



**TOWN BOARD REGULAR MEETING**  
**May 23, 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 John Vazquez  
Mayor Pro-Tem Matthew O'Neill  
Robert Bishop-Cotner  
Mike Carrigan  
Kristie Melendez  
Don Thompson

Also present:

Town Manager  
Town Attorney  
Director of Finance  
Director of Planning  
Director of Human Resources  
Director of Parks & Recreation  
Chief of Police  
Business Development Manager  
Management Intern  
Town Clerk

Kelly Arnold  
Ian McCargar  
Dean Moyer  
Joe Plummer  
Mary Robins  
Melissa Chew  
John Michaels  
Stacy Johnson  
Lindsey Haggerty  
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

**Mayor Pro-Tem O'Neill 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, 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 they had just returned from a joint meeting of the Town Board and Historic Preservation Commission at which ordinance amendments had been discussed.
- Town Board Member Carrigan – Water & Sewer Board  
Town Board Member Carrigan reported on the NISP rally that had been held the previous Thursday and noted there had been approximately 300 in attendance.
- Mayor Pro-Tem O'Neill – Library Board; Planning Commission; North Front Range/MPO Alternate  
Mayor Pro-Tem O'Neil stated the Library Board would be meeting Tuesday, May 31. The Planning Commission met on May 18<sup>th</sup> and approved two extensions for a major subdivision in Poudre Heights and a major subdivision recommendation in Highland Meadows.
- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board, Downtown Development Authority

Town Board member Melendez provided an event summary of the Poudre Trail-a-thon and noted there were over 300 participants from 15 different communities. This was the first year the event had been held and the organizers deemed it successful. The Downtown Development Authority (DDA) met on Wednesday and reviewed their bylaws and continued to work on the Plan of Development. Additionally, the DDA will be working with the Department of Local Affairs who will assist on the creation of a strategic plan.

- Vacant – Tree Board; Windsor Housing Authority
- Town Board Member Thompson – Parks & Recreation Board; Great Western Trail Board  
Town Board Member Thompson noted the Parks & Recreation Advisory Board would be meeting on June 7. Mr. Thompson also reported the Great Western Trail Board is focusing on getting signage installed between the existing trail and Windsor Lake to raise awareness of its availability.
- Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT)  
Mayor Vazquez reported the MPO would be meeting the first Thursday in June. Mayor Vazquez additionally gave an overview of the SALT schedule noting the Open Mic Night scheduled for June 16.

5. Public Invited to be Heard

Scott Stevens, Andrew Seidel and Gary Mayce of Redwood Drive, Windsor were present and addressed the Town Board regarding a sewage back up that had occurred on April 10, 2011. They stated there was a malfunction with the sewer and their basements had been filled with raw sewage. Their personal insurance companies have stated they would not cover the damages as the issue did not emanate from their properties.

Town Manager Arnold reported a claim had been filed with CIRSA, which is the Town's insurance carrier. Mr. Arnold stated to date the claim had been denied by CIRSA.

Mayor Vazquez inquired as to the cause of the backup to which Mr. Arnold replied that the investigation has been inconclusive.

Town Attorney McCargar stated the issue had been put into the hands of the Town's insurance carrier, CIRSA and noted that the public meeting was not the appropriate venue to discuss the problem due to legal matters that may arise.

Mayor Vazquez indicated he preferred that the Town be collaborators on the solution. He also requested that staff follow up with the claim and assure that CIRSA is being diligent on their end. Town Manager Arnold noted that the claim was being handled properly and both sides were doing their part regarding the issue.

**B. CONSENT CALENDAR**

1. Minutes of the May 23, 2011 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – Backdraft, Inc. dba Firestation Restaurant, Tavern License – P. Garcia
3. Special Event Liquor License – Northern Colorado Youth Hockey – P. Garcia
4. Request for Authorization of Expenses Incurred as Campaign Costs by Matthew O'Neill in Vying for a Seat on the Colorado Municipal League Executive Board – P. Garcia
5. A Resolution Approving a Clarification to the Recorded Plat for the Great Western Industrial Park Subdivision, Fourth Filing, Within the Town of Windsor, and Authorizing the Mayor to Execute Same – I. McCargar (Resolution No. 2011-18)

Mayor Pro-Tem O'Neill stated he would be abstaining from the vote as Consent Item 4 was of personal interest.

**Town Board Member Carrigan motioned to approve the Consent Calendar as presented; Town Board Member Melendez seconded the motion. Roll call on the vote resulted as follows:**

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

### C. BOARD ACTION

1. 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 – Second Reading – I. McCargar (Ordinance No. 2011-1412)  
*(Super-majority vote required for adoption on second reading)*

**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 Second Reading; Town Board Member Carrigan seconded the motion.**

Town Attorney McCargar reported on the ordinance and noted it had been unchanged 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, Thompson, Vazquez**  
**Nays – None. Motion carried.**

2. An Ordinance Amending Chapter Eighteen of The Windsor Municipal Code for the Purpose of Establishing Priority Status for Liens Arising Out of Enforcement Action Taken by the Town of Windsor Pursuant to the International Building Code Family – First Reading – I. McCargar (Ordinance No. 2011-1413)

**Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2011-1413; An Ordinance Amending Chapter Eighteen of The Windsor Municipal Code for the Purpose of Establishing Priority Status for Liens Arising Out of Enforcement Action Taken by the Town of Windsor Pursuant to the International Building Code Family on First Reading; Town Board Member Thompson seconded the motion.**

Town Attorney McCargar noted the ordinance was largely unchanged from the discussion draft provided to the Town Board at a previous work session. The current ordinance addresses comments by the Town Board regarding the “threshold” at which the lien becomes a priority status. The primary focus of previous conversations was how to narrow the language to clarify when a super priority lien would be perfected. Mr. McCargar noted definitions have been pulled from the International Building Code family related to unfit structures and structures that are unfit for human occupancy which refines the distinction of super priority lien status.

Town Board Member Carrigan expressed concern related to putting the Town in front of other lien holders and feels that all lien holders should have an equal playing field.

Town Board Member Thompson believes that by the time the Town would reach the avenue of a super priority lien that all other avenues would have been exhausted.

Mayor Vazquez concurred with Mr. Thompson’s comments and noted that there is now language that clarifies when the town would pursue a super priority lien.

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

**Yeas – Bishop-Cotner, O’Neill, Melendez, Thompson, Vazquez**  
**Nays – Carrigan. Motion carried.**

3. A Resolution Further Extending the Deadline for the Town of Windsor and the City of Fort Collins to Take Certain Actions Under the Terms and Conditions of an Intergovernmental Agreement Between the Town and the City Pertaining to the Development of the Interstate Highway 25 and State Highway 392 Interchange and the Area Surrounding that Interchange – J. Frey (Resolution No. 2011-19 )  
**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2011-19; Town Board Member Carrigan seconded the motion.**

Town Attorney Frey reported on the resolution noting it is a request to continue the extension of the Fort Collins/Windsor intergovernmental agreement (IGA) from June 7, 2011 to September 20, 2011 to complete the agreements. The extension was approved by Fort Collins on May 17, 2011. The items that both municipalities deem to be worked on include the creation of the Corridor Activity Center (CAC) boundaries which is the area that will be assessed to pay back the \$5M to Windsor and Fort Collins for the contributions for the construction of the interchange. Additionally, an appraisal of the properties is being conducted due to the interchange being in place. Mr. Frey indicated the boundaries for the CAC and proposed assessment of the properties for the \$5M recovery would be brought before the Town Board. It was noted the exact amount of recovery would not be known until the interchange is completed and could be less than \$5M.

Mr. Frey reported that bids for the project are out and construction is anticipated to start in July with a 15 month period of construction which will not prohibit development in the area.

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

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

4. A Resolution Approving And Accepting A Transfer Of Real Property From The County Of Weld, State Of Colorado, Within The Coons Subdivision In The Town Of Windsor, Colorado – I. McCargar (Resolution No. 2011-20)  
**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2011-20; Town Board Member Carrigan seconded the motion.**

Town Attorney McCargar stated the resolution formally accepts the deed of dedication from Weld County for a portion of land which was a platted county road/street which was never improved; doing this will simplify annexation of land that was dedicated by Ed Duggan to the Town.

Mayor Vazquez noted the land will be used to extend the Town’s cemetery.

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

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

5. Reimbursement request from Windsor high school booster club for fundraiser at CRC – M. Chew  
**Town Board Member Bishop-Cotner motioned to approve the reimbursement request from the Windsor High School Booster Club; Town Board Member Melendez seconded the motion.**

Director of Parks & Recreation Chew reported on the request noting the Booster Club is an independent 501(c)3 and due to the fundraiser being after school hours, it fall outside the limits of the IGA with the school district. Ms. Chew noted the outside agency funding report was provided to the Town Board and that the reimbursement request was for \$528.

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

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

6. Authorize the Town Manager to send a letter requesting transfer of administration of the Windsor Mill grant from Upstate CO to the Town of Windsor – K. Arnold  
**Town Board Member Bishop-Cotner motioned to approve the letter requesting transfer of administration of the Windsor Mill grant from Upstate CO to the Town of Windsor; Town Board Member Thompson seconded the motion.**

Town Manager Arnold reported on the status of the grant noting it had previously been awarded to Upstate Colorado about 2½ years ago for the renovation and repair of the Mill. Mr. Arnold reported that the grant had been sponsored by the mill representatives at the time; the \$275,495 grant was approved with a match of \$336,716. During the past 2½ years the State Historic Fund has extended the grant at least two times that Mr. Arnold is aware of to allow the owner to put together the cash match or plan for the grant. Last October the Town Board met with a representative of the mill and discussed possible uses. In January, 2011 the state provided another extension of the grant and approximately 45 days ago the Town started to investigate the current trust and found that Briarhurst Trust was the new Mill representatives. Mr. Arnold reported the last 45 days have been very productive. At a meeting between the State, the Town, the Trust and Upstate Colorado it was agreed that if the Trust could come up with the match that the State would authorize the moving forward of the grant on the condition that the Town would take over the grant from Upstate. The intent is for the local community to participate on the grant. The transfer means that the Town administrates the grant which is for the renovation and repair of only the exterior of the Mill to pre-tornado status. Mr. Arnold reported that a contract will be brought before the Town Board for consideration regarding how the grant will be administered and the roles and responsibilities of each party. If there are any additional financial liabilities with the Town acting as administrator, there will be discussion with the Town Board at the end of June. Mr. Arnold recommends authorization of the letter and noted that Upstate Colorado would be sending a letter relinquishing administration.

Representatives for Briarhurst Trust, Greg Bell and Barb Morrison, were present and addressed the Town Board regarding the Mill and grant. Mr. Bell reported the Trust is capable of providing the match as required by the grant. Ms. Morrison may be coming back to the Town requesting for certain things in cooperation to get the Mill back to a respectable property.

Mayor Vazquez noted the Mill is an important landmark in Windsor. He recommended that communication and updates to the Town on a regular basis would be beneficial.

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

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

**Nays – None. Motion carried.**

7. Discussion of request by 1201 Mountain Drive owners and direction to town staff – K. Arnold, I. McCargar

Mayor Vazquez stated that there have been many conversations with the owners of 1201 Stone Mountain Drive along with a lot of correspondence received. The purpose of the agenda item is for the Town Board to receive counsel and advice from the Town Attorney and Town Manager to determine if an amendment of the ordinance should be pursued. Mr. Vazquez addressed the audience noting they should not feel slighted if public comment was not taken at the meeting. If the Town Board directs staff to bring an amendment forward for consideration, there will be opportunity for public comment at that time.

Town Board Member Melendez stated that due to the comments and information received so far that the Town Board should look at the ordinance.

Town Board Member Thompson concurred with Town Board Member Melendez.

Mayor Pro-Tem O’Neill recommended a zoning code amendment be looked at, do some research and allow the Planning Commission get involved.

Town Board Member Carrigan stated an amendment should be looked at. He went on to say that many of the emails that were accusatory in nature from both Windsor citizens and those outside Windsor were inappropriate. He stated he would continue to keep an open mind to the situation.

Town Board Member Bishop-Cotner recommended that an amendment be looked at and allow the process to work its way through.

Mayor Vazquez concurred with the rest of the Town Board Members noting a look at an amendment would be the appropriate thing to do. Mr. Vazquez also addressed the correspondence received and encouraged those who wanted to send emails and letters to be constructive in their comments.

Town Manager Arnold stated he understands from the Town Board discussions, that the legal process related to 1201 Stone Mountain Drive would be set aside and in exchange for that staff will go through the E1 evaluation of the zoning code in which a flow chart will be created. The chart will address the schedule and timeline for the process for both Planning Commission and Town Board.

Mayor Vazquez addressed the audience stating that this was not an approval, but the first step of many regarding the process. He noted if the process moves forward, there will be opportunity for those for and against an amendment to provide their input.

Fauna Kness requested to address the Town Board. Town Manager Arnold inquired if the comments taken from Ms. Kness were to be for clarification only to which Mr. Vazquez affirmed.

Ms. Kness reported due to the location of her property, she is directly involved with the situation. Ms. Kness expressed concern that she had not been notified of any discussions related to 1201 Stone Mountain Drive. Mayor Vazquez responded that there was no community notification since it has never been an action item for consideration by the Town Board. Mayor Vazquez reported on the past events stating the Sattlers, who own 1201 Stone Mountain Drive, were notified of a violation of the Windsor Town Code. In the Sattlers' email response to the Town, they copied the Mayor on the correspondence. Mayor Vazquez replied to their email noting his personal support of the right to farm. Staff then notified the Sattlers of their opportunity to pursue a Conditional Use Grant (CUG) which is a request to use property in a manner that is not a use by right under the Town's current zoning laws. Mr. Vazquez explained that if the CUG came before the Town Board for consideration that he would recuse himself as his response to the Sattlers' email could be seen as prejudgment of the question in a quasi-judicial proceeding. The Sattlers have indicated that they are not inclined to seek a CUG, and have requested the Town Board amend the ordinance. The request was heard two weeks ago under the Public Invited to be Heard and the current agenda item is to discuss that request.

Town Manager Arnold stated that since this will be a zoning amendment request, it will not be property specific. If it had been a CUG, there would be neighborhood notification of the agenda item. This will be a discussion of an amendment of the zoning code which will involve the entire community talking about Residential E1 zones. Mr. Arnold noted there would be notification of the meetings but there won't be anything specific to 1201 Stone Mountain Drive. Mayor Vazquez commented the entire process should take 45-90 days. It was also noted that all agendas are posted on the Town of Windsor website and the local media is proactive in reporting on upcoming agenda items and encouraged Ms. Kness to use those avenues to stay informed on upcoming meetings and agenda topics.

Town Attorney McCargar stated that when an ordinance is being considered by the Town Board there is a public hearing before first reading and then public comment is taken on the second reading.

Town Board Member Melendez requested staff provide solutions as well as consequences of the outcome if the amendment does pass since this does involve the entire community.

Clint Sattler, 1201 Stone Mountain Drive, apologized for correspondence that was inappropriate and noted the Town Board Members should be respected.

8. District 1 vacancy discussion – K. Arnold, I. McCargar

Town Attorney McCargar reported there were three options regarding the vacancy created by Jon Slater's move from Windsor; hold a special election, leave the seat vacant due to less than one year left on the term or appoint someone to fill the seat for the balance of the term.

Town Manager Arnold noted that Mr. Slater had served as a liaison to the Tree Board along with being appointed to the Windsor Housing Authority. The Housing Authority position was not as a liaison to the Town Board so will be advertised as an advisory board vacancy.

The Town Board requested staff to advertise for a District 1 representative which would be appointed by the Town Board.

Karl Hagman, 8796 Longs Peak Circle, addressed the Town Board and expressed his interest in the vacant seat.

#### **D. COMMUNICATIONS**

1. Communications from the Town Attorney

Town Attorney McCargar stated he had attended a Leadership Training in Steamboat at which communications was the theme.

2. Communications from Town Staff

- Engineering – Director of Engineering Wagner stated the 15<sup>th</sup> Street Bridge would be opening Tuesday at 10 a.m.
- Public Works – Director of Public Works Walker reported the contract with Great Western and CDOT for the railroad work at 3<sup>rd</sup> and Main has been signed. He also noted that the Public Works/Police Department Open House was a huge success with over 300 hotdogs and hamburgers served and over 80 school children and teachers that were in attendance.
- Planning – Director of Planning Plummer noted the 2011 Community Profile had been sent out and that the Planning Department would be fielding any questions.
- Parks & Recreation – Director of Parks & Recreation Chew reported that the Town had received notice that they had not been successful in being awarded the Diamond Valley GOCO grant. Ms. Chew stated that there had been 820 youth at the last teen dance of the school year at the Community Recreation Center and that the Memorial Day weekend signifies the start of summer aquatic programs. Additionally, there would be a Memorial Day ceremony at Lakeview Cemetery at which Mayor Vazquez would be dedicating two benches to Ed Duggan who donated property to the Town.

3. Communications from the Town Manager

Management Intern Haggerty stated that A Woman's Place would be addressing the Town Board at the June 20 work session.

3. Communications from Town Board Members

No communications.

#### **E. EXECUTIVE SESSION**

An executive session pursuant to § 24-6-402 (4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. Providing assistance to encourage primary employment and vacant building occupancy - K. Arnold

**Mayor Pro-Tem O'Neill motioned to go into an Executive Session at 8:38 p.m. pursuant to § 24-6-402 (4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. Providing assistance to encourage primary employment and vacant building occupancy Town Board Member Carrigan seconded the motion. Roll call on the vote resulted as follows:**

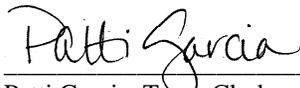
**Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Thompson, Vazquez  
Nays – None. Motion carried.**

Upon returning to the regular meeting at 10:03 p.m., Mayor Vazquez advised that if any participants in the Executive Session believed the session contained any substantial discussion of any matters not included in the motion to convene the Executive Session, or believed any improper action occurred during the Session in violation of the Open Meeting Law, such concerns should now be stated. Hearing none, the regular meeting resumed.

**F. 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  
Nays – None. Motion carried.**



Patti Garcia, Town Clerk