



**TOWN BOARD REGULAR MEETING**  
**June 27, 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  
Kristie Melendez  
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
Associate Planner	Elizabeth Fields
Director of Engineering	Dennis Wagner
Director of Human Resources	Mary Robins
Chief of Police	John Michaels
Management Intern	Lindsey Haggerty
Town Clerk	Patti Garcia

Absent:

Business Development Manager	Stacy Johnson
Director of Parks & Recreation	Melissa Chew

2. Pledge of Allegiance

Town Board Member Bishop-Cotner 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 Thompson motioned to amend the agenda by removing the June 13, 2011 minutes from the Consent Calendar and include them for consideration at the next Town Board meeting; Mayor Pro-Tem seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, 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 noted the Historic Preservation Commission had met with the Greeley Historic Preservation Commission which was a rewarding experience with an interesting exchange of information.
- 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 next meeting of the Planning Commission is scheduled for July 7. The Planning Commission forwarded three items to the Town Board for consideration from their last meeting which were included in the agenda. Mr. O'Neill reported the work session

on the E-1 zoning the Planning Commission determined the current process in place was appropriate and did not take any action on the topic. The Library Board would be meeting June 28 with the main topics being Sunday hours, the director search and second reading of the bylaws.

- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board, Downtown Development Authority  
Town Board Member Melendez stated there had not been any additional sessions since the last town board meeting. Ms. Melendez noted that the Downtown Development authority would be meeting with the Department of Local Affairs on Wednesday at 7 a.m. to conduct an environmental scan of the Downtown Development District.
- Vacant – Tree Board
- Town Board Member Thompson – Parks & Recreation Board; Great Western Trail Board  
Town Board Member Thompson stated the Parks & Recreation Board would be meeting a week from Tuesday. It was also noted the Great Western Trail Board, with help from the Windsor Parks Department, installed sign posts with the Great Western Trail installing the signs to complete the signage from Windsor Lake to Eaton.
- Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT)  
Mayor Vazquez reported the MPO would be meeting the first Thursday in July and that SALT was taking the summer off.

5. Recreation and Parks Month Proclamation

Mayor Vazquez read proclamation.

6. Public Invited to be Heard

Doug Patterson, 580 Lakeview Court, stated his disappointment that at the Planning Commission meeting, they did not take public comment related to the E-1 zoning agenda item. Mr. Patterson had understood from a previous Town Board meeting that they were assured that they would be heard.

Mayor Vazquez noted the Planning Commission is an autonomous body outside of the Town Board; their job is to oversee land use relative to all the districts. Because they chose to not take input at their meeting does not mean the Town Board will not take public comment at the appropriate time. The Planning Commission makes recommendations to the Town Board; the Town Board makes policy.

Director of Planning Plummer reported the work session was held to discuss the merits of changing the current ordinance and the Planning Commission elected to discuss the materials in their packets. Because it was not a public hearing they conferred among themselves the changing of the E-1 zoning regulations and it was their consensus that the ordinance and regulations should stay intact.

Town Manager Arnold noted the timeline of a work session on July 18, 2011 and recommended the Town Board determine how they want to handle the issue and when to take public comment. If the Town Board entertains an amendment to the ordinance, the regular process is that staff would draft the ordinance and a public hearing before the Town Board would be scheduled.

Mayor Vazquez commented that public comment would be taken at some point in time on the issue and inquired of the Board if they preferred if public comment should be taken at the scheduled work session or at another time.

Town Board Member Thompson inquired if the Planning Commission was ultimately responsible for land use and zone changes, then isn't the appropriate method be for the amendment to come from them and then to the Town Board. Town Attorney McCargar stated the Planning Commission is an advisory capacity related to code amendments to the Town Board. The Town Code requires if the Town Board comes up

with a draft ordinance to change the Code, then it must go back to the Planning Commission for a public hearing and recommendation to the Town Board.

Town Attorney McCargar stated that public comment could be taken at the work session or wait for a public hearing; it is up to the Board on how they want to proceed.

Mayor Pro-Tem O'Neill noted other times that public comment was permitted during a work session after staff provided their proposal, ie WalMart.

Town Manager Arnold suggested that he and Town Attorney McCargar provide a couple of options on how to proceed that the Town Board can discuss at the July 11 work session.

Town Attorney McCargar reported to the Town Board that minutes of work sessions are not kept.

Clint Sattler, 1201 Stone Mountain Drive, reiterated Mr. Patterson's concerns and requested a firm date at which public comment will be taken and wants opportunity to state the facts before the Planning Commission so it will be part of the record. Mayor Vazquez noted that the only way the Planning Commission would hear an amendment is if pursuant to discussion at the July 18 meeting, an ordinance be drafted and forwarded to the Planning Commission for consideration. Our charter forces it to be on the agenda and hold a public hearing. Mayor Vazquez stated that the Town Board has agreed to hear their proposal and open up dialogue as a collaborative effort to see if an amendment should be drafted. If an ordinance is drafted and sent to the Planning Commission, that would be the time for their public comment to present evidence before that body.

Mark Crough, 8813 Longs Peak Circle, offered his assistance related to oil & gas drilling on public land as he has quite a bit of evidence related to the industry. Mayor Vazquez recommended he contact Town Manager Arnold regarding his effort.

## **B. CONSENT CALENDAR**

1. Minutes of the June 13, 2011 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – 2LD LLC dba Town Spirits, Retail Liquor License – P. Garcia
3. Liquor License Renewal – Pueblo Viejo Family Mexican Restaurant, Hotel/Restaurant Liquor License – P. Garcia
4. Special Event Liquor License – Windsor Rotary, Harvest Festival (Boardwalk Park) – P. Garcia
5. Special Event Liquor License – Windsor Rotary, Harvest Festival (Main Park) – P. Garcia
6. Special Event Liquor License – Windsor Rotary, Fine Arts Festival (Boardwalk Park) – P. Garcia
7. Contract for Oversizing Credits for sanitary sewer in Phase 1A of the Greenspire Subdivision – D. Wagner

**Mayor Pro-Tem O'Neill motioned to approve the Consent Calendar as presented; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**

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

## **C. BOARD ACTION**

1. Appointment of District 1 Town Board member – M. Vazquez  
Mayor Vazquez stated pursuant to District 1 representative Jon Slater's relocation to Hawaii, that the vacancy needed to be filled. There were eight qualified applicants pursuing appointment to District 1 which created a difficult decision making process.

**Mayor Pro-Tem O'Neill motioned to nominate Don Shanfelt to the District 1 vacancy; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**

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

2. Public Hearing – Downtown Development Authority Plan of Development – K. Arnold  
**Mayor Pro-Tem O’Neill motioned to open the Public Hearing; Town Board Member Bishop-Cotner seconded the motion.**

Town Manager Arnold reported on the Plan of Development noting that the state statute requires the Downtown Development Authority (DDA) have an approved Plan of Development (POD). The POD included in the packet had been reviewed by the Town Board at a June 6 joint meeting with the Planning Commission and DDA. The POD was approved and ratified on June 15 by the DDA and was recommended for approval by the Planning Commission at their June 15 meeting. Mr. Arnold reviewed the various parts of the POD including the legal description and the general description of purposes of the DDA, background information on a strategic planning process and briefly discusses methods of financing of projects. The DDA will be moving forward on a strategic plan that is anticipated to be completed in the next 3-5 months. The Town Board packet included a letter received from the RE-4 school district providing general approval of the POD and requesting that the DDA keep them informed of upcoming plans and tax increment use. Town Manager Arnold requested the letter be entered into the public record.

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, Thompson, Vazquez**  
**Nays – None. Motion carried.**

3. Resolution Approving the Downtown Development Authority Plan of Development – K. Arnold  
(Resolution No. 2011-26)  
**Town Board Member Melendez motioned to approve Resolution No. 2011-26; Town Board Member Thompson seconded the motion.**

Town Manager Arnold had nothing additional to add other than requesting to add the letter from RE4-school district be included in the public record.

Town Board Member Thompson inquired as to the mechanism of notifying the school district of projects. Mr. Arnold noted there is not anything in process other than knowing it has to be done. Director of Planning Plummer noted that DDA projects in the RE4 school district will be a land use referral which will be sent to the school district as a referral.

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

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

4. Public Hearing – Conditional Use Grant for temporary event parking in an I-L, Limited Industrial, zoning district in the Fossil Ridge Subdivision, Second Filing – Glenn Couch, Uniprop, applicant – E. Fields  
**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, Thompson, Vazquez**  
**Nays – None. Motion carried.**

Associate Planner Fields reported that Glenn Couch, Uniprop, is requesting conditional use grant (CUG) approval for temporary event parking in the Limited Industrial (I-L) zoning district, located in the Fossil Ridge Subdivision, Second Filing. The request is for the subject property to be used for the parking of approximately 12,000+ vehicles on July 30, 2011 for Heaven Fest, a Christian music festival to be held at The Ranch in Loveland. A conditional use grant is required in this situation as the proposed use is not a use allowed by right

in the Limited Industrial (I-L) zoning district per Section 16-7-10 of the Municipal Code. The only request before the Town of Windsor is the parking component as the activities will be held in the City of Loveland. Ms. Fields reviewed the criteria to be met for a CUG and provided the following information related to the application pursuant to Section 16-7-50:

1. The character and the quality of the area in which the use will be located. The subject property is undeveloped and therefore may be an appropriate location for temporary event parking, if conditions are met. The applicant has committed to restoring the property to its original condition, as it was before the event.
2. The physical appearance of the use, including suitability of architecture and landscaping treatment. The subject property is undeveloped. The applicant will prepare the lot for parking by mowing the field down to a height of about 3 inches and clearing away any stubble, to limit fire hazards. This has apparently been a successful procedure for their past events in other jurisdictions.
3. Appropriate location of the building or buildings on the lot. Not applicable, as there are no proposed buildings.
4. Adequate provision of parking, loading and circulation facilities. The applicant is expecting approximately 35,000 people to attend the festival with a ratio of roughly 2.9 people per car. There is the capacity to park 12,000+ cars on the subject property. The applicant has additional parking areas in the City of Loveland, adjacent to the festival location.
5. Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion. The event is expected to attract approximately 35,000 people, therefore that amount of people and cars will have an effect on off-site vehicular and pedestrian traffic circulation. The applicant is currently working with the respective jurisdiction's Police Departments on the final traffic plan. It is the intent of the applicant to safely accommodate all Heaven Fest ingress and egress traffic in a safe and fast manner.
6. Potential effect of the use on storm drainage in the area. No drainage plans were required with this proposal as there was no proposed grading for the subject property.
7. Adequacy of planting screens where necessary. No planting screens are proposed with this proposal.
8. Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences. It is anticipated that the temporary parking will not produce any hazardous conditions or pollutants. The applicant has stated that due to their treatment of the parking areas, described in #2 above, dust abatement has not been necessary at their past events and is not anticipated to be necessary for the subject property.
9. The general compatibility of the proposed use with the area in which it is to be located. There are residential properties located east of Highland Meadows Parkway, adjacent to the subject property. The proposed use of this lot is generally not compatible with residential uses, but the applicant appears to be taking extra steps to ensure that the proposed use will affect the adjacent residential as minimally as possible.

The Planning Commission reviewed the application on June 15 and recommended approval to the Town Board with the following recommendations:

1. All activities shall follow all requirements of the Windsor Police Department and all approved plans for traffic control, parking and/or other activities.

2. The applicant shall install 50 feet of base stone at all of the ingress/egress locations so that excess dirt and mud will not get tracked on the public roadways. In the event that dirt and mud are tracked onto the public roadways, such dirt and mud shall be cleaned up within 24 hours of the end of the event.
3. All proposed site lighting shall be full cut-off and directed away from the residential properties that are located to the east of the subject property.

Ms. Fields introduced Glenn Couch who addressed the Town Board regarding the event. Mr. Couch stated the event was a unique opportunity that many in Northern Colorado would benefit from. He stated that the use of the facility and its location will allow for a controlled method of getting traffic to and from the site. Mr. Couch respectfully requested support of their event.

It was noted that this is a one day event with parking starting early in the morning with a peak several hours later once the events get started and then again between 8-11 p.m. as the event ends.

Chief of Police Michaels noted he has not seen the final traffic plan and stated concerns relative 12,000 vehicles trying to get in and out of the venue. He anticipates working with the organizer on a traffic plan and to provide a safe environment for pedestrians along with getting vehicles in and out easily. We do not want to create issues on our roads (Crossroads, I-25, etc.) relative to the number of vehicles at the venue.

Ms. Fields provided a diagram of the event and parking to the Town Board.

Mayor Vazquez opened the meeting for public comment.

Karl Hagman, 8796 Longs Peak Circle, stated his concern regarding the Steeplechase subdivision with people going from CR 5 and CR 13 and inquired how traffic would be directed to minimize the traffic.

Miles Baker, 6582 Spanish Bay, requested a proposal for dust mitigation as 12,000 vehicles in his neighborhood will more than likely create a lot of dust in the Highland Meadows subdivision. Mr. Baker inquired if there was a way to keep vehicles off of Highland Meadows Parkway.

Bob Herf, Director from The Ranch, where the event will take place, noted that all items mentioned will be taken under consideration. He has met with the various homeowners associations in the area and is willing to meet with others as needed. He also noted the website available for the public which provides additional information regarding the event. He thanked Windsor for the support they are giving.

Town Attorney McCargar stated the Town Board can add conditions to the CUG following the conclusion of the Public Hearing.

The Town Board discussed traffic plans, fencing, lighting and dust mitigation. Police Chief Michaels stated he prefers to guide vehicles west and off of Highland Meadows Parkway.

Luke Bodley, Executive Producer, commented that he founded Heaven Fest five years ago. He reported they own six miles of snowfence will can be used at the event. There will be one dedicated crosswalk located in the middle of the parking access at which fencing will be provided to guide people where they need to go. Security, staff and volunteers will assist in the process. It was also noted that an approved traffic plan must be approved for the event to occur. Mr. Bodley stated that with the advice and support of the Windsor Police Department that they will be able to pull off the event.

**Town Board Member Thompson 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, Thompson, Vazquez**  
**Nays – None. Motion carried.**

5. Conditional Use Grant for temporary event parking in an I-L, Limited Industrial, zoning district in the Fossil Ridge Subdivision, Second Filing – Glenn Couch, Uniprop, applicant – E. Fields  
**Mayor Pro-Tem O’Neill motioned to approve the Conditional Use Grant for temporary event parking in an I-L, Limited Industrial zoning district in the Fossil Ridge Subdivision, Second Filing with the three conditions listed along with an additional condition regarding dust mitigation; Town Board Member Bishop-Cotner seconded the motion.**

Associate Planner Fields had not additional comments.

The Town Board discussed the dust concern and noted that there was vegetation on the property which would be cut down to three inches.

Mayor Pro-Tem O’Neill requested that a truck ready in case there are dust problems and if there is no moisture close to the event date to which Mr. Couch noted he would plan and respond accordingly.

**Mayor Pro-Tem O’Neill motioned to amend the motion regarding dust mitigation to add a water truck onsite; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**

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

6. Public Hearing – Conditional Use Grant for in-home adult day care in an RMU, Residential Mixed Use, zoning district - 163 Sunflower Drive – Rea Ann Trotter, applicant – E. Fields  
**Town Board Member Bishop-Cotner motioned to open 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, Thompson, Vazquez**  
**Nayes – None. Motion carried.**

Associate Planner reported on the request noting it was for an in-home adult day care. There will be no exterior signs and only two adults in the home day care. The Planning Commission recommended approval at their June 15 meeting with the following conditions:

1. The total number of residents in the proposed facility shall be limited to a maximum of two (2) people.
2. The property shall maintain compliance with the all the requirements of Section 16-7-80 of the Municipal Code.
3. The applicant shall comply with all federal, state and local regulations for such facilities including, but not limited to, the requirements of the state and county health departments, the Windsor-Severance Fire Protection District and SAFEbuilt Colorado.
4. The applicant shall apply for and receive approval of a building permit for any new landings, ramps, or other accessible features that are proposed to be installed.

Rea Ann Trotter, applicant, addressed the Town Board and reported the neighborhood does not have a Homeowners Association and will be open basic work ours for operation. Ms. Trotter noted the facility is for senior adults. Licensing is furnished through Medicare and Medicaid programs. The CUG allows two senior adults; if Ms. Trotter wanted to have additional adults she would need to reapply. Ms. Fields noted she is allowed up to eight individuals.

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, Thompson, Vazquez  
Nays – None. Motion carried.**

7. Conditional Use Grant for in-home adult day care in an RMU, Residential Mixed Use, zoning district - 163 Sunflower Drive - Rea Ann Trotter, applicant – E. Fields

**Mayor Pro-Tem O'Neill motioned to approve the Conditional Use Grant for in-home day care in an RMU, Residential Mixed Use, zoning district – 163 Sunflower Drive with the four conditions listed; Town Board Member Bishop-Cotner seconded the motion.**

Associate Planner Fields had no additional comments.

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

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

#### **D. COMMUNICATIONS**

1. Communications from the Town Attorney

Town Attorney McCargar stated that he and Sergeant Selzer appeared in Weld County Court on a criminal case at which the attorney that issued the subpoena was not in attendance. Mr. McCargar stated his firm continues to watch over the Town's confidential records and that the legal requirements are met. Mr. McCargar also reported on the Weinmeister dock appeal noting the opening brief has been filed and counsel has 30 days to respond.

2. Communications from Town Staff

- Police – Police Chief Michaels noted that August 2 is the National Night Hour from 4:30 – 8:30 p.m.
- Engineering – Direct of Engineering Wagner stated the I25/SH392 interchange bids were opened by CDOT last Thursday with Kramer Construction. The six bids were very close with a low bid of \$21M. CDOT anticipates getting the project started by July 25 with a 300 day construction timeline.
- Human Resources – Director of Human Resources Robins reported the Town of Windsor received the Safety Champion award at the CIRSA annual luncheon in Vail.

4. Communications from the Town Manager

Town Manager Arnold had no additional communications but commented on the Colorado Municipal League (CML) Annual Conference which he had attended. Mr. Arnold noted these sessions were very timely and was looking forward reviewing the information that was provided.

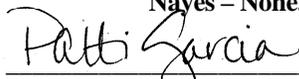
5. Communications from Town Board Members

The Town Board echoed Mr. Arnold's sentiments regarding the CML conference. Ms. Melendez stated she was proud to represent Windsor and found that Windsor is looked and admired by other municipalities. The Town Board members concurred.

#### **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, Thompson, Vazquez  
Nays – None. Motion carried.**



Patti Garcia, Town Clerk