



## TOWN BOARD REGULAR MEETING

November 14, 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

Also present:

Town Manager  
Town Attorney  
Director of Planning  
Chief Planner  
Associate Planner  
Director of Parks & Recreation  
Director of Finance  
Director of Engineering  
Director of Public Works  
Business Development Manager  
Chief of Police  
Town Clerk  
Management Intern

Kelly Arnold  
Ian McCargar  
Joe Plummer  
Scott Ballstadt  
Diana Aungst  
Melissa Chew  
Dean Moyer  
Dennis Wagner  
Terry Walker  
Stacy Johnson  
John Michaels  
Patti Garcia  
Lindsey Haggerty

2. Pledge of Allegiance

Town Board Member Melendez led the Pledge of Allegiance.

3. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board

**Town Board Member Bishop-Cotner motioned to move Action Item C.11. to Action Item C.1.A.; Mayor Pro-Tem O'Neill seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Shanfelt, 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 is working on creating a tri-fold brochure to be distributed to the public which outlines the benefits of historical landmarks of buildings. They also discussed the Windsor Wonderland event scheduled for December.
- 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 stated the library selection committee selected Bev Menke to fill the vacated term ending December 31, 2013 and Joann Perko to fill the Library Board seat beginning January 1, 2012 for a two year term. It was noted that there had been one action item on the Planning Commission agenda which the applicant had requested to be postponed to December 1,

2011. Mr. O'Neill also reminded the Town Board of the invitation extended by the MPO to attend the Transportation Orientation on Wednesday, November 16 at The Ranch Event Center.

- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board; Downtown Development Authority  
Town Board Member Melendez stated the Chamber of Commerce was in the process of conducting a Board of Directors election. Ms. Melendez also reported the past Halloween event had been successful with over 1,000 trick or treaters and that the Chamber and Downtown Development Authority was gearing up for the Windsor Wonderland scheduled December 3 from 2:30-4:30 at Boardwalk Park. The Cache La Poudre Trail Board had been looking at trails that had debris due to the past storm and had posted signs in areas that could be dangerous. It was also noted that a new website would be live in approximately 30-60 days and a volunteer appreciation reception was scheduled for Thursday. Ms. Melendez also reported on the Downtown Development Authority (DDA) and noted the group had a meeting with other district members. At the meeting they broke out into three primary groups; marketing, beautification and parking. The DDA will be holding their regular meeting on Wednesday at which they would be finalizing the Intergovernmental Agreement and 2012 budget.
- Town Board Member Thompson – Parks & Recreation Board; Great Western Trail Board; Tree Board  
Town Board Member Thompson reported the Tree Board had dedicated a tree grove at the school district building in Windsor recognizing Gene Morey's 35 years of service. The Board had additionally discussed the landscape ordinance that the Town Board had rejected along with next year's Arbor Day plans. Mr. Thompson noted the Great Western Trail Authority would be meeting on Tuesday.
- Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT Report on 4<sup>th</sup> Monday of the month)  
No report.

5. Public Invited to be Heard

Mayor Vazquez opened the meeting for items of concern not on the agenda; hearing none, Mayor Vazquez moved on to the next agenda item.

**B. CONSENT CALENDAR**

1. Minutes of the October 24, 2011 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – Guadalajara Family Mexican Restaurant, Hotel/Restaurant Liquor License – P. Garcia
3. Liquor License Renewal – El Alazan Mexican Restaurant, Hotel/Restaurant Liquor License – P. Garcia
4. Report of Bills – D. Moyer

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

**C. BOARD ACTION**

1. Ordinance No. 2011-1419 - Ordinance Annexing Certain Territory known as the "Windsor Highlands Eleventh Annexation" to the Town of Windsor, Colorado – Martin Lind, Raindance Aquatic Investments, LLC, applicant/Pat McMeekin, Water Valley Land Company, applicant's representative

- Legislative action
- Second Reading
- Staff presentation: Scott Ballstadt, Chief Planner

**Town Board Member Carrigan motioned to approve Ordinance No. 2011-1419, Ordinance Annexing Certain Territory known as the "Windsor Highlands Eleventh Annexation" to the Town of Windsor, Colorado on second reading; Town Board Member Bishop-Cotner seconded the motion.**

Chief Planner Ballstadt reported on the ordinance and noted the applicant is proposing to annex and zone portions of right-of-way for Crossroads Boulevard and the west half of the right-of-way for what would be Weld County Road 15 adjacent to the property master planned as Water Valley West. The proposed zoning is Residential Mixed Used which is the same as the adjacent Water Valley West properties. The ordinance was approved by the Town Board on first reading on October 24, 2011; Mr. Ballstadt noted that there had not been any changes to the ordinance between first and second reading. The Planning Commission recommended approval with the following conditions being met:

- 1) Any remaining comments shall be addressed prior to recording the annexation plat; and
- 2) All annexation requirements shall continue to be met.

Patrick McMeekin, applicant representative, had no further comments and had no objections to the conditions presented.

Town Board Member Shanfelt asked if the public streets would be built to town standards. Mr. McMeekin responded that they would be at the time they are built.

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

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

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

**Nays – None. Motion carried.**

1.a. Request for Termination of Conservation Easement

- Staff presentation: Melissa Chew, Director of Parks & Recreation; Martin Lind  
Director of Parks & Recreation Chew introduced the agenda item and noted the three conservation easements that the Town of Windsor holds on property south of the Poudre River and east of County Line Road. The property is owned by Raindance Aquatics and master planned as Water Valley West. Martin Lind, president of Raindance Aquatics has requested the reversing of the conservation easement. Ms. Chew noted the various requirements the Town must meet when holding conservation easements which were noted in the staff memorandum included in the Town Board packet. The Parks & Recreation Advisory Board (PRAB) reviewed the request at their November 1, 2011 meeting and recommended to reverse the conservation easements. Mr. Lind had brought forward a verbal offer to place a deed restriction on the sites so that no buildings could be constructed; this option was discussed after the vote by PRAB. The Parks & Recreation Advisory Board was interested in this option and requested the Town Board be advised of their interest in Mr. Lind’s verbal offer.

Martin Lind reviewed the history and noted the Internal Revenue Service (IRS) had approved conservation easements as a method to preserve open space by offering a deduction of fair market value to owners based on specified criteria. Mr. Lind stated that although the criteria was met, the IRS did not allow the tax benefits. Mr. Lind noted that the goal of the sites were to have open space; to have nothing built.

The Town Board reviewed the documentation submitted in the town board packet related to the conservation easements which included information regarding the owner-retained rights associated with the easements, including recreational use, and the opportunity to develop sites into a golf course. The Town Board also discussed the Master Plan, preservation of the Open Space and possible deed restriction on the sites. There was concern from the Town Board regarding possible construction of homes and, if there was a deed restriction, the ability to construct restrooms and shelters on the golf course. It was also noted that the Master Plan shows the plan for the property and that any deviation from that Plan would have to be approved by the Town Board.

Mr. Lind stated he would be willing to work with staff to create an overlay to the Master Plan that would allow for golf course uses; the conservation easement would be reversed only after the overlay was done.

**Board Member Thompson motioned to authorize the Town Attorney to negotiate an agreement that would create an overlay to the Master Plan which would prohibit residences or other structures**

**inconsistent with a golf course; upon reaching an agreement on the overlay the Conservation Easements would be rescinded and application would be made to Weld County District Court to dissolve the Sanford Conservation Easements; Mayor Pro-Tem O'Neill seconded the motion. Roll call on the vote resulted as follows:**

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

2. Public Hearing – Ordinance Amending Chapters 16 and 17 of the Windsor Municipal Code to amend the definitions of easements and structures and to add regulations prohibiting the encroachment of structures into easements

- Legislative action
- Staff presentation: Joe Plummer, Director of Planning

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

Director of Planning Plummer stated that the Town Board had reviewed the proposed new and amended regulations at the September 19 work session. Mr. Plummer reviewed the changes and noted at the October 19, 2011 Planning Commission it was voted to forward a recommendation of approval of the amendments and ordinance to the Town Board. The ordinance had not been modified since the Town Board's review.

Mayor Vazquez opened the public hearing for 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, Carrigan, O'Neill, Melendez, Shanfelt, Thompson, Vazquez  
Nays – None. Motion carried.**

3. Ordinance No. 2011-1420 - Ordinance Amending Chapters 16 and 17 of the Windsor Municipal Code to amend the definitions of easements and structures and to add regulations prohibiting the encroachment of structures into easements

- Legislative action
- First Reading
- Staff presentation: Joe Plummer, Director of Planning

**Town Board Member Carrigan motioned to approve Ordinance No. 2011-1420, An Ordinance Amending Chapters 16 and 17 of the Windsor Municipal Code to amend the definitions of easements and structures and to add regulations prohibiting the encroachment of structures into easements on first reading; Town Board Member Shanfelt seconded the motion.**

Director of Planning Plummer had no additional information to present and noted the development community and Homebuilders' Association had been notified of the ordinance and no unfavorable information had been received.

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

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

4. Ordinance No. 2011-1421 – An Ordinance Extending and Amending the Provisions of Chapter 7, Article IX of the Windsor Municipal Code with Respect to the Keeping of Backyard Chicken Hens

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

**Town Board Member Shanfelt motioned to approve Ordinance No. 2011-1421, An Ordinance Extending and Amending the Provisions of Chapter 7, Article IX of the Windsor Municipal Code with Respect to the Keeping of Backyard Chicken Hens on first reading; Town Board Member Carrigan seconded the motion.**

Town Attorney McCargar reported on the ordinance and provided a power point presentation regarding the changes that had been requested to be made to the Chicken Code at the November 7, 2011 Town Board work session. Changes that had been made include the definition of a chicken hen, removal of coops once there are no longer chicken hens on a property, the change of the fine for violations from \$300 to \$1,000 due to Municipal Court becoming a Court of Record and a sunset clause on the ordinance to January 1, 2013.

Mayor Vazquez stated concerns regarding immature birds and that they don't always lead to egg-producing hens, the continued sunset clause and the requirement for people to remove their chicken coops if they are no longer raising chickens.

Town Board Member Carrigan noted the new definition of chicken hens identifies the species and stated he was comfortable with that. Mr. Carrigan recommended that if the chicken coop is a permanent structure, such as one with a foundation, then perhaps it should stay. Temporary structures should be required to be removed.

Mayor Pro-Tem O'Neill reported that the constituents in his district specifically requested the sunset provision. It was noted that most of the hen permits are in his district.

The Town Board discussed the number of chicken hens that should be allowed along with a period to have additional chicks to determine how many will be laying eggs when then mature.

Town Board Member Bishop-Cotner questioned the intent of the ordinance; whether it was to have a business or provide food as he believes the allowed six chickens provide enough eggs for one family.

Town Board Member Shanfelt stated concern related to code enforcement and the amount of staff time used to monitor additional requirements of the chicken hen ordinance. Mr. Shanfelt was also supportive of the sunset clause as it allows the Town Board to review the progress.

Town Board Member Melendez had nothing further to add and agreed that the amendments being discussed could create an undue use of staff time. Ms. Melendez noted that she has not received any comments that indicate a definition of chicken hen is required and that citizens appear satisfied with the current regulations.

Town Attorney McCargar reported the current sunset date of December 31, 2011 requires that first reading be no later than November 28, 2011 and second reading scheduled for December 12, 2011.

Pursuant to Town Board discussion, staff was directed to leave the definition of chicken hen as is, remove the reference to structure removal, increase the penalty to court of record limits and extend the sunset clause to January 1, 2013. Town Attorney McCargar stated the motion is pending and that the Town Board needed to motion the ordinance be postponed for consideration until November 28, 2011.

**Mayor Pro-Tem O'Neill motioned to postpone Ordinance No. 2011-1421 to November 14, 2011 for first reading; Town Board Member Melendez seconded the motion. Roll call on the vote resulted as follows:**

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

5. Ordinance No. 2011-1422 – An Ordinance of the Town of Windsor, Colorado, Authorizing the Issuance of Refunding Bonds for the Purpose of Refunding, at Lower Interest Rates, Outstanding Sales and Use Tax Revenue Bonds, Series 2002 to Generate a Debt Service Savings to the Town; Continuing the Pledge of Certain Town Sales and Use Tax Revenues for the Payment of the Town's Financial Obligation Represented by the Outstanding Bonds; and Providing Details and Approving Documents in Connection with the Bonds
  - Legislative action
  - First Reading
  - Staff presentation: Dean Moyer, Director of Finance

**Town Board Member Thompson motioned to approve Ordinance No. 2011-1422, An Ordinance of the Town of Windsor, Colorado, Authorizing the Issuance of Refunding Bonds for the Purpose of Refunding, at Lower Interest Rates, Outstanding Sales and Use Tax Revenue Bonds, Series 2002 to Generate a Debt Service Savings to the Town; Continuing the Pledge of Certain Town Sales and Use Tax Revenues for the Payment of the Town's Financial Obligation Represented by the Outstanding Bonds; and Providing Details and Approving Documents in Connection with the Bonds on first reading; Town Board Member Carrigan seconded the motion.**

Director of Finance Moyer reported on the ordinance and reviewed the memorandum included in the Town Board packet. The proposed refunding schedule of approximately \$375,000 per year with an extension of two years to the repayment scheduled had been approved by resolution on October 27, 2011. Pursuant to discussions with the bond attorney, it was noted that total amount of debt service could not exceed \$8.5M per the voter authorized cap. At the current payment schedule of \$375,000, the Town would go over the authorized debt limit. Mr. Moyer provided a revised plan which adds one year to the repayment period which keeps us under the \$8.5M. The ordinance is large but Mr. Moyer stated the more critical section is 4(c) which explains the discretion of the Sales Delegate to authorize the deal only if the specific dollar and interest rate parameters can be met.

Town Board Member Melendez asked what the total savings would be. Mr. Moyer stated the savings would be about \$76,000; the amount of the savings is the net, the expenses have already been subtracted.

Mayor Vazquez noted that the revised plan would ease up the Capital Fund about \$45K per year.

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

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

6. Resolution No. 2011-45 - Resolution Approving the Final Plat of the Highland Meadows Golf Course Subdivision, Fourth Filing in the Town of Windsor, Colorado

- Quasi-judicial action
- Staff presentation: Diana Aungst, Associate Planner

**Mayor Pro-Tem O'Neill motioned to approve Resolution No. 2011-45; Town Board Member Bishop-Cotner seconded the motion.**

Associate Planner Aungst reported on the resolution and stated the applicant is proposing a major subdivision application to subdivide 84 acres in to three tracts, one outlot and nineteen lots. The nineteen proposed lots consist of five lots zoned as Residential Mixed Use and fourteen lots zoned as General Commercial. The outlot is also zoned as Residential Mixed Use and contains the pond that is used for irrigation in the Highland Meadows Golf Course Subdivision. Ms. Aungst noted the primary purpose of the subdivision is to create a separate outlot for the pond so that ownership of the pond can be transferred to the Windsor Highlands Metro District No. 6 which would be responsible for maintenance of the pond. The planning commission recommended approval of the resolution at the May 18, 2011 meeting with the following conditions being met:

- 1) All Planning Commission and staff comments shall be addressed prior to being placed on a Town Board agenda for approval;
- 2) All subdivision requirements shall continue to be met; and
- 3) The development agreement shall be executed prior to being placed on a Town Board agenda for approval.

Jon Turner, applicant, was present to address questions from the Town Board and noted that the conditions as noted were acceptable.

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

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

7. Resolution No. 2011-46 - A Resolution Amending the Town of Windsor's Open Records Policy

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

**Mayor Pro-Tem O'Neill motions to approve Resolution No. 2011-46; Town Board Member Melendez seconded the motion.**

Town Clerk Garcia provided a brief overview of the resolution and noted the amendments to the current policy were provided at the November 7, 2011 work session. A new component of the policy is the requirement of a down payment for requests that could exceed \$50 or more in staff time or copy charges. There were no changes to the current fees to process open records requests. It was also noted that a statement had been added to the application which stated that research and retrieval fees were chargeable after the first hour.

The Town Board discussed the ability for anyone, including the indigent, to be able to pay for an open records request. It was noted the Town Attorney or Town Manager has the discretion to waive fees as noted in Section IX of the policy.

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

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

8. Resolution No. 2011-47 - A Resolution Authorizing the Conduct of a Mail Ballot Election for the Town of Windsor's Regular Municipal Election Scheduled for April 3, 2012

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

**Mayor Pro-Tem O'Neill motioned to approve Resolution No. 2011-47; Town Board Member Carrigan seconded the motion.**

Town Clerk Garcia reported the resolution to conduct a mail ballot election is required by the Secretary of State's office. The past two municipal elections had been conducted by mail ballot with a much higher voter participation than through a polling place election.

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

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

9. Public Hearing – Request by Craig Colberg for review of administrative decision denying a variance under Section 103 of the Town of Windsor Design Criteria and Construction Specifications. Division I Streets, 7916 Windsong Drive, Windsor, Colorado

- Quasi-judicial action
- Staff presentation: Dennis Wagner, Director of Engineering, Ian McCargar, Town Attorney

**Mayor Pro-Tem O'Neill motioned to open the public hearing; Town Board Member Melendez seconded the motion. Roll call on the vote resulted as follows:**

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

Town Attorney McCargar addressed the Town Board regarding the request by Craig Colberg. Mr. McCargar reviewed the history of the request, noting the variance request was denied by Director of Engineering Wagner and Town Manager Arnold with Mr. Colberg's next step was to bring the request for variance to the Town Board. Mr. McCargar stated the Town's Street Standards were updated and adopted in 2010 which prohibit unapproved access points along arterial streets. Areas of the Standards that were highlighted include:

- Direct access to abutting property is not permitted unless no other access is reasonably available and then only on approval by the Town; and
- Allowable Access Points. In general, each Single Family rural residential property should be limited to one access point. Multiple accesses may be provided as long as spacing and clearance requirements are satisfied, and where deemed acceptable by the Town Engineer.

Mr. McCargar noted the Colberg property is on Windsong Drive, which connects to County Road 17 at an approved access point. In July, 2011, it came to the Town's attention that a driveway and culvert had been installed to serve the Colberg property which is south of the approved outlet for Windsong Drive onto County Road 17. Variances from Street Standards were included in the Town Board packet. Mr. McCargar explained to the Town Board that it the burden of Mr. Colberg to prove that he meets the requirements for a variance.

Craig Colberg, 7916 Windsong Drive, Windsor, addressed the Town Board regarding the variance request and provided a brief history of his residency at the address. He stated he did not know that he needed a permit for a culvert and that he had used it for several years without any issues or complaints. Access is needed for septic system pumping, delivery of landscape materials and fire access; all of which were noted in his letter dated September 9, 2011 to Dennis Wagner and part of the public record. Mr. Colberg does not intend it to be a paved driveway and stated he does not see the danger in approving the request as he has not seen any accidents.

Director of Engineering Wagner reviewed the location map noting the Windsong subdivision and provided an overview of the aerial location and subdivision plat.

After discussion related to health, safety and welfare issues, Mr. Colberg stated he may be able to find alternatives associated to the pumping of the septic tank and noted his property is landscaped so that you can't drive there from his driveway.

Mayor Vazquez noted that the request for variance could be convenience issues and not grounds for approval.

Mayor Pro-Tem O'Neill asked how often Mr. Colberg used the septic clean out; every two to three years. Mr. O'Neill also asked how often the access is used; Mr. Colberg explained he uses it to bring in landscaping materials which is about six times in the summer.

Town Board Member Carrigan recommended to go along with the findings of the subject matter expert, Director of Engineering Wagner, but stated his concern regarding the safety issue.

Town Attorney McCargar stated that there had not been any engineering reports provided which support the variance request. The Town Board would need to justify the request from a safety point of view. If the variance is denied, the culvert will need to be removed. It was noted the culvert does not comply with the Street Standards, which is how the Town measures safety. Pursuant to Weld County's Street Standards, they would not have approve the variance either.

The Town Board discussed the safety issue of maintaining the septic tank.

Town Manager Arnold asked Mr. Colberg if he had always used the same septic company and if he had checked with other companies regarding access to his tank. Mr. Colberg replied he had not.

**Mayor Pro-Tem O'Neill motioned to close the public hearing; Town Board Member Carrigan seconded the motion. Roll call on the vote resulted as follows:**

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

10. Consideration of request by Craig Colberg for review of administrative decision denying a variance under Section 103 of the Town of Windsor Design Criteria and Construction Specifications, Division I Streets, 7916 Windsong Drive, Windsor, Colorado

- Quasi-judicial action
- Staff presentation: Dennis Wagner, Director of Engineering; Ian McCargar, Town Attorney

**Mayor Pro-Tem O'Neill motion to consider the request by Craig Colberg for review of administrative decision denying a variance under Section 103 of the Town of Windsor Design Criteria and Construction Specifications, Division I Streets, 7916 Windsong Drive, Windsor,**

**Colorado; Town Board Member Bishop-Cotner seconded the motion.**

Town Attorney McCargar stated approval of the variance requires an engineering report in support of the request which was not provided by property owners. The variance meets the needs of Craig Colberg but there is no public benefit.

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

**Yeas – None.**

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

11. Request for Termination of Conservation Easement

- Staff presentation: Melissa Chew, Director of Parks & Recreation; Martin Lind  
Moved to Item C.1.a.

12. Financial Report

- Staff presentation: Dean Moyer, Director of Finance

Director of Finance Moyer provided an overview of the financial report included in the Town Board packets and noted October, 2011 had been another good month with the Town well over the revenue budget requirements. Through October, the Town had collected 160% of the sales tax budget and Mr. Moyer estimates \$4.3M for the year. Construction Use Tax collections is at \$949,500 which is about double what the budget was last year. 212 single family home permits have been issued through October with an additional 18 in October. Operating expenditures are at 79% as capital projects are being wrapped up. Mr. Moyer stated he estimates the Town will be close to 100% of our budget mark.

**D. COMMUNICATIONS**

1. Communications from the Town Attorney

No report.

2. Communications from Town Staff

- Engineering – Director of Engineering Wagner provided an update of the I25/SH392 interchange project.
- Police – Police Chief Michaels reported on the National Drug Take Back Day and stated the department would be participating in the event every six months.
- Planning – Director of Planning Plummer requested that any comments regarding the Comprehensive Plan amendments be provided to him by Wednesday.
- Public Works – Director of Public Works Walker reported on the status of the Great Western crossing at 3<sup>rd</sup> and Main Street with an estimated completion date of December 1.
- Parks & Recreation – Director of Parks & Recreation Chew reported on the status of the Diamond Valley project and the post-winter storm debris clean up. There was also reference to the Windsor Wonderland event which the Town is working on with the Chamber of Commerce and the Downtown Development Authority.

3. Communications from the Town Manager

No communications.

4. Communications from Town Board Members

Town Board Melendez remarked that she was proud and thankful for the Windsor crews that worked through the storm and helped with the tree and debris pick up.

**E. ADJOURN**

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

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

**Nays – None. Motion carried.**



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Patti Garcia, Town Clerk