



TOWN BOARD REGULAR MEETING
August 8, 2011 - 7:00 P.M. Town Board Chambers
301 Walnut Street, Windsor, CO 80550

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

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 Shanfelt
Don Thompson
Kristie Melendez

Absent:

Also present:

Town Manager	Kelly Arnold
Town Attorney	Ian McCargar
Director of Finance	Dean Moyer
Director of Planning	Joe Plummer
Associate Planner	Diana Aungst
Director of Engineering	Dennis Wagner
Director of Human Resources	Mary Robins
Director of Public Works	Terry Walker
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 approve the agenda as presented; Town Board Member Shanfelt seconded the motion. Roll call on the vote resulted as follows:

Yeas – Bishop-Cotner, Carrigan, O'Neill, Shanfelt, 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 noted that the Water & Sewer Board would be meeting on Wednesday and would be discussing the water conservation plan update.
- Mayor Pro-Tem O'Neill – Library Board; Planning Commission; North Front Range/MPO Alternate
Mayor Pro-Tem O'Neill reported that the library board had narrowed its search to two candidates for director; one from Buffalo, New York and one from Cleveland, Ohio. Mr. O'Neill also noted at the last meeting of the library board they had received the salary study, appointed the audit

committee and received information regarding the summer reading program. Additionally, Jennifer Dizmang provided her resignation to the library board citing her out of town work was taking up much of her time. Mr. O'Neill stated that an interview committee would need to be established to move forward with filling the vacancy.

- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board, Downtown Development Authority
No report.
- Town Board Member Thompson – Parks & Recreation Board; Great Western Trail Board; Tree Board
Town Board Member Thompson stated that the Parks & Recreation Board had met last week regarding park priorities and landscaping. Mr. Thompson stated the ongoing maintenance of the parks was discussed. It was noted the Great Western Trail Board would be meeting next week and the Tree Board meeting had been cancelled.
- Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT)
Mayor Vazquez reported he had been unable to attend the MPO meeting due to being on the road for work.

5. Public Invited to be Heard

Clint Sattler, 1201 Stone Mountain Drive, Windsor, addressed the Town Board regarding the summons and citation he had received from the Windsor Police Department the previous week. Mr. Sattler stated that the Town Board had said in an open meeting there would be no action against him or his family regarding the keeping of cows until the matter was officially over. Mr. Sattler felt the decision made by the Town Board in the July 18, 2011 work session to not pursue a code amendment related to the keeping of cows was not sufficient. Mr. Sattler requested that the Town Board take formal action and vote for the record on the code amendment.

Mayor Vazquez noted that the consensus of the Town Board at the July 18 work session was to not move forward to provide a recommendation to the planning commission to amend the Code, but that the Conditional Use Grant (CUG) process was provided as an alternative to Mr. Sattler.

Town Attorney McCargar reported that Mr. and Mrs. Sattler had been notified of a deadline to which a CUG would need to be filed. The CUG was not filed by the deadline and the determination of issuing a citation is within the discretion of law enforcement. Mr. McCargar stated that discussion of any pending criminal charges would not be appropriate at the time.

Mr. Sattler commented the letter he received from Chief of Police Michaels stated the summons would be served regardless if the CUG had been applied for or not. He stated he had been given until August 1 to remove the cows from his property or receive a citation and additionally reported that he heard in a Town Board meeting that he would not receive a summons until the issue was completely over. He stated that he believes that since there had not been a public vote regarding the code amendment that the issue was not over.

Town Attorney McCargar stated the code amendment was discussed by the Town Board at a public work session at which public comment was taken. The Town Board determined at the conclusion of the work session that the current code was sufficient and directed staff to no longer work on the subject matter.

Mayor Vazquez entertained dialogue regarding Code requirements with Mr. Sattler during which Mr. Vazquez stated the CUG process was the option provided to Mr. Sattler regarding the keeping of cows on his property. Mr. Sattler continued to state he wanted formal action by the Town Board on the issue. Mayor Vazquez noted that Mr. Sattler was given an avenue through the CUG process and he has decided to not pursue that option; the CUG path is the one at which there would be the formal resolution that Mr.

Sattler is requesting. Mr. Vazquez stated that due to no action on Mr. Sattler's part regarding the CUG process, it precipitated the enforcement of the current ordinance.

Doug Patterson, 580 Lakewood Court, Windsor stated his support of a formal vote by the Town Board regarding the code amendment in a regular meeting.

B. CONSENT CALENDAR

1. Minutes of the July 25, 2011 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – Okole Maluna Hawaiian Grill, Hotel & Restaurant – P. Garcia
3. Liquor License Renewal – Mini Mart Inc. dba Loaf n' Jug, 3.2% Beer Retail License (off premise) – P. Garcia
4. Report of Bills – D. Moyer

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

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

Nays – None. Motion carried.

C. BOARD ACTION

1. Ordinance No. 2011-1415 - An Ordinance Repealing, Amending, and Re-Adopting Chapter 18, Article I of the Windsor Municipal Code with Respect to the Imposition, Collection and Disposition of Park Improvement Fees Paid in Conjunction with the Development of Land within the Town of Windsor, Colorado

- First Reading
- Legislative action
- Staff presentation: Ian McCargar, Town Attorney

Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2011-1415, An Ordinance Repealing, Amending, and Re-Adopting Chapter 18, Article I of the Windsor Municipal Code with Respect to the Imposition, Collection and Disposition of Park Improvement Fees Paid in Conjunction with the Development of Land within the Town of Windsor, Colorado on first reading; Town Board Member Carrigan seconded the motion.

Town Attorney McCargar reported on the ordinance noting it was the result of discussions at an August 1 work session regarding neighborhood park funding. Mr. McCargar noted the current structure is an arrangement where developers either build parks or pay fees in lieu of building neighborhood parks. The current ordinance states that the Town will enter into reimbursement agreements with the developers and the source of reimbursement is 50% of what is paid by those who pull building permits. There is a neighborhood park improvement fee that is one of the required fees to be submitted with a building permit. The developers have not built neighborhood parks or paid fees in lieu although the neighborhood park development fees have been accumulating. The new ordinance creates a model where the town takes the initiative and builds the new parks in accordance with the Master Plan; it allows for the Town to pay for the building of the parks as opposed to reimbursing fees or receiving payment in lieu from developers. The ordinance also removes all references to reimbursements to developers as well as the payment in lieu requirement.

Mr. McCargar noted that due to the elimination of developer contributions to the construction of neighborhood parks that another source of revenue will need to be researched.

Town Board Member Thompson stated that the ordinance is releasing the funds available to be used by the Town to build neighborhood parks.

Mayor Vazquez commented this will give the Town the opportunity to build neighborhood parks and noted that a list has been compiled of parks in the cue by the Parks & Recreation Advisory Board.

Town Board Member Shanfelt inquired of the incremental costs of operation and maintenance for the additional parks. Town Manager Arnold reported from the memo submitted by Director of Parks & Recreation Chew stating that if the schedule is followed the capital expenses would include an additional truck, trailer and riding lawn mower at a cost of approximately \$50,000 which would go into the operating budget along with one additional employee.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion carried.

2. Resolution No. 2011-31 - A Resolution Pursuant to Colorado Revised Statutes Section 12-48-107(5)(a) Declaring the Town’s Intention to Process, Approve or Disapprove Special Event Liquor License Applications Without the Participation of the State Liquor Licensing Authority

- Legislative Action
- Staff presentation: Patti Garcia, Town Clerk

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2011-31; Town Board Member Carrigan seconded the motion.

Town Clerk Garcia reported on the resolution citing its adoption would allow for special event liquor license approval to be held at the local level instead of at the state. The new legislation of Senate Bill 11-066 will go into effect on August 10. Ms. Garcia stated the new process would eliminate payments to the state and cut down the approval time by approximately 30 days. The same review processes would stay in place for police and finance department recommendations along with posting and publishing requirements. Additionally, the new legislation increases the number of events a non-profit can hold in a calendar year from 10 to 15.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion carried.

3. Town of Windsor Election District Update

- Staff presentation: Patti Garcia, Town Clerk & Ian McCargar, Town Attorney

Town Clerk Garcia stated that pursuant to the establishment of election districts for the Town effective for the 2008 municipal elections, the charter requires a review of the election districts prior to the biennial elections. The charter requires that no later than 180 days before the election that the number of registered voters in each district be reviewed to assure equitability by determining if the number of registered voters in the lowest-voter populated district is less than 85% of the number of registered voters in the district containing the highest number.

Ms. Garcia noted that the number of registered voters from Weld and Larimer County were pulled and the Town’s GIS department provided the number of registered voters and the population numbers for each district. There were two districts that fell slightly below the 85% range for both registered voter and population. Due to the fact that the districts could only be changed once every six years pursuant to the Charter, staff recommended the districts stay in place for the 2012 election with a review of the districts prior to the 2014 election.

Town Attorney McCargar concurred.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion carried.

4. Discussion of Charter Revisions

- Staff presentation: Lindsey Haggerty, Management Intern

Management Intern Haggerty reported on the proposed charter revisions noting they were basically administrative in nature related to ambiguous provisions, omissions, and inconsistent and unclear statements. The number of instances of these administrative changes have accumulated and that staff felt it was time they should be addressed. Ms. Haggerty used the example of the formula for redistricting as an unclear statement. There were nine provisions found that require clarification which was noted in the memorandum submitted in the Town Board packet. Ms. Haggerty reported an ordinance would be required with a ballot question to the voters in the April, 2012 election for a charter amendment.

Town Attorney McCargar stated the list of Charter revisions has been compiled for the past seven years and feels the changes can be made without changing the substance of the Charter. Mr. McCargar noted there would need to be voter education related to the purpose of the amendments and, if the amendment gets approved, the Charter would be improved.

Mayor Vazquez noted it was a housekeeping item and agreed that voter education would be important.

Town Manager Arnold reported an ordinance would be prepared and brought to the Town Board for consideration.

5. Financial Report

- Staff presentation: Dean Moyer, Director of Finance

Director of Finance Moyer reported that July resumed the trend of the first six months of 2011 in collecting \$542,000 in sales tax which is above the monthly budget requirements. Mr. Moyer attributed the increase to all existing sectors being up along with the business licensing program that had been instituted in July, 2010 which is bringing compliance with the sales tax licensing program. Mr. Moyer estimated that sales tax collections would come in around \$5.4M for the year. It was noted that building permits continue to be strong and if the trend continues the Town could issue 240 single-family home permits this year.

Mr. Moyer reported that although the economy is lagging nationwide, collections are surpassing both budget requirements and last year's collections. He again reminded the Town Board that the Town is currently in its most expensive operational and capital intensive portion of the year.

Town Manager Arnold noted the past two years, including 2011, the Town Board has projected revenues from 2007 numbers less 5%. Mr. Arnold stated he was more optimistic for 2012 but encouraged the Town Board to start thinking about 2012 revenue projections for the budget.

Mayor Vazquez requested Mr. Moyer to continue to follow the CPI.

D. COMMUNICATIONS

1. Communications from the Town Attorney
Town Attorney McCargar reported on the Weinmeister appeal and noted the Court of Appeals has requested the lawyers to submit briefs on a jurisdictional question which will be dealt with before they get to the merits; Mr. McCargar will report to the Town Board as information comes forward.
2. Communications from Town Staff
No communications.
3. Communications from the Town Manager
No communications.
4. Communications from Town Board Members

Mayor Pro-Tem O'Neill reported he had attended two parties during the National Night Out Campaign and received positive comments.

Mayor Vazquez brought forward the code amendment issue for discussion and asked if a person could put a request in writing for an action item, similar to the current process of fee reimbursement requests. Mr. Vazquez also made reference to other items of consideration by the Town Board on an agenda, not including resolutions and ordinances, and was searching for a compromise regarding the code amendment issue brought forward by Mr. Sattler.

Town Board Member Bishop-Cotner was opposed to having a letter submitted and stated an avenue for due process was already provided.

Town Board Member Carrigan supported Mr. Bishop-Cotner's response.

Mayor Pro-Tem O'Neill stated the Town Board made the decision at the work session to leave the code as it was written and an avenue was provided for those requesting the code amendment.

Town Board Members Thompson and Shanfelt concurred.

Town Board Member Thompson stated he felt the Town Board had worked hard to accommodate the request. He stated the Board had resolved the issue almost a month ago.

Mayor Vazquez thanked the Town Board for allowing him to discuss the issue.

Town Board Member Thompson stated that when the issue first came up that the Sattler's were in violation of an ordinance he went out to the property and met with the owners. He immediately came back to the town offices and requested the planning department to not take any action until the CUG was put in place which would give the Sattler's that opportunity, which was the original agreement. There was nothing in the original agreement that this would be held open forever.

Mayor Pro-Tem O'Neill motioned to go into an executive session pursuant to § 24-6-402 (4) (b), C.R.S., for a conference with the Town Attorney for the purposes of receiving legal advice on specific legal questions (District Court legal proceedings); Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

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

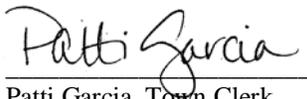
E. EXECUTIVE SESSION

1. An Executive Session pursuant to § 24-6-402 (4) (b), C.R.S., for a conference with the Town Attorney for the purposes of receiving legal advice on specific legal questions (District Court legal proceedings) - I. McCargar

Upon returning to the regular meeting, 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

On a motion duly made, the meeting was adjourned.



Patti Garcia, Town Clerk