



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

MINUTES

A. CALL TO ORDER

1. Swearing in of Don Shanfelt, District 1 Town Board Member

Town Clerk Garcia administered the Oath of Office to Don Shanfelt, District 1 Town Board Member.

2. Roll Call

Mayor John Vazquez
Mayor Pro-Tem Matthew O'Neill
Robert Bishop-Cotner
Mike Carrigan
Kristie Melendez
Don Shanfelt
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
Director of Engineering	Dennis Wagner
Director of Human Resources	Mary Robins
Business Development Manager	Stacy Johnson
Director of Parks & Recreation	Melissa Chew
Director of Public Works	Terry Walker
Management Intern	Lindsey Haggerty
Town Clerk	Patti Garcia
Absent:	Chief of Police
	John Michaels

3. Pledge of Allegiance

Board Member Shanfelt led the Pledge of Allegiance.

4. 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; Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

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

Nays – None. Motion carried.

5. Board Liaison Reports

- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission Alternate
Board Member Bishop-Cotner noted the Historic Preservation Commission would be meeting on Wednesday.
- Town Board Member Carrigan – Water & Sewer Board
No report.

- Mayor Pro-Tem O'Neill – Library Board; Planning Commission; North Front Range/MPO Alternate
Mayor Pro-Tem O'Neill reported the Planning Commission held a work session the previous week at which site plans for redevelopments was discussed. The Library Board did not have a quorum at their last meeting and their next meeting is scheduled for July 26.
 - Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board, Downtown Development Authority (DDA)
Town Board Member Melendez reported the Chamber of Commerce met Wednesday, July 6 at Austin's and they are working towards finalizing the details on the shop local campaign, shopwindsorfirst.com. The All Town Barbeque was a success with an estimate of 2,000 people being served dinner. The Chamber Annual Dinner is scheduled for July 17 at the Island at Water Valley, Meet the Leaders Night is scheduled for Tuesday, September 20, 2011 from 5:30-7:30 p.m. at Austin's and the upcoming Business Expo is scheduled for Tuesday, September 26 from 2-7 p.m. at the Windsor Community Recreation Center. The DDA completed a walking audit of the current conditions of the downtown district area with DOLA representatives providing guidance as to the process. The DDA will discuss the results at their next meeting as they move forward with their strategic planning. The Cache La Poudre Trail Board is looking at hosting a Crab Walk Challenge tentatively scheduled for September 17. The Poudre to Downtown link signs are in the process of being installed and the Board retreat is scheduled for August 17 from 5:30-8:00 p.m. at the Poudre Learning Center.
 - Vacant – Tree Board
 - Town Board Member Thompson – Parks & Recreation Board (PRAB); Great Western Trail Board (GWTB)
Town Board Member Thompson reported that PRAB met last week and held their annual tour of existing parks, trails and projects. They finished up at the Community Recreation Center where they discussed the proposed footprint and partnership items. The GWTB meets in two weeks; they are currently focused on preparing for the bike rodeo scheduled for August 27.
 - Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT)
Mayor Vazquez reported on the MPO meeting that was held last Thursday noting the upcoming budget season could be interesting as it is unclear as to how funds will be appropriated. Mr. Vazquez stated he believes there are areas that can be trimmed related to the budget and MPO staff is working on a more detailed document. An additional informational item at the MPO meeting was an audit by the State of Colorado Department of Health relative to air quality and emissions monitoring program. Mayor Vazquez stated he continues to voice his opposition to the vehicle inspection program. The Mayor noted that SALT should be providing a report once school is back in session.
5. Public Invited to be Heard
Dean Kness, 1301 Stone Mountain Drive, addressed the Town Board regarding the upcoming work session related to the E1 zoning item. Mayor Vazquez noted that those in support and those in opposition to the E1 zoning would have equal time to present their case. The July 18 meeting will be a work session at which the topic will be discussed. Mr. Kness inquired of the additional cattle acquired by the Sattler's on July 9 to which Mayor Vazquez reported that Mr. Sattler had already committed to the acquisition prior to the E1 zone issue that was brought before the Town. It was noted that any information to be included in the July 18, 2011 town board work session packet was to be submitted to the Town Clerk prior to Thursday at noon.

Linda Francis, 7150 Hwy 392, adjacent property owner and developer of the property that was annexed in 1989, stated she was very familiar with the E1 zoned property and would be available to answer any question.

Fauna Kness, 1301 Stone Mountain Drive, addressed the Town Board regarding the current chicken ordinance and reported on her concern with In Defense of Animals (IDA). Ms. Kness stated her concern regarding the safety of the Sattler's chickens and noted the various options that are available to remove the fox that reportedly killed several of the chickens. Ms. Kness would like to see the foxes relocated and not harmed. She reported the first time the chickens were killed it was when they were left out after dark; the ordinance states that chickens are to be brought into their enclosure at dark. The second time the fox entered the chicken coop and the chickens were killed. Ms. Kness also reported that the DOW stated that coyotes have been recent culprits and she is concerned for pets and children in the area. Ms. Kness requested the Town revisit the need to enforce the chicken hen ordinance.

B. CONSENT CALENDAR

1. Minutes of the June 13, 2011 and June 27, 2011 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – King Soopers #104, 3.2% Beer Retail License (off premise) – P. Garcia
3. Report of Bills – D. Moyer
4. A Resolution Approving a Request for Outside Agency Financial Support from *A Woman's Place* for the 2010-2011 Fiscal Year – L. Haggerty (Resolution No. 2011-27)
5. A Resolution Approving an Agreement for Legal Services Between the Town of Windsor and Lind & Ottenhoff, Attorneys, for Special Counsel Services, and Authorizing the Mayor to Execute the Same – I. McCargar (Resolution No. 2011-28)

Town Board Member Thompson 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, O'Neill, Melendez, Shanfelt, Thompson, Vazquez
Nays – None. Motion carried.**

C. BOARD ACTION

1. Appointment of Town Board Member to the Tree Board – P. Garcia
Town Board Member Thompson volunteered to be the liaison to the Tree Board until the next municipal election. Town Clerk Garcia reported in the past the mayor has appointed the Town Board liaisons by proclamation and stated she would prepare a proclamation for the next meeting.
2. A Resolution Accepting the Audit Report for 2010 Prepared by Anton Collins Mitchell LLP, Certified Public Accountants – D. Moyer (Resolution No. 2011-29)
Town Board Member Bishop-Cotner motioned to approve Resolution No. 2011-29; Mayor Pro-Tem O'Neill seconded the motion. Roll call on the vote resulted as follows:
**Yeas – Bishop-Cotner, O'Neill, Melendez, Shanfelt, Thompson, Vazquez
Nays – None. Motion carried.**

Director of Finance Moyer noted the audit report had been presented at the work session prior to the regular meeting and recommended approval of the resolution.

Mayor Vazquez stated the audit assures that the Town is compliant with all financial reporting requirements.

Roll call on the vote resulted as follows:

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

3. An Ordinance Annexing Certain Town-Owned Land Pursuant to the Provisions of § 31-12-10, C.R.S. – Town of Windsor, applicant – First Reading – D. Aungst (Ordinance No. 2011-1414)
Mayor Pro-Tem O'Neill motioned to approve Ordinance No. 2011-1414; An Ordinance Annexing Certain Town-Owned Land Pursuant to the Provisions of § 31-12-10, C.R.S on First Reading; Town Board Member Bishop-Cotner seconded the motion.

Associate Planner Aungst reported on the ordinance and noted the subject property is owned by the Town of Windsor and is approximately 3 ½ acres in size. The property is located south and adjacent to Highway 392 and will be zoned O, Recreation and Open Space, and will become part of the Town's cemetery. The Town Board approved Resolution 2011-20 and accepted the Quit Claim Deed from Weld County on May 23, 2011. It was noted the property was donated by Ed Duggan to the Town. Ms. Aungst reported that staff recommended approval of the ordinance.

Town Attorney McCargar stated the property meets the contiguity laws of the annexation law and is a very straightforward process.

Roll call on the vote resulted as follows:

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

Nays – None. Motion carried.

4. A Public Hearing pursuant to Chapter 16, Article XXVI, of the Windsor Municipal Code with respect to extending the period of vested property rights for the Site Specific Development Plan and approving the amendment of the Site Plan Development Agreement for the Jacoby Farm Subdivision, Fifth Filing, Lot 1 and Lot 4, in the Town of Windsor, Colorado. – I. McCargar, S. Ballstadt

Mayor Pro-Tem O'Neill 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, O'Neill, Melendez, Shanfelt, Thompson, Vazquez

Nays – None. Motion carried.

Chief Planner Ballstadt reported on the agenda item and noted it was a request for an extension of existing vested property rights pertaining to the site plan known as Jacoby Farm Subdivision, Fifth Filing, Lots 1 and 4. The subject site plan and vested property rights were originally approved in 2006 for two large retail establishments; Walmart later acquired Lots 1 and 4 and received an extension of the property rights which are good through August of 2011. The request to be considered is to amend the site plan development agreement to extend the existing vested property rights for an additional three years through August, 2014.

Greg Tan, representing the applicant, addressed the Town Board and noted the only item requested to be amended is the clause regarding the expiration date of the vested site plan.

Town Attorney McCargar noted that all conditions that were approved in the original site plan would be extended if the resolution is approved. The agreement itself will stay 99% intact; the only change is related to the extension date.

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

Mayor Pro-Tem O'Neill 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, O'Neill, Melendez, Shanfelt, Thompson, Vazquez

Nays – None. Motion carried.

5. A Resolution Extending the Period of Vested Property Rights for the Site Specific Development Plan and Approving the Amendment of the Site Plan Development Agreement for the Jacoby Farm Subdivision, Fifth Filing, Lot 1 and Lot 4, in the Town of Windsor, Colorado – I. McCargar, S. Ballstadt (Resolution No. 2011-30)

Mayor Pro-Tem O'Neill motioned to approve Resolution No. 2011-30; Town Board Member Bishop-Cotner seconded the motion.

Chief Planner Ballstadt addressed the Town Board and noted that staff recommended approval amending the development agreement to extend the vested property rights for an additional three years.

Mayor Vazquez requested confirmation from Greg Tan, applicant representative, that with the exception of the modification of the expiration date of the site plan development agreement that all the conditions were acceptable to his client, to which Mr. Tan concurred.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion carried.

6. Historic Mill Update – K. Arnold

Verbal update

Town Manager Arnold provided an update of the Historic Mill and the status of the Briarhurst Trust and grant. Mr. Arnold stated originally the plan for the agenda item was that staff would be bringing forward a contract for the grant between the State and the Town along with a Memorandum of Understanding of how to implement the grant that had been applied for between Briarhurst Trust and the Town of Windsor. The owner and representative of the Briarhurst Trust had come before the Board approximately a month ago and indicated their interest in pursuing the grant which was for rehabilitation of the exterior of the mill to its previous condition (pre-2008 tornado). The Trust was not only looking at the rehabilitation of the exterior but the reuse as well. The Trust decided to decline the grant due to specific conditions tied to receipt of the grant monies related to reuse of the mill. The State will be taking the funds and reassigning them elsewhere. Mr. Arnold’s understanding is that the owner is interested in rehabilitation of the mill. Staff is going to continue to talk with the owner and the Town Board directed Mr. Arnold to require an update on progress for the mill within the next two to four weeks.

7. Financial Report – D. Moyer

Director of Finance Moyer reviewed the financial report included in the Town Board packet and noted the 6.8% increase in year to date revenue comparison versus 2010. Mr. Moyer noted that a Colorado Municipal League survey of 63 municipalities across the state had an average increase of 6.5% in sales tax collection. It was noted that 19 single family home permits were issued in June which is double compared to what was issued in 2010. Property tax will continue to be collected through July which will show an increase due to assessed valuations. Mr. Moyer also noted that operating expenditures, which were anticipated to be at 50%, are currently at 48%. A review of the attached graphs noted that grocery stores were a main driver of sales tax and related to additional sales tax received, the review of the DOLA website showed that the CPI is at 3%.

Town Board Member Shanfelt requested Mr. Moyer provide a line graph noting the difference between the 2010 budget and the 2011 actual numbers to get a comparison from the prior year.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Town Attorney McCargar thanked Chief Planner Ballstadt for his work with Mr. Tan and the extension for Walmart.

2. Communications from Town Staff

- Parks & Recreation – Director of Parks & Recreation Chew reported the Diamond Valley bid packages were being worked on and should hit the streets the first of August and will be due at the end of August. She reported that many positive comments were received regarding the July 4 festivities. The summer concert series is in full swing with the Taste of Windsor scheduled for July 21. It was noted the results of the YMCA survey were posted on the Town’s website. Ms. Chew also provided a guidebook created by the Cache La Poudre Heritage Area to the Town Board members.

3. Communications from the Town Manager

Town Manager Arnold reminded the Town Board of the I25/SH392 open house scheduled at the Community Recreation Center on Wednesday from 4:30-6:30 pm. Mr. Arnold noted the 300 day construction schedule which would provide opening of the interchange in June 2012.

4. Communications from Town Board Members

Town Board Member Melendez requested enforcement of the chicken hen ordinance in relation to the comments made during the Public Invited to be Heard.

Mayor Vazquez welcomed Town Board Member Shanfelt to the Town Board. Dr. Shanfelt responded that he was honored to work with the group.

E. ADJOURN

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

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

Nays – None. Motion carried.


Patti Garcia, Town Clerk