



**TOWN BOARD REGULAR MEETING**  
**May 9, 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

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
Director of Human Resources	Mary Robins
Director of Parks & Recreation	Melissa Chew
Chief of Police	John Michaels
Business Development Manager	Stacy Johnson
Management Intern	Lindsey Haggarty
Town Clerk	Patti Garcia

Excused

Director of Engineering	Dennis Wagner
Director of Public Works	Terry Walker

2. Pledge of Allegiance

Town Board Member Slater 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 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.**

4. Board Liaison Reports

- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission Alternate  
Town Board Member Bishop-Cotner reported the Historic Preservation Commission would be meeting on Wednesday at 5:45 p.m.
- Town Board Member Carrigan – Water & Sewer Board  
Town Board Member Carrigan reported on the NISP rally being held on May 19 from 11:00 a.m. - 1:00 p.m. at Budweiser Event Center and noted that Representative Cory Gardner was scheduled to be the keynote speaker.
- Mayor Pro-Tem O'Neill – Library Board; Planning Commission; North Front Range/MPO Alternate  
Mayor Pro-Tem O'Neill stated the Planning Commission had one agenda item; approval of signs at Fossil Ridge Subdivision. The Library Board meeting discussions included the decision to use

Corbus Library Consultants for the Director search; board members received an update on school partnerships and continued bylaw discussions. The next meeting of the library board is scheduled for May 31, 2011.

- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board, Downtown Development Authority

Town Board Member Melendez stated the Downtown Development Authority (DDA) chose their officers at the April meeting. They are in the process of reviewing the DDA bylaws and plan of development. A luncheon meeting has been scheduled on May 16 for the DDA and the Department of Local Affairs (DOLA) to discuss ways that DOLA can assist the DDA.

Ms. Melendez reported on trails and reminded everyone that no motorized vehicles are allowed on the Poudre Trail. The Trail-a-thon was held last Saturday and was very successful with 150 participants pre-registered and an estimated 150 registered on the day of the event.

The Chamber of Commerce has been discussing the “Shop Local” campaign. The Annual Meeting has been scheduled for July 17 at the Island at Water Valley. Ms. Melendez also reported the UNC student business plan for Windsor has been completed and she can provide the report to those who request it.

- Town Board Member Slater – Tree Board; Windsor Housing Authority  
Town Board Member Slater noted that due to all the activity of the Tree Board in the month of April, that they decided to take off a month. The regularly scheduled meeting of the Windsor Housing Authority is scheduled for May 19 at Century III Clubhouse.
- Town Board Member Thompson – Parks & Recreation Board; Great Western Trail Board  
Town Board Member Thompson was not able to attend the last meeting of the Parks & Recreation Board. The Great Western Trail Board would be meeting May 17.
- Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT)  
Mayor Vazquez stated he was not able to attend the last meeting of the MPO. He reported he is chairing a subcommittee for the region to look at how STP metro funds are rated and how projects are ranked. The subcommittee is reviewing opportunities to assure there is equity in the rating/ranking process.

5. Proclamation - National Public Works Week

Mayor Vazquez read the proclamation related to National Public Works Week.

6. Proclamation – National Police Week

Mayor Vazquez read the proclamation honoring National Police Week.

7. Public Invited to be Heard

Erika Sattler, 1201 Stone Mountain Drive, Windsor, addressed the Town Board regarding livestock on their property. Ms. Sattler provided packets of material to the Town Board entitled “Cows in Windsor”. Ms. Sattler reviewed the process she has taken part in with the planning department and provided an overview of how they use their property. It was noted the property has housed many types of livestock over the years. Ms. Sattler stated a letter had been received from the Windsor Planning Department requiring the removal of the cattle by April 29. Through letters and emails following the Planning Department’s request, the Sattler’s requested an exemption citing the “grandfather clause” and county Right to Farm statutes. Due to Windsor not having a zoning code which would address cattle on the property, staff provided the option for the Sattler’s to submit a Conditional Use Grant (CUG). Ms. Sattler noted the CUG \$100 application fee and noted that there was no guarantee of approval. If it is approved, it would not be transferrable. Ms. Sattler noted her belief that the Code is out of step with the law, not the property use.

Ms. Sattler read portions of the Town of Windsor Code related to E-1 zoning and cited portions of the constitution related to the keeping of livestock.

Ms. Sattler stated that she is requesting the town board to repeal or revise Windsor municipal zoning code 16-14-30(3) to include livestock as defined by Weld County code section 14-410. She also requested that the town board or the town planning department cease enforcement of the zoning code on their family.

Mayor Vazquez stated that the town board has heard the request but would not be engaging in discussion as if the decision is made by the Sattler's to pursue a conditional use grant, the role of the town board becomes quasi-judicial. Mr. Vazquez noted that all the information would be entered into the record. Mr. Vazquez recommended that Ms. Sattler communicate with the Town Manager and Town Attorney related to this matter.

Ms. Sattler stated that she does not believe the CUG is in their best interest at this time and does not anticipate going that direction. She hopes that the code will be changed or repealed so that livestock is not excluded from the Windsor E-1 zoning code.

Clint Sattler, 1201 Stone Mountain Drive, Windsor, read from the packet provided by Ms. Sattler, including a letter from Mayor Vazquez related to the zoning code in question. He additionally stated his support of having property that provides for the needs of families and noted a request for the change in E-1 zoning code.

Mayor Vazquez addressed the Town Board and acknowledged that he wrote the letter which was his personal opinion. He stated that if the subject comes forward through the CUG process and if the Town Board feels he has expressed too much of his personal opinion to be fair and impartial, then he would remove himself from the proceedings.

Cathy Holcombe, Severance resident in an E-1 zoned area, spoke on behalf of the benefits of raising your own food and buying food locally. She noted her appreciation of living in Weld County and in the Town of Severance where the right to farm is upheld. Ms. Holcombe read from Severance E-1 zoning code related to keeping of animals.

Maureen Patterson, 580 Lakewood Court, Windsor, addressed the Town Board related to meat and poultry safety issues. Ms. Patterson noted antibiotics in food and its effects and reported on the benefits of raising and growing your own food.

Doug Patterson, 580 Lakewood Court, Windsor stated the town board wisely chose to allow chickens and noted his support of raising animals and growing your own food, particularly due to the economic climate.

Aaron Lore, Windsor resident, addressed the board and stated his belief that the grandfathering clause should be looked at.

## **B. CONSENT CALENDAR**

1. Minutes of the April 25, 2011 Regular Town Board Meeting – P. Garcia
2. List of Bills – D. Moyer
3. A Resolution Approving the Amendment of an Intergovernmental Agreement with the City Of Fort Collins and the Colorado Department of Transportation Concerning the Design of the Interstate 25/State Highway 392 Interchange – J. Frey (Resolution No. 2011-16)

**Town Board Member Slater motioned to approve the consent calendar as presented; 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.**

### C. BOARD ACTION

1. Ordinance Amending Chapter 16 of the Windsor Municipal Code to Adopt Certain Regulations Pertaining to the Administrative Issuance of Permits for Temporary Advertising Intended to Promote Residential Developments – Second Reading - J. Plummer (Ordinance No. 2011-1410)  
*(Super-majority vote required for adoption on second reading)*

**Town Board Member Slater motioned to approve Ordinance No. 2011-1410, Ordinance Amending Chapter 16 of the Windsor Municipal Code to Adopt Certain Regulations Pertaining to the Administrative Issuance of Permits for Temporary Advertising Intended to Promote Residential Developments on second reading; Town Board Member Bishop-Cotner seconded the motion.**

Director of Planning Plummer reported on the ordinance stating it had been approved on first reading on April 25, 2011. The proposed ordinance would permit staff to administratively review and approve up to 25% additional signage than that which was originally approved as part of the sign program for a residential subdivision. This would be contingent that the additional signs would continue to meet the criteria as noted in the ordinance. There were no changes from first reading of the ordinance and the Planning Commission and staff recommended approval.

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.**

2. An Ordinance Repealing, Amending and Re-Adopting Section 1-4-20(b) of the Windsor Municipal Code for the Purpose of Assuring Sufficient Resources for Remediation of Clandestine Methamphetamine Laboratories within the Town of Windsor - Second Reading – J. Michaels (Ordinance No. 2011-1411)  
*(Super-majority vote required for adoption on second reading)*

**Town Board Member Bishop-Cotner motioned to approved Ordinance No. 2011-1411, An Ordinance Repealing, Amending and Re-Adopting Section 1-4-20(b) of the Windsor Municipal Code for the Purpose of Assuring Sufficient Resources for Remediation of Clandestine Methamphetamine Laboratories within the Town of Windsor on second reading; Town Board Member Carrigan seconded the motion.**

Chief of Police Micheals reported on the ordinance and noted it was before the board for consideration on second reading. The ordinance takes 50% of the surcharge out of Windsor Municipal Court to develop a methamphetamine clean up fund, the other 50% will continue to go to Weld County Drug Task Force. There were no changes from first reading.

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.**

3. An Ordinance Amending Chapter 7 of the Windsor Municipal Code for the Purpose of Assuring the Recovery of Town Expenditures Arising Out of Remediation of Clandestine Methamphetamine Laboratories within the Town of Windsor – First Reading – I. McCargar (Ordinance No. 2011-1412)  
**Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2011-1412, An Ordinance Amending Chapter 7 of the Windsor Municipal Code for the Purpose of Assuring the Recovery of Town Expenditures Arising Out of Remediation of Clandestine Methamphetamine Laboratories within the Town of Windsor on first reading; Town Board Member Carrigan seconded the motion.**

Town Attorney McCargar reported on the ordinance and stated it is related to Ordinance No. 2011-1412 that had just been approved on second reading. The ordinance grants a lien to the Town to recover costs of

methamphetamine laboratory remediation. Procedural requirements include notice to the property owner to allow the property owner to attend a hearing related to the matter. Mr. McCargar stated the police department would be responsible for carrying out the provisions of the ordinance.

Mayor Vazquez commented that it was a good ordinance as the taxpayers should not be responsible for the costs of cleaning up any illegal activity.

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

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

**Nays – None. Motion carried.**

4. A Resolution Making Findings of Fact and Approving the Town of Windsor 2011 Water Rate Study – D. Moyer (Resolution No. 2011-17)

**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2011-17, Town Board Member Carrigan seconded the motion.**

Director of Finance Moyer addressed the Town Board regarding the resolution noting it is the last process related to the grant that funded the Water Rate study. A comment period was required with two comments received and included in the packet materials. Mr. Moyer stated that he spoke to both individuals concerning the comments and felt that the questions were answered. After the resolution is approved, the paperwork will be sent to the state to close out the grant. Water & Sewer Board minutes were also included in the packet as they related to the study as well; Mr. Moyer recommended approval of the resolution.

Mayor Vazquez stated the study may be used as one of the many studies that will create a road map for the Town.

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

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

**Nays – None. Motion carried.**

5. Financial Report – D. Moyer

Finance Director Moyer reviewed the financial report that was included in the packed. It was noted April was another good month particularly related to building permits and sales tax. Operating expenditures were within projections for this month. Mr. Moyer reviewed the graphs that were included with the report.

Mr. Moyer provided a word of caution noting upcoming expenses related to summer projects, capital improvement projects and summer staffing. He stated the town has had some good months but wanted to point out the expenditures that were on the horizon.

Mayor Vazquez noted the benefits of a conservative budget.

**D. COMMUNICATIONS**

1. Communications from the Town Attorney

Town Attorney McCargar reported on a Weld County district hearing attended by Chief Michaels and himself, which today the judge issued an order that certain information was to be made available to the defense in a criminal case. After review by the judge, most of the information was not released to the defense. Mr. McCargar noted that if the case goes to trial there may be some publicity related to the situation.

2. Communications from Town Staff

Police Chief Michaels reported that 83 pounds of drugs were collected on Prescription Drug Take Back Day and anticipates holding the event again in six months. Chief Michaels noted the Bike Rodeo is

scheduled for Saturday from 9 a.m. – 11 a.m. at Windsor Middle School and the Public Works/Police Open House is scheduled for May 18.

3. Communications from the Town Manager

Town Manager Arnold noted that the Diamond Valley baseball complex will be reviewed at a June work session; during capital budget discussions it was determined that if funds were available it would be reviewed for spring 2012 opening. Mr. Arnold noted May 16 work session would be a bus tour of town projects and introduced Lindsey Haggarty, management intern.

Town Board Member Thompson requested an update of neighborhood parks when the Diamond Valley update is discussed.

4. Communications from Town Board Members

Town Board Member Melendez requested a work session on the Poudre Greenway Overview which would be presented by someone from the City of Greeley. Now that the Poudre Trail is completed with 20+ miles of trail, they are looking at further amenities that can be provided which could include economic development opportunities. Ms. Melendez will provide a staff contact to Mr. Arnold.

Town Board Member Slater reported on his opportunity to move to Hawaii and resigned his District 1 seat on the Town Board effective immediately. Mr. Slater read a statement noting his mixed emotions related to his resignation but knows he is making the right decision in order to support his family. Mr. Slater stated it had been an honor to serve with each member.

Mayor Vazquez stated it had been a privilege to work with Mr. Slater and thanked him for his willingness to be a team player; Mr. Vazquez acknowledged that Town Board Member Slater was an asset to the board. Mr. Vazquez supported the fact that he needed to pursue what was best for him and his family.

Town Manager Arnold reported a reception has been planned on May 16, 2011 to recognize Mr. Slater's service to the Town.

Town Board Member Bishop-Cotner commented that Mr. Slater would be missed; he had been a confidante and a trustworthy friend.

Mayor Pro-Tem O'Neill echoed Mr. Bishop-Cotner's sentiments and stated Mr. Slater was one of his dearest friends.

Town Board Members Melendez and Carrigan wished Mr. Slater luck in his future endeavors.

**E. ADJOURN**

Upon a motion duly made, the meeting was adjourned.



Patti Garcia, Town Clerk