with the community on the project and asked about the area west of the cluster commercial area. Mr. Shaeffer noted RMU is very flexible and the developer is cognizant of what the neighbors want along with marketing needs.

Associate Planner Aungst reported on the section of Code that addresses the types of commercial that is allowed in RMU such as no large grocery stores and if there was industrial, it would have to be light industrial and fully enclosed. Ms. Aungst reviewed the memorandum submitted in the packet related to the master plan.

Town Board Member Melendez stated her concerns had been addressed by the applicant and thanked them for their contact with the neighbors. She also commended them on their willingness to put in writing their commitment related to the neighbors.

Roll call on the vote resulted as follows:

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

6. Resolution Ratifying, Approving and Confirming the Terms and Conditions of the Amended Master Plan for a portion of the Tacincala Annexation Master Plan – Don Altman, Green Investments, LLC, applicant/Keith Sheaffer, TST Consulting Engineers, Inc., applicant’s representative – D. Aungst (Resolution No. 2011-11)
Town Board Member Slater motioned to approve Resolution No. 2011-11; Town Board Member Thompson seconded the motion.

Associate Planner Aungst reported the applicant is requesting to amend the master plan of the Collete Farm portion of the Tacincala Annexation. Ms. Aungst stated the development agreement will be created for the property during the subdivision process and outline the requirement that the density not exceed four units per acre to make sure the sewer capacity is not overburdened. Ms. Aungst reviewed the overall master plan along with the buffer area and the low density and commercial areas. At the March 16 Planning Commission meeting, the commission recommended approval with the condition the applicant ensures that the density of this master plan and future major subdivision applications not exceed the equivalency of four dwelling units per acre. Staff concurred with the recommendation.

Roll call on the vote resulted as follows:

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

7. A Resolution Approving a Request for Financial Support for the 2011 Windsor Fine Arts Festival, and Providing for Accountability with Respect Thereto – K. Arnold (Resolution No. 2011-12)
Town Board Member Slater motioned to approve Resolution No. 2011-12; Mayor Pro-Tem O’Neill seconded the motion.

Town Manager Arnold addressed the Town Board and noted the financial request was pursuant to presentation by the Windsor Fine Arts Festival on March 14, 2011. Town Attorney McCargar drafted a resolution which captures the essence of the request along with noting the information the Town Board has requested at the conclusion of the event.

Don Reichert, President of the Windsor Fine Arts Festival Board (WFA), was present and noted he had taken the resolution to the Board of Directors who were comfortable with the comments and required reporting.

Town Board Member Thompson stated he fully supports the event and would like to see a plan of how they plan to be self-sufficient and how that will be achieved. Mr. Reichert noted that the desire of the WFA is to become self sufficient as soon as possible.

Mayor Vazquez noted the Town is willing to be partner on the event, but inquired as to the process as to when the Town is partnering in the event but not providing funding. Mr. Vazquez he would like to know the number of participants that are required so the event can break even. Mr. Reichert stated the goal is as they grow hopefully the number of participants will equal the expenses.

Aaron Lorton, 104 Indian Trail Drive, Windsor, inquired as to what the direct cost to the community would be as far as clean up, etc. Town Manager Arnold responded there is a direct contribution of \$7,929 and a reimbursement of \$1,382 for use of the Community Recreation Center and we don't have a hard cost as far as the Town support but it will be tracked and available after the event.

Town Manager Arnold noted the public will have access to the information through staff reports to Town Board after the event.

Roll call on the vote resulted as follows:

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

8. Request for Reimbursement – Multiple Sclerosis Fundraiser – K. Arnold
Town Board Member Slater motioned to approve the request for reimbursement for a Multiple Sclerosis Fundraiser; Town Board Member Melendez seconded the motion.

Town Manager Arnold noted the request from Lisa Swanson to host a Zumba fundraiser for multiple sclerosis at the Community Recreation Center. All funds raised would be provided to the Multiple Sclerosis Society. Ms. Swanson addressed the Town Board and reported on the proposed fundraising event.

Roll call on the vote resulted as follows:

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

D. COMMUNICATIONS

1. Communications from the Town Attorney
No communications.
2. Communications from Town Staff
No communications.
3. Communications from the Town Manager
Town Manager Arnold noted the upcoming work session schedule and reviewed agenda topics.
4. Communications from Town Board Members
Town Board Member Thompson reported the Library Law Subcommittee will be scheduling a work session with the Town, School and Library Boards within the first few weeks of April.

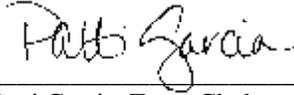
Town Board Member Slater noted the Windsor Housing Authority elected John Moore as their Chair and Jon Slater as their Vice Chair.

E. ADJOURN

Town Board Member Slater motioned to adjourn, Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None. Motion carried.



Patti Garcia, Town Clerk