



TOWN BOARD REGULAR MEETING  
April 11, 2011 - 7:00 P.M.  
Town Board Chambers – 301 Walnut Street  
Windsor, CO 80550

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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  
Mike Carrigan  
Kristie Melendez  
Jon Slater  
Don Thompson

Also present:

Town Manager	Kelly Arnold
Town Attorney	Ian McCargar
Director of Finance	Dean Moyer
Chief Planner	Scott Ballstadt
Associate Planner	Diana Aungst
Civil Engineer	Doug Roth
Director of Public Works	Terry Walker
Director of Human Resources	Mary Robins
Director of Parks & Recreation	Melissa Chew
Chief of Police	John Michaels
Business Development Manager	Stacy Johnson
Town Clerk	Patti Garcia

2. Pledge of Allegiance

Mayor Pro-Tem O'Neill 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 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. 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 reported on the Special Meeting called by the Water & Sewer Board at which the proposed new rate structure was discussed. Mr. Carrigan stated the Water & Sewer Board preferred the alternate two-tiered system that was presented which passes through the 3.6% increase in water that the Town was going to have to pay. The building of a water treatment facility, possibly as a regional effort, was also discussed. The next Water & Sewer Board meeting is scheduled for June 8. Mr. Carrigan also noted the appointments of Paul Weinberger and Kenton Brunner with Mr. Brunner being elected Chair.

- 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 holding a work session regarding the rebranding process on April 19 at 6:30 p.m. at the library with a joint meeting of the Town, School and Library Boards being held April 27. Mr. O’Neill stated that Town Board Member Thompson provided an update on the Bylaw Committee recommendations to the library board. Mr. O’Neill noted the library board recently adopted a collection development policy and procurement policy. The library board is also looking to review an internal control policy and has tentatively scheduled board training for June 2, 2011. It was noted that Carol Engel would be retiring from the library district on July 5, 2011.
  - Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board  
Town Board Member Melendez noted the Chamber of Commerce annual dinner has been scheduled for July 17. The next meeting of the Chamber is scheduled for May 4 and the members will focus on the “shop local” campaign. The Cache La Poudre Trail Board’s next meeting is scheduled for next Thursday and reminded everyone of the Trail-a-thon on May 7<sup>th</sup>.
  - Town Board Member Slater – Tree Board; Windsor Housing Authority  
Town Board Member Slater provided an update on the Housing Authority and noted their new accounting firm had discovered an accounting error which has since been rectified. The error was related to retirement accounts and in response to the issue, new processes have been put into place. Mr. Slater also noted the Tree Board would be having a work session Thursday night in preparation for the weekend Arbor Day events.
  - Town Board Member Thompson – Parks & Recreation Board; Great Western Trail Board  
Town Board Member Thompson stated that the Parks & Recreation Board had not met due to lack of agenda items. He reminded everyone of the River Bluffs trailhead dedication scheduled for Saturday from 9:30-12:30. It was also noted that the Great Western Trail Board would be meeting next week and that on the same day at Riverview Elementary there would be a walk/bike event on the Great Western Trail to Severance Middle School.
  - Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT)  
Mayor Vazquez reported the MPO met last Thursday and discussed a variety of topics with one of the issues that needs to be addressed is the ranking system for prioritizing projects in the region to assure equity in the decision making process. A subcommittee is being created to evaluate the ranking and prioritizing process in Region 4. Additionally, the MPO had a presentation related to mass transit and the I-25 EIS.
5. Arbor Day Proclamation  
Tree Board Chair Alison O’Connor and Secretary Wendy Ball presented an overview of Arbor Day and the associated events in the Town of Windsor including presentations at local elementary schools, the annual 5K fun run/walk and annual tree sale.
- Mayor Vazquez read the Arbor Day Proclamation.
6. Public Invited to be Heard  
Ron Stickle, Front Range Auto Body, addressed the Town Board regarding the number of wrecking companies that are coming into Windsor from surrounding cities and towns and doing business. Police Chief Michaels noted that for the police department operations that there is a rotation list provided by Weld County Communications although the owner is given the option to request their preference of towing companies. One of the requirements to be included on the rotation list is that service is required 24/7. Mayor Vazquez requested staff meet with Mr. Stickle to discuss local options.

## B. CONSENT CALENDAR

1. Minutes of the March 21, 2011 Special Town Board Meeting and March 28, 2011 Regular Town Board Meeting – P. Garcia
2. Liquor License Report of Changes – Austin’s Homestead Bar & Grill at Pelican Lakes, Hotel & Restaurant – P. Garcia
3. List of Bills – D. Moyer
4. A Resolution Reappointing Kimberly A. Emil as Windsor Town Prosecutor, Reappointing Robert Wiest as Deputy Town Prosecutor and Continuing the Professional Services Agreement Between the Town of Windsor and Kimberly A. Emil, Attorney at Law – I. McCargar (Resolution No. 2011-13)

Town Board Member Carrigan requested the March 28, 2011 meeting minutes be amended to reflect that he was absent at that meeting.

**Town Board Member Slater motioned to approve the Consent Calendar with the amendment of the March 28, 2011 Regular Town Board Meeting Minutes; Town Board Member Carrigan 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 – New Beer and Wine Liquor License for Picasso & Wine, 1555 Main Street A-6, Windsor, CO 80550. Applicant: Sylvia Chan – P. Garcia & J. Michaels

**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.**

Town Clerk Garcia presented the liquor license application to the Town Board stating the required documents and fees had been submitted. It was noted the primary business of Picasso & Wine is to provide painting lessons and the liquor license will allow patrons to have wine or beer during the lessons.

Police Chief Micheals reported that background checks were completed and that no information was received that would prohibit the applicant from holding a liquor license. Additionally, an inspection of the premise was conducted and the submitted diagram accurately reflected the proposed licensed area.

Sylvia Chan, applicant, addressed the Town Board and reported on the proposed new business.

Town Attorney McCargar requested the submitted petitions and letters of support which reflect the needs and desires of the neighborhood to be entered into the public record.

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

**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.**

2. Consideration of a New Beer and Wine Liquor License for Picasso & Wine, 1555 Main Street A-6, Windsor, CO 80550. Applicant: Sylvia Chan – P. Garcia & J. Michaels

**Town Board Member Slater motioned to approve the action item as presented; Town Board Member Bishop-Cotner seconded the motion.**

Town Clerk Garcia stated the Town Board, acting as the liquor licensing authority, is to consider the license based on the needs and desires of the neighborhood, which is the half-mile radius of the proposed establishment.

Town Board Member Thompson stated the business is an interesting concept and hopes it does well.

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

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

**Nayes – None. Motion carried.**

3. 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 – Second Reading - D. Aungst (Ordinance No. 2011 - 1409)  
*(Super-majority vote required for adoption on second reading)*

**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 second reading; Town Board Member Melendez seconded the motion.**

Associated Planner Aungst reported on the ordinance and noted it is a request to rezone the Collette Farm portion of the Tacincala Annexation from Single Family to Residential Mixed Use. The request is consistent with the Windsor Land Use Plan Map. Ms. Aungst noted the development agreement created for the property will outline the requirement that the density not exceed the equivalency of four dwelling units per acre due to assure that the sewer capacity will not be over burdened.

On March 28, 2011, the Town Board discussed the proposed rezoning and amended master plan. Pursuant to those discussions, the Town Board stated the need for a written commitment from the property owner stating the development would comply with all the land use depictions shown on the amended master plan. The property owner submitted a letter which was included in the Town Board packet that states their commitment to comply with the following conditions as directed by the Town Board:

- Locating the one-acre lots along the perimeter of the subject property;
- Complying with the zoning classifications and densities shown on the amended master plan;
- Not exceeding an overall density that is equivalent to four (4) dwelling units per acre;
- Locating the commercial uses on the west side of the subject property;
- Not exceeding the number of acres depicted for the commercial land uses;
- Developing the subject property according to the Town’s development standards and design criteria; and
- Being required to follow the Town’s approval process if market conditions change and the applicant would like to propose additional amendments to the current master plan.

Ms. Aungst stated that staff will ensure that any development of the property would be in compliance with the land use depictions as shown on the amended master plan. The Planning Commission voted to approve recommendation of the ordinance at their March 16, 2011 meeting; staff concurs with their recommendation. Ms. Aungst noted there had been no changes to the ordinance from first reading other than the inclusion of the commitment from the developer.

Town Board Member Carrigan inquired about the available housing and types of retail that will be allowed. Ms. Aungst noted that RMU zoning allows for neighborhood commercial which is different than what is allowed in the downtown which is a central business district and permits different uses.

Keith Sheaffer, TST, addressed the Town Board regarding the concerns brought forward and noted the commercial area has been limited to approximately 25,000 square feet. Mr. Sheaffer noted that residential

opportunities may exist to integrate the commercial with residential on top but would still be within the RMU guidelines. Mr. Sheaffer stated he anticipates a diversity of residential units available but was not able to give a definitive breakdown of what will be single family as opposed to possible patio homes, active adult community, etc. Two models that had been used for the development were Water Valley and the Stapleton redevelopment area.

Mayor Vazquez addressed the applicant and stated the record is to reflect that the applicant understands the terms of the master plan and the conditions set forth specifically transitional development, maintaining buffered zones, maintaining an E-1 style development around the perimeter and addressing the concerns of adjacent landowners. Mr. Vazquez stated he wants assurance the applicant understands the terms of the annexation agreement and the conditions set forth for future development and reiterated that future processes will include public input. The applicant was explicitly advised that changes to the master plan will require further public process and Town Board approval.

Michael Bosma, applicant, believes the development is very community development and stated he stands by the terms and conditions of the annexation agreement as noted in the letter submitted in the Town Board packet. Mr. Bosma acknowledged the Mayor's statements regarding public process and approval requirements for any changes. He further stated that he wants the development to be an asset to the Town and the change to RMU zoning will allow him the flexibility to add landscape buffers between the subject property and the property to the south. Mr. Bosma also stated that he will locate multifamily units well north of the southern property line to reduce the impact on adjacent properties.

Mayor Vazquez provided his appreciation and efforts of the applicant on the product that has been presented and that there is an expectation as it moves forward but also noted his hope that this does not come back for evaluation in the future due to changes in the economy or housing market.

Town Board Member Melendez commended the applicant on their work with the adjacent landowners.

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

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

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

**Nays – None. Motion carried.**

4. Site Plan Presentation – Colorado Army National Guard (COARNG) Readiness Center Site Plan – Major Joseph Zambo, COARNG, applicant/Jim Birdsall, The Birdsall Group, applicant's representative – S. Ballstadt

Mayor Vazquez stated the site plan is an administrative process and this will be the only time it will come before the Town Board for comment. Any comments regarding the presentation will be addressed by staff during the project review.

Major Joseph Zambo addressed the Town Board regarding the Readiness Center and noted the Center performs administrative functions and training for the soldiers in the unit. It will house the 1157<sup>th</sup> Forward Support Company which consists of a Maintenance Platoon, Distribution Platoon and a Kitchen Section. It is anticipated to have four fulltime staff at the center with others occupying the facility on weekends. Currently the battalion has 127 soldiers, 62 wheeled vehicles and 25 trailers. It is anticipated the Center will be completed in January or February 2012. It is envisioned the Center will be an orientation center and be an amenity for the community.

Bob Jackson, applicant, has worked with the planning staff since the beginning. Engineers and architects came up with three schemes and the Windsor planning department helped determine which plan to go with. Mr. Jackson reviewed how the Center was designed with the specific information included in the Town Board packet.

Corky Braddock, applicant, also addressed the Board and reviewed the floor plan of the Center. It was noted that the Public Rooms and gymnasium would be available for public use.

Chief Planner Ballstadt reported staff had been working on the project for the past eight to ten months which has entailed several rounds of conceptual reviews to get to the product the applicant presented. It is scheduled to be reviewed and approved administratively in the next few months.

Town Board Member Thompson inquired of the helicopter landing pad to which the applicant reported it has been planned in the master plan to allow for staff members from their headquarters to land at the facility, if approved to do so. It is anticipated to be possibly a once a year event.

Town Board Member Thompson also inquired about the military vehicle parking lot which the applicant explained the reason they have so many vehicles is so they can bring supplies and materials to the infantry when they do their exercises.

Mayor Vazquez noted the Town's request that industrial users and high traffic entities not use Main Street and asked if their mobilization plan includes utilizing SH257 to which the applicant stated they plan on steering clear of downtown.

5. Proposed additional 2011 Capital Improvement Project – Poudre River dredging at County Line Road – D. Wagner  
**Town Board Member Slater motioned to direct staff to accept the proposal to move forward on the project; Town Board Member Thompson seconded the motion.**

Director of Engineering Wagner reported on the proposed project and provided pictures showing where the bridge on County Line Road has been obstructed, mostly by willows. Due to the high level of snowpack this year, it is important to have the vegetation and sediment removed soon. The Corp of Engineers has assessed the project and the wetlands impact will be mitigated by planting similar vegetation farther upstream. Approvals from the Corps and the adjacent property owners have been received and the project is ready to start immediately.

Mayor Vazquez asked if we have considered asking the two adjacent landowners about an ingress/egress easement for flood mitigation for future maintenance or dredging. Mr. Wagner stated he would follow up on the idea.

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

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

6. CML Policy Committee - Policy Statement changes survey – K. Arnold  
Town Manager Arnold reviewed the request by the Colorado Municipal League (CML) for local entities to review the Policy Statement with any suggested changes or additions of the Policy Statement to be submitted to CML by April 15.
7. NFRMPO Air Quality Technical Committee – K. Arnold  
Town Manager Arnold reported the Town of Windsor has been invited by the NFRMPO to appoint a resident to the Air Quality Technical Committee. The Town Board directed Mr. Arnold to solicit a volunteer from the community and notify the MPO that the Town would like to have a seat on the committee.
8. Financial Report – D. Moyer  
Director of Finance Moyer stated March, 2011 had been another good month with sales tax collections above the monthly collection benchmark and noted it was the third month in a row that the Town had done

better than 2010. There was also collection a payment which resulted from an audit of \$28, 505 for 2009-2010 collections.

Mr. Moyer noted that through March, 2011 that 55 building permits had been issued with seven being issued the first week of April. Operating expenditures are where they belong after the first quarter.

Mr. Moyer reviewed the memorandum submitted in the packet and addressed the graphs that were included. He noted the grocery stores contribute to the sales tax growth.

Mayor Vazquez noted his thankfulness for another month of good financial news. He stated that expenses are down and revenues are up which supports good government and good management.

#### **D. COMMUNICATIONS**

1. Communications from the Town Attorney

Town Attorney McCargar reported on the Mile High Wakeboarding case which the court found that the burden of proof was not provided by Mile High and the Town of Windsor won the case. Mr. McCargar also noted the Weld County Commissioners would be taking up the issue of the strip of property between two town-owned parcels near the cemetery.

2. Communications from Town Staff

- Parks & Recreation – Director of Parks & Recreation Chew noted the tennis courts at the high school are now lighted; they will time out at 10 p.m. Mayor Vazquez commented this was a good example of collaboration with the school district and creative funding mechanisms that were required to accomplish the effort.
- Police Department – Police Chief Michaels reported on the National Drug Take Back Day scheduled for April 30 from 10 a.m. – 2 p.m. at the police department.
- Engineering – Director of Engineering Wagner provided an update on three construction projects; the I25/SH 392 interchange project, the Great Western Drive construction and 15<sup>th</sup> Street bridge. On Tuesday at the CDOT office in Greeley the stakeholders have been invited to comment in the latest interchange plans with the project planned to go out to bid in May and construction to start in July. A pre-construction meeting has been called for on Tuesday for the Great Western Drive project and the 15<sup>th</sup> Street bridge is on schedule to be completed by May 24.

3. Communications from the Town Manager

Town Manager Arnold introduced Stacy Johnson, Business Development Manager. Ms. Johnson addressed the Town Board regarding her work experience and noted the business contacts she has made since she started. Mr. Arnold also reported the hiring of Casey Muller, Special Event Coordinator.

4. Communications from Town Board Members

Town Board Member Melendez inquired as to how much the National League of Cities renewal was to which Mr. Arnold stated he would email her the information.

#### **E. ADJOURN**

**Town Board Member Bishop-Cotner motioned to adjourn the regular meeting; Town Board Member Slater 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.**



Patti Garcia, Town Clerk