



TOWN BOARD REGULAR MEETING
January 10, 2010 - 7:00 P.M.
Town Board Chambers - 301 Walnut Street
Windsor, CO 80550

MINUTES

A. CALL TO ORDER

1. Mayor Vazquez called the regular meeting of the Windsor Town Board to order on Monday, January 10, 2011 at 7:00 p.m.

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
Jon Slater

Also present:

Town Manager	Kelly Arnold
Town Attorney	Ian McCargar
Director of Engineering	Dennis Wagner
Director of Finance	Dean Moyer
Director of Parks & Recreation	Melissa Chew
Manager of Recreation	Tara Fotsch
Director of Planning	Joe Plummer
Chief Planner	Scott Ballstadt
Director of Public Works	Terry Walker
Chief of Police	John Michaels
Town Clerk	Patti Garcia

2. Pledge of Allegiance
Mayor John Vazquez led the Pledge of Allegiance which was preceded by a moment of silence in respect for the victims of the shooting that took place in Arizona on January 8, 2011.
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; Mayor Pro-Tem O'Neill 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 Wednesday night and that the Planning Commission had discussed preliminary plans for a church in the Greenspire subdivision, temporary signage for advertising residential development in Water Valley and the new park restrooms and concession building at Boardwalk Park.
 - Town Board Member Carrigan – Water & Sewer Board
Town Board Member Carrigan stated the next meeting of the Water & Sewer Board is scheduled for February 9, 2011.
 - Mayor Pro-Tem O'Neill – Library Board; Planning Commission; North Front Range/MPO Alternate

Mayor Pro-Tem O'Neill reported the Library Board had eight applicants for the three positions that ended December, 2010. The recommendations for appointment are included on the Town Board consent agenda; David Vance, Scott Wilman and Jennifer Dizmang. A special meeting will be held January 11, 2011 with an executive session at 7 p.m. for the Director's review with the next regular meeting scheduled for January 25, 2011 at 5:30 p.m. At their last meeting, the MPO reviewed the 2010 accomplishments, introduced the new format for non-action items, reviewed the call for projects and elected the 2010 officers.

- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board
Town Board Member Melendez stated the Chamber of Commerce would be meeting on Wednesday and the Cache La Poudre Trail would be meeting next Thursday.
- Town Board Member Slater – Tree Board; Windsor Housing Authority
Town Board Member Slater stated the December, 2010 Tree Board meeting was cancelled by unanimous decision and the Windsor Housing Authority Board meeting was cancelled in December due to a lack of a quorum.
- Town Board Member Thompson – Parks & Recreation Board, Great Western Trail Board
Town Board Member Thompson stated work had commenced on Aberdour Circle Park which is anticipated to be completed by summer. The Parks & Recreation Board has postponed election of officers until the new members are seated. Tara Fotsch, Recreation Manager, reported on the status of the climbing wall at the Community Recreation Center.
- Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT)
Mayor Vazquez stated the MPO meeting information had been covered by Mayor Pro-Tem O'Neill.

5. Oath of Office – Municipal Court Judge

- Michael Manning, Presiding Judge
- Teresa Ablao, Associate Judge

Mayor Vazquez introduced Judge Manning and Judge Ablao and read the oath to which they both affirmed.

6. Public Invited to be Heard

Peggy Haller, Windsor resident, addressed the Town Board. Ms. Haller stated she represented a group of citizens concerned with the actions of the library district. Several issues were brought forward which were included on a letter read verbatim by Ms. Haller and provided to the Town Clerk for record-keeping purposes. Concerns listed include the board selection process, the allowed phone vote that effectuated the name change from Windsor-Severance Library District to Clearview Library District and the use of funds once the bond is paid and the mill levy reverts to the library general fund.

Francie Henderson, Severance resident, requested the Clearview Library District board appointments be moved from the consent agenda for further review and discussion by the Town Board.

B. CONSENT CALENDAR

1. Minutes of the December 13, 2010 Regular Town Board Meeting
2. Liquor License Renewal – Austin's Homestead Bar & Grill, Hotel/Restaurant License – P. Garcia
3. Liquor License Renewal – Asian Pearl Bistro, Hotel/Restaurant License – P. Garcia
4. Report of Bills – D. Moyer
5. Clearview Library District Board Appointments - M. O'Neill
6. A Resolution Designating a Public Place for the Posting of Notices Concerning Public Meetings – P. Garcia (Resolution No. 2011-01)

Town Board Member Slater motioned to move Consent Agenda item 5., Clearview Library District Appointments to Board Action Item 1.a.; 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

Nayes – None. Motion carried.

Town Board Member Slater motioned to approve the Consent Agenda as amended; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

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

Nayes – None. Motion carried.

C. BOARD ACTION

1.a. Clearview Library District Board Appointments - M. O’Neill

Mayor Vazquez opened the discussion noting the emotional aspects attached to the concerns of the residents being represented.

Mayor Pro-Tem O’Neill reviewed history of the past appointments of District Directors and noted that documents from 1986 through last year when Mr. O’Neill reported the last Director’s appointment it had been approved as a consent agenda item. Library law provides, that without opposition, that was the ratification of the library district board members. Mr. O’Neill provided a recent history of board member appointments. He noted that when Dennis Burns was on the library board that there was a request to stop formal action. The Windsor Town Board minutes show the last time there was a nominating committee was in January, 1998, so sometime between 1998 and 2002 the process changed. Mayor Pro-Tem O’Neill provided a verbal account of the boundaries of the library district to the Town Board.

Mayor Pro-Tem O’Neill commented on his concerns regarding the appointment process and noted that library law allows for appointment by the two establishing entities through a nominating committee or to give the authority to the Library Trustees, which is what appears to be taking place. Mr. O’Neill reviewed the library budget, noting the entire budget is \$3.6M, so the unallocated amount is \$1.7M; \$250,000 is for an emergency fund, \$750,000 for a six month emergency fund to cover operational costs if needed and \$784,000 has been allocated to a facilities fund. The appointment of Director was discussed with the library district attorney who did not have an issue with the process. Mr. O’Neill stated he believes the discussion will be between Town Attorney McCargar, the library district and school board attorneys.

Town Attorney McCargar stated, what he understands from library law, is that the Town Board has 60 days to act on recommendations. The attorney for the library board feels that since the Town Board was aware of the appointments through liaison reports that, after the 60 days, they were deemed appointed. In regard to the appointments on the agenda, if the Town Board does not take action on it tonight, in 60 days they would be deemed appointed according to library law.

Mayor Vazquez stated he has been vocally opposed to the Clearview Library District name change and wished he had opportunity to vote on the issue. Mayor Pro-Tem O’Neill commented that he had provided disclosure of the process during his liaison reports.

Town Board Member Bishop-Cotner stated he did attend advertised meetings and had opportunity to voice his opinions. He noted the meetings were open and a survey regarding the naming options had been available to all.

Ms. Haller addressed the Town Board and stated her concern that there was adequate citizen input regarding the decision. She is a library patron and had not been asked to complete a survey. There had been someone who spoke to them regarding a vision for the library, but nothing beyond that.

Mayor Vazquez stated he was not comfortable with ratifying the appointments until further information regarding the appointment and rebranding process was provided.

Town Attorney McCargar stated he did not remember any communication between the Town Board and the Library Board to change the appointment process.

Mayor Pro-Tem O’Neill commented that he would like to proceed with the vote on the appointments.

Town Board Member Melendez stated she did not believe they should support the appointments due to the

growing dissension in the community. Town Board Members Slater and Bishop-Cotner recommended tabling the item for two weeks. Town Board Member Carrigan stated that two of the three recommended appointments were on the board where the issues were created and supports the tabling of the item.

Town Board Member Slater motioned to table the action item to January 24, 2011; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

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

- 1.b. An Ordinance Amending Chapter 16 of the Windsor Municipal Code Regarding Adult Oriented Businesses, Second Reading - S. Ballstadt (Ordinance No. 2010-1395)
(Super-majority vote required for adoption on second reading)

Town Board Member Slater motioned to approve Ordinance No. 2010-1395, An Ordinance Amending Chapter 16 of the Windsor Municipal Code Regarding Adult Oriented Businesses on Second Reading; Town Board Member Carrigan seconded the motion.

Chief Planner Ballstadt reviewed the ordinance and noted the Town had added several areas of Limited Industrial that are considered as gateways to the community where adult businesses may not be appropriate. The ordinance will limit adult oriented businesses to properties that are zoned Heavy Industrial and increases the buffer distance from 750 feet to 1,500 feet from public areas as specified in the Town Code. Mr. Ballstadt stated that the ordinance had been approved on first reading on December 13, 2010.

Town Board Member Slater inquired regarding the small segment of Heavy Industrial-zoned property to the south of Main Street and east of County Road 13. The parcel was partially obscured by a label on the map presented by staff. Mr. Slater asked if this property could also be excluded from adult business locations. Town Attorney McCargar stated that it could be done, but recommended the item be postponed so the buffer could be drawn correctly.

Town Board Member Slater motioned to postpone second reading of Ordinance No. 2010-1395 to January 24, 2011; 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.**

2. An Ordinance Repealing, Amending and Re-adopting Section 4-3-180 of the Windsor Municipal Code for the Purpose of Making a Change in Sales Tax Policy by Establishing an Exemption from Sales Tax with Respect to Certain Motor Vehicle Sales Taking Place within the Town of Windsor, Colorado, First Reading – I. McCargar (Ordinance No. 2011-1396)

Town Board Member Slater motioned to approve Ordinance No. 2011-1396, An Ordinance Repealing, Amending and Re-adopting Section 4-3-180 of the Windsor Municipal Code for the Purpose of Making a Change in Sales Tax Policy by Establishing an Exemption from Sales Tax with Respect to Certain Motor Vehicle Sales Taking Place within the Town of Windsor, Colorado on First Reading; Town Board Member Carrigan seconded the motion.

Town Attorney McCargar stated the ordinance is identical to what had been discussed at the January 3, 2011 work session regarding the exemption which would be a change of tax policy to allow purchases of vehicles from inventory on dealer lots within Windsor by residents of Windsor without liability of sales tax. The ordinance provided does not include any type of sunset provision of the exemption.

Mr. Brian Casson addressed the Town Board and thanked them for their support through this process.

Town Board Member Thompson commented he was reluctant to do away with the tax but is supportive of a two year sunset clause. He would like to see an alternate plan for providing revenue before eliminating the tax altogether.

Town Board Member Carrigan opposed the sunset and believes it would be detrimental to bringing in new

businesses. He believes revenue would be brought in by other avenues if the exemption passed.

Town Board Member Slater agreed with Mr. Carrigan and added that future employment would also be a benefit.

Mayor Pro-Tem O'Neill provided support of the sunset and would like to evaluate after a period of time. The Town Board could then check back with Mr. Casson and see if there is any growth or change in sales.

Town Board Member Melendez stated if a sunset was added, then it would need to be longer than two years. She stated if the tax is eliminated, the Town would need to resurrect a use tax in the future.

Town Board Member Bishop-Cotner agreed with Mayor Pro-Tem O'Neill and stated the sunset would need to be for a limited amount of time as it is an action of the sitting Town Board and he does not want to see another Board having to follow through with their actions.

Mayor Vazquez stated that he opposes the sunset clause and would prefer to do away with the tax and educate the citizens on creating a use tax at a later date.

Mr. Casson noted that a two-year restriction would not help the situation.

Martin Lind, Windsor resident, reviewed the history of the two failed use tax elections. He encouraged the Town Board to repeal the current tax and let the citizens put the issue back on the ballot. He addressed the Town Board regarding a use tax and stated his belief that no one would invest in Windsor with a two year sunset.

Richard Drake, Windsor resident, noted the citizens of Windsor have voted against the vehicle use tax each time and believes that repealing the tax on auto sales would be opening a can of worms. Mr. Drake stated if the ordinance is passed that it would discriminate for one business; he recommended if the Town Board would pass the ordinance then it should include a sunset.

Mayor Pro-Tem O'Neill stated the intergovernmental agreement with Fort Collins does not allow auto dealers along I-25. Business owners knew what the rules were when they opened their business in Windsor. Mr. O'Neill stated he has received support in keeping the tax as is. He noted Loveland has two areas open for auto sales and they have a vehicle use tax in place; he believes auto dealers would be more apt to go to municipalities that have a vehicle use tax in place.

Town Board Member Melendez stated that passage with the sunset or not passing the ordinance would be anti-business. The sunset clause passage is definitely discriminatory as it would be only against that business or industry. She concurred with Mayor Vazquez and Town Board Member Slater that it should pass without a sunset. If there is a sunset, she proposed to look at 10 years.

Town Board Member Bishop-Cotner agreed with Mayor Pro-Tem and Mr. Drake and stated the hope of passing a vehicle use tax is nearly impossible under the current environment. He noted the November election in which there was a question regarding implementing a lodging tax. The tax was not to be assessed on Town of Windsor residents, but to those staying in the hotels; the tax did not pass. He believes passage of the ordinance would cost the town heavily and he does not support it.

Mayor Vazquez stated his surprise that some of the Town Board members would rather go without the business. He wants the playing field to be equitable and does not support the sunset.

Town Board Member Thompson motioned to amend the ordinance and include language for a two year sunset clause; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Bishop-Cotner, O'Neill, Thompson,
Nays – Carrigan, Melendez, Slater, Vazquez. Motion failed.**

Mayor Vazquez restated the motion on the floor.

Town Board Member Slater motioned to approve Ordinance No. 2011-1396, An Ordinance Repealing, Amending and Re-adopting Section 4-3-180 of the Windsor Municipal Code for the Purpose of Making a Change in Sales Tax Policy by Establishing an Exemption from Sales Tax with Respect to Certain Motor Vehicle Sales Taking Place within the Town of Windsor, Colorado on first reading as presented; Town Board Member Carrigan seconded the motion.

Roll call on the vote resulted as follows:

Yeas –Carrigan, Melendez, Slater, Vazquez

Nayes – Bishop-Cotner, O’Neill, Thompson. Motion carried.

3. Public Hearing - Adoption of regulations amending the Windsor Municipal Code pertaining to commercial activities associated with the use, possession, distribution, and cultivation of medical marijuana and related products – I. McCargar

Town Board Member Slater 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, Carrigan, O’Neill, Melendez, Slater, Thompson, Vazquez

Nayes – None. Motion carried.

Town Attorney McCargar addressed the Town Board regarding the action to be taken which is required due to the regulatory ordinance. Mr. McCargar reviewed the memorandum included in the Town Board packet and noted that any medical marijuana centers, cultivation facilities and infused product manufacturing facilities cease operations by May 15, 2011. He noted that he had received a letter from Tina Valenti requesting an extension, which was included in the Town Board packet. The ordinance changes the use by right for medical marijuana out of the various zones that were allocated under the regulatory code. Additionally, the ordinance retains the sign code revisions that had been approved under the regulatory ordinance. Mr. McCargar stated medical marijuana patients and caregivers remain protected as allowed under Colorado law; the ordinance only outlaws the business activity associated with medical marijuana.

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

Town Board Member Slater 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, Carrigan, O’Neill, Melendez, Slater, Thompson, Vazquez

Nayes – None. Motion carried.

4. An Ordinance Repealing, Amending and Re-adopting Portions of the Windsor Municipal Code with Respect to the Use, Possession, Distribution and Cultivation of Medical Marijuana and Related Products within the Town of Windsor, Colorado, First Reading – I. McCargar (Ordinance No. 2011-1397)

Town Slater motioned to approve Ordinance No. 2011-1397; An Ordinance Repealing, Amending and Re-adopting Portions of the Windsor Municipal Code with Respect to the Use, Possession, Distribution and Cultivation of Medical Marijuana and Related Products within the Town of Windsor, Colorado on First Reading; Town Board Member Melendez seconded the motion.

Town Attorney McCargar stated the ordinance carries out the instructions as noted by the electors in November. Mr. McCargar read the ballot question and noted a majority of the electorate voted in favor of the measure. The petition provided for direction for the existing businesses, which gave 180 days after certification of the election before having to cease operation. Mr. McCargar stated he had been approached by Tina Valenti, In Harmony Wellness, who has been in operation since June, 2009 and has requested a delay of the effective date of the ordinance so she can continue operation. Town Attorney McCargar stated he did not recommend a delay as when the ordinance was referred to the voters, it was referred as presented with the 180 day end date. Additionally, by delaying the effective date, Ms. Valenti has stated she would waive any litigation, but the Town does not have the same promise from the other dispensary.

Tina Valenti, In Harmony Wellness, addressed the Town Board and reviewed the letter she had submitted.

She stated if the Town Board was not willing to allow the dispensaries to continue operation, she requested an extension of the operation date to April, 2012 which is when her lease is up. Ms. Valenti stated she doesn't believe that most voters are not aware of the 180 day timeframe as only 915 people signed the petition where the information was provided. She commented that she had done everything that the Town had required of her and she asked for the courtesy to be extended so she could at least get to ground zero. Ms. Valenti also indicated she had received information from Town Attorney McCargar that she could proceed with moving forward on her business endeavor.

Town Board Member Melendez requested clarification regarding any advisement prior to expansion that Ms. Valenti had provided to her. Mr. McCargar stated that at the time, a sales tax license was required and she needed to be in the correct zoning district. He believes her comments are based on her reliance on our progress on the regulatory ordinance and its approval in late July/early August. She was then in a time crunch under the state law to establish other locations and apparently went forward at that time, borrowed some money to make certain the addresses were approved and ready to go should Windsor's regulatory ordinance be approved. He understands that Ms. Valenti may claim to have relied upon our regulatory ordinance in making her business decisions, but does not believe such reliance was invited by the Town or justifiable.

Mayor Pro-Tem O'Neill believes Windsor has the best regulatory ordinance in the state. The citizens of Windsor voted in November that the two businesses should be shut down. He will be voting in favor of the ordinance and will follow the citizen's wishes.

Ms. Valenti requested leeway in the time extension to remain in the current location to September, 2011, which would be beyond the state imposed moratorium which will expire in July, 2011. This would provide her time to find a new location.

Town Board Member Slater stated most citizens thought the businesses had to close by January 1, 2011; although the law has provided 180 days. Mr. Slater noted he is a supporter of medical marijuana as he has seen the affects of chemotherapy and knows the medical value of the marijuana.

Town Board Member Thompson echoed Town Board Member Slater's comments and noted he appreciated Ms. Valenti's approach and her effort to do things the right way.

Town Board Members Melendez, Bishop-Cotner and Carrigan agreed with Mr. Thompson's sentiment.

Mayor Vazquez concurred with Mr. Slater's statements and also noted the affect of chemotherapy treatments on people. He does not want to cause the Town of Windsor any litigation issues and will be voting for the ordinance.

Roll call on the vote resulted as follows:

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

Nays – None. Motion carried.

5. An Ordinance Repealing, Amending, and Readopting Chapter 7, Article VI of the Windsor Municipal Code with Respect to Dog Licensing, Clarifying Kennel Restrictions and Requiring Identification Tags for all Dogs within the Town of Windsor, First Reading – I. McCargar (Ordinance No. 2011-1398)
Town Board Member Slater motioned to approve Ordinance No. 2011-1398, An Ordinance Repealing, Amending, and Readopting Chapter 7, Article VI of the Windsor Municipal Code with Respect to Dog Licensing, Clarifying Kennel Restrictions and Requiring Identification Tags for all Dogs within the Town of Windsor on First Reading; Town Board Member Bishop-Cotner seconded the motion.

Town Attorney McCargar reviewed the ordinance and noted it requires an owner to have an identification tag which will be much easier for field officers to identify and find the owners. A tag with required

information or a microchip would satisfy the requirements. Dog licenses that had been issued in 2010 will serve as an ID tag for 2011; beginning January 1, 2012, ID tags or microchips will be required.

Roll call on the vote resulted as follows:

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

6. An Ordinance Fixing Compensation for the Municipal Judge and Office of the Municipal Court Clerk in Accordance with the Town of Windsor Budget Approved for Fiscal Year 2011, First Reading – I. McCargar (Ordinance No. 2011-1399)
Town Board Member Slater motioned to approve Ordinance No. 2011-1399, An Ordinance Fixing Compensation for the Municipal Judge and Office of the Municipal Court Clerk in Accordance with the Town of Windsor Budget Approved for Fiscal Year 2011 on First Reading; Town Board Member Bishop-Cotner seconded the motion.

Town Attorney McCargar reported on the ordinance noted the compensation for the municipal court judge and office of the municipal court clerk be fixed by ordinance. The Town’s budget is approved by resolution, so the ordinance had to be brought forward. He is unclear if an ordinance can be presented for compensation to be approved for future years. Mr. McCargar will research if it can be done for 2012 and the years thereafter.

Roll call on the vote resulted as follows:

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

7. An Ordinance Approving the Terms and Conditions for the Sale of Town-Owned Real Property Pursuant to Section 4.8(b) of the Town of Windsor Home Rule Charter, First Reading – M. Chew (Ordinance No. 2011-1400)
Town Board Member Slater motioned to approve Ordinance No. 2011-1400, An Ordinance Approving the Terms and Conditions for the Sale of Town-Owned Real Property Pursuant to Section 4.8(b) of the Town of Windsor Home Rule Charter on First Reading; Town Board Member Bishop-Cotner seconded the motion.

Director of Parks & Recreation Chew reported on the ordinance and stated the transaction is contingent on the sale of an additional piece of property to the south; that both pieces of property would sell together.

Roll call on the vote resulted as follows:

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

8. A Resolution Amending the Harmony Third Annexation Agreement and Amendment to Harmony First and Second Annexation Agreement to Add Language Temporarily Allowing Hunting Activities on the Property – S. Ballstadt (Resolution No. 2011-02)
Town Board Member Slater motioned to approve Resolution No. 2011-02; Town Board Member Slater seconded the motion

Chief Planner Ballstadt reported on the resolution and stated that after research of the annexation agreements, they did not include language for provision for hunting. At this time, hunting activities are not permitted on the property. Staff has received letters from the property owners and annexors requesting to add language to the annexation agreement to allow hunting activity. The amended agreement includes the standard language to allow hunting activities until the first building permit is issued.

Mr. Ballstadt noted the mylar for the third agreement was never received. The amended agreement notes the need for submittal so it can be recorded with a deadline of April 1, 2011. If the mylars are not received by the deadline, no hunting activities will be allowed next year.

Mayor Vazquez requested the landowner to be cognizant of a playground in the distant area.

Roll call on the vote resulted as follows:

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

9. A Resolution of the Windsor Town Board Approving the Accessioning of Item to the Town of Windsor Museum Collection – C. Knight (Resolution No. 2011-03)
Town Board Member Slater motioned to approve Resolution No. 2011-03; Town Board Member Bishop-Cotner seconded the motion.

Director of Parks & Recreation Chew reported on the items to be accessioned noting they had been reviewed and meet all the criteria establishing authenticity.

Roll call on the vote resulted as follows:

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

10. A Resolution Approving an Agreement for Shared Use of Parking Facilities between the Town of Windsor and the Archdiocese of Denver and Authorizing the Town Manager to Execute the Same – T. Fotsch (Resolution No. 2011-04)
Town Board Member Slater motioned to approve Resolution No. 2011-04; Town Board Member Bishop-Cotner seconded the motion.

Manager of Recreation Fotsch addressed the Town Board and noted the long-standing agreement with Our Lady of the Valley and parking lot use. The resolution formalizes the agreement which was reviewed by the Parks & Recreation Advisory Board in January.

Roll call on the vote resulted as follows:

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

11. Financial Report – D. Moyer
Director of Finance Moyer provided an overview of the financial report which was included in the Town Board packet. He stated December sales tax came in close to last years and that the Town cleared over \$5M in sales tax collections for the first time. It was noted grocery stores had more sales tax revenue in 2010 than 2009. It was noted that operating expenses were a little over budget due to relocation and temporary offices. A supplemental budget will be presented at the next meeting.

12. Review of Boardwalk Park Restroom / Concession Building – W. Willis
Director of Parks & Recreation Chew reviewed the layout noting the outdoor shower areas and the various buildings to be incorporated. Ms. Chew stated that JCL architecture has been working on concept. The information was presented to the Parks & Recreation Advisory Board along with the Planning Commission and received favorable comments from both.

D. COMMUNICATIONS

1. Communications from the Town Attorney
Town Attorney McCargar stated the Town Board had recently passed a \$20 court cost assessment when the Court of Record ordinance was adopted. This will be reviewed as the court costs are occasionally more than parking tickets and the ordinance may be amended.
2. Communications from Town Staff
- Planning – Chief Planner Ballstadt stated that Windsor is second in the region with the issuance of 134 single-family permits. Director of Planning Plummer reported Elizabeth Fields is now a member of AICPA.

- b. Parks & Recreation – Ms. Chew reported that the construction on Arbedour Circle Park has been stopped temporarily as they failed to notify the gas company. Once they receive a permit from the gas company, work can resume.
3. Communications from the Town Manager
Town Manager Arnold reported there may be an executive session in two weeks due to potential new development in Windsor.
4. Communications from Town Board Members
Mayor Pro-Tem O'Neill inquired why CDOT had moved the sign from Eastman/257 and didn't put it at the city limit site. Staff will follow up with the request.

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, Carrigan, O'Neill, Melendez, Thompson, Vazquez
Nays – None. Motion carried.


Patti Garcia, Town Clerk