



TOWN BOARD REGULAR MEETING

November 28, 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 Pro-Tem Matthew O'Neill
Robert Bishop-Cotner
Mike Carrigan
Kristie Melendez
Don Shanfelt
Don Thompson
Mayor John Vazquez

Participated in meeting by teleconference

Also present:

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

Kelly Arnold
Ian McCargar
Joe Plummer
Melissa Chew
Dean Moyer
Dennis Wagner
Terry Walker
Mary Robins
Stacy Johnson
John Michaels
Patti Garcia
Lindsey Haggerty

2. Pledge of Allegiance

Town Board Member Shanfelt led the Pledge of Allegiance.

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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 Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Shanfelt, Thompson
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 next week and the Planning Commission's next scheduled meeting was on Thursday night.
- Town Board Member Carrigan – Water & Sewer Board
Town Board Member Carrigan stated there had not been any meetings of the Water & Sewer Board since his last report but noted that Director of Engineering Wagner and Town Manager Arnold had been participating in regional water treatment facility discussions and meetings.
- Mayor Pro-Tem O'Neill – Library Board; Planning Commission; North Front Range/MPO Alternate
Mayor Pro-Tem O'Neill reported the Library Board would be meeting Tuesday night at 5:30 p.m.; the Planning Commission approved temporary signs for Journey Homes and approved amendments to the Windsor Comprehensive Plan at their last meeting. Mr. O'Neill also noted he would be attending the Thursday night meeting of the MPO.

- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board; Downtown Development Authority
Town Board Melendez reminded everyone of the Windsor Wonderland event being held on Saturday starting at 2:30 p.m.
 - Town Board Member Thompson – Parks & Recreation Board; Great Western Trail Board; Tree Board
Town Board Member Thomson reported the Parks & Recreation Advisory Board would be meeting in January, 2013 and the Tree Board would be meeting at the end of December. The Great Western Trail Board had meet a couple of weeks ago at which the current condition of the trail was discussed along with remedial steps that they will need to take early next year. It was also noted that there were vacancies on the Parks & Recreation Advisory Board and the Great Western Trail Board.
 - Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT Report on 4th Monday of the month)
No report.
5. Public Invited to be Heard
Rich Crisler and Rana Charlet, representing Occupy Northern Colorado, addressed the Town Board and noted the group would be active in the area.

B. CONSENT CALENDAR

1. Minutes of the November 14, 2011 Regular Town Board Meeting – P. Garcia
2. Clearview Library District Board Appointments – I. McCargar
3. 2012 Consideration of Town Prosecutor request for approval of additional hours – I. McCargar
4. Cancellation of December 26, 2011 Town Board Work Session and Regular Meeting
5. Resolution No. 2011-48 - A Resolution Extending the Deadline for the Town of Windsor and the City of Fort Collins to Take Certain Actions under the Terms and Conditions of an Intergovernmental Agreement Between the Town and the City Pertaining to the Development of the Interstate Highway 25 and State Highway 392 Interchange and the Area Surrounding that Interchange – J. Frey

Town Board Member Carrigan 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
Nays – None. Motion carried.**

Mayor Vazquez thanked the Town Board for allowing him to participate by teleconference for the meeting and noted that he would not be able to vote, but wanted to be able to listen and include comments during the meeting.

C. BOARD ACTION

1. 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
- Second reading
- Staff presentation: Joe Plummer, Director of Planning

Town Board Member Bishop-Cotner motioned to approve 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 on Second Reading; Town Board Member Carrigan seconded the motion.

Director of Planning Plummer presented the ordinance and reported it had passed on first reading on November 14, 2011. The ordinance adds a new definition for easement in the zoning code chapter of the Code, amends the current definition of structure and includes a new section on non-obstruction of easements. The Planning Commission voted on October 19, 2011 to recommend approval of the

amendments and ordinance. Mr. Plummer reported there had not been any changes to the ordinance since first reading.

Mayor Pro-Tem O'Neill opened the meeting to public comment, to which there was none.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion carried.

2. 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
- Second reading
- Staff presentation: Dean Moyer, Director of Finance

Town Board Member Bishop-Cotner 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 Second Reading; Town Board Member Melendez seconded the motion.

Director of Finance Moyer reported on the ordinance and noted all the information submitted in the Town Board packet was the same as at first reading. Mr. Moyer reviewed the documentation and reported that pursuant to discussions with the bond attorney, it had been noted the 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 the 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. Mr. Moyer recommended approval on second reading.

Town Board Member Melendez extended support of the ordinance due to the cost savings.

Mayor Vazquez vocalized his support of the ordinance.

Mayor Pro-Tem O'Neill 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

Nayes – None. Motion carried.

3. 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 Bishop-Cotner 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 noted that, based on instructions from the

November 14, 2011 Town Board meeting the ordinance incorporated the fine of up to \$1,000 which brings the Chicken Code into alignment with the 2010 change to the Court of Record status and the addition of a sunset to January 1, 2013. The rest of the language in the ordinance, including definitions and the numerical limit of chicken hens, has remained the same.

Mayor Vazquez noted there are no other ordinances with a sunset and requested the Town Board reject the ordinance. Mr. McCargar stated that timing of adoption of the ordinance was critical as the current sunset is December 31, 2011 and there needed to be a first and second reading before that date. Mr. McCargar reported that at the Town Board's request, an amendment could be made to the ordinance between first and second reading to stay within the required timeframe.

Mayor Vazquez recommended the Town Board consider a "replacement of chicken hen" clause and removal of the sunset clause on second reading.

Town Board Member Carrigan stated the chicken hen ordinance worked well last year and believes the ordinance should be adopted as is.

Town Board Member Melendez noted there were very few problems last year and was supportive of the sunset in this case as there are no other ordinances that could allow disease or disrupt neighbors.

Town Board Members Shanfelt, Bishop-Cotner and Thompson concurred with Ms. Melendez.

Mayor Pro-Tem O'Neill stated he does not believe chickens belong in town but will be supportive of the ordinance.

Roll call on the vote resulted as follows:

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

Nays – None. Motion carried.

4. Resolution No. 2011-49 - A Resolution Approving an Intergovernmental Agreement Between the Town of Windsor, Colorado, and the Town of Windsor Downtown Development Authority

- Legislative action
- Staff presentation: Kelly Arnold, Town Manager & Ian McCargar, Town Attorney

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2011-49; Town Board Member Melendez seconded the motion.

Town Manager Arnold reported on the resolution and Intergovernmental Agreement (IGA) between the Town of Windsor and the Downtown Development Authority (DDA). The IGA was written and supported by two legal counsels; Town Attorney McCargar and Special Counsel to the DDA Lucia Liley. The IGA was reviewed with the Town Board and DDA during a joint work session in October. Minor changes to the document have been reviewed by Mr. McCargar. The IGA references two documents; the DDA budget and work plan. The IGA is the guiding document for both bodies; it outlines the relationship and how the Town Board will support the DDA through the next several years. Mr. Arnold stated the IGA can be amended as needed.

Town Attorney McCargar reported on the two revisions to the IGA that were recommended and discussed at the October 24 joint work session:

- Section 1.3.c.: The following provision was added to reflect the parties' intention that an amount equal to new sales tax created within the DDA boundaries (i.e. above the base 2010 sales tax revenue) should be made available to the DDA during its term as an incentive to continue adding sales tax generating properties and activities:

“Notwithstanding the funding duration timeframe set forth in Section 1.3.a, above, it is the intent of the Town Board that the Sales Tax Increment shall be appropriated by the Town Board to the DDA through the thirty-year tax increment term permitted under State law for the purpose of creating an incentive to downtown businesses to maximize retail opportunities and to assist the

DDA in meeting the goals of the Downtown Strategic Plan.”

Mr. McCargar noted that this does not legally bind the Town Board for the thirty year DDA term with regard to the sales tax increment to the DDA as this is a statement of the intention of the parties and would require future appropriations by the Town Board.

- Section 1.3.d.: Language was added to clarify that, at the end of the initial five year term, any unexpended DDA revenues from the sales tax base would be subject to the 2016 review and evaluation process provided in the IGA.

Town Board Member Melendez inquired if the budget carryover would be reviewed every five years or every year. Town Attorney McCargar reported the budget would be reviewed every year.

Town Board Member Carrigan stated the DDA Board has worked hard on the IGA and he trusts Town Board Member Melendez who is on the DDA Board. Town Board Member Bishop-Cotner concurred.

Mayor Vazquez stated that Town Board Member Melendez had done a great job in representing the Town Board as liaison. The carryover is important as it encourages the DDA to be responsible for the funds being received from the Town of Windsor. Mr. Vazquez stated there will always be checks and balances to be fiscally responsible to the taxpayers and believes this is a positive step in the right direction.

Mayor Pro-Tem O'Neill voiced his support of the effort.

Town Board Member Thompson reiterated Mayor Vazquez's comments and stated that he believes there is adequate oversight and supports the review on an annual basis.

Roll call on the vote resulted as follows:

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

Nays – None. Motion carried.

5. Resolution No. 2011-50 - A Resolution Approving the Windsor Downtown Development Authority's Budget for Fiscal Year 2012

- Legislative action
- Staff presentation: Kelly Arnold, Town Manager

Town Board Member Melendez motioned to approve Resolution No. 2011; Town Board Member Shanfelt seconded the motion.

Town Manager Arnold reported on the resolution and noted the Downtown Development Authority (DDA) budget had been discussed at the joint meeting in October. At their November 14, 2011 regular meeting, the DDA approved the attached budget and has now forwarded it to the Town Board for approval. Mr. Arnold reviewed the budget and stated there was one change related to election costs; the election line item was increased by \$5,000 and consulting was reduced by \$5,000. The revenues incorporate the first year property tax increment along with the transfer of \$250,000 from the Town of Windsor which is equivalent to the sales tax collected last year. Town Manager Arnold stated that two priorities of the DDA are to create a marketing plan along with getting involved with a parking study and review of under-utilized properties. There is \$35,000 for reimbursements of staff time related to DDA work and over \$150,000 is funded for capital and other related projects which are outline in the 2012 work program that was distributed to the Town Board.

Aaron Lore, Windsor resident, stated he believes the budget is study/survey heavy and also stated that the Town of Windsor has a marketing coordinator. Town Manager Arnold responded that the DDA wants to put together a marketing study to create a plan on how to market downtown in the future. Town Board Member Melendez offered that business retention and incentive for the entire town is Business Development Manager Johnson's job; the DDA is working on a marketing efforts specific to the DDA boundaries.

Mayor Vazquez stated an important component is the parking study as one of the biggest issues we have

are the constraints and limitations related to the parking capacity. Mr. Vazquez reiterated that Ms. Thompson was brought on staff to represent the Town of Windsor as a whole.

Town Manager Arnold reported the Town has made application through a grant to have a parking study completed; if the grant is received, it will be a start on the process.

Roll call on the vote resulted as follows:

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

Nays – None. Motion carried.

6. Public Hearing – 2012 Proposed Budget

- Legislative Action
- Staff presentation: Dean Moyer, Director of Finance

Town Board Member Thompson 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

Nays – None. Motion carried.

Director of Finance Moyer reported on the 2012 proposed budget. It was noted there had been a budget retreat on Saturday, October 8, 2011 at which the Town Board and department heads participated. Mr. Moyer stated the final budget was before the Town Board for approval.

Mr. Moyer reviewed the budget memorandum and 2012 Proposed Budget Condensed Summary, noting the various summaries and line items.

Town Board Member Shanfelt stated the budget was very well prepared and he was impressed with stability of staff and level of service. He appreciated the conservative approach to maintaining the reserves.

Town Board Member Melendez stated her questions had been answered during Mr. Moyer’s presentation.

Town Board Member Bishop-Cotner voiced his support of approving the budget.

Town Board Member Carrigan inquired how our parks and recreation expenditure summary compares to other municipalities in northern Colorado. Mr. Moyer stated the parks and recreation budget is larger than usual due to the use of reserve funds to build parks this year which includes operations and construction (page 6 of the Summary). Town Manager Arnold noted discussion points over the past six month included the decision to build three new parks; there have been discussions regarding the operation and maintenance and how the Town will maintain the new park systems in 2013. Mr. Arnold also noted that street maintenance continues to be of interest to the Town Board in relation to both operation and capital. What is currently happening in the budget is the capital side is being increased towards street maintenance so the streets will be taken care of.

Mayor Vazquez thanked Mr. Moyer and staff for listening to the Town Board and modifying the budget as requested. Mr. Vazquez inquired as to the estimate for parks construction. Director of Parks & Recreation Chew reported the placeholder estimate is \$225,000 per acre until there is a design and hard bid. Ms. Chew noted that the amount could be less than the estimate once it goes through the design and bid process. Mayor Vazquez requested the Town Board, as the budget is approved and as the future parks projects come forward, have a clear understanding of the expense. Town Board Member Carrigan has brought up good ideas on how the Town might be able to implement more native vegetation and more water friendly landscaping.

Town Board Member Melendez stated in years to come the Town needs to take a fiscally responsible, pro-active approach to the budget process. Water, sewer and streets should be properly budgeted for and should be the focus in upcoming years.

Mayor Pro-Tem O’Neill commended staff for their work on the budget.

Mayor Pro-Tem O'Neill opened the meeting for public comment.

Doug Paterson, Windsor resident, inquired as to the mill levy to which Director of Finance Moyer stated the mill levy has been 12.03 mills for the past 12 years.

Aaron Lore, Windsor resident, stated he believes the budget should be related to health and safety and feels that the Parks & Recreation budget is too large and that parks maintenance is out of control.

Town Board Member Bishop-Cotner 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

Nays – None. Motion carried.

7. Resolution No. 2011-51 - A Resolution Summarizing Expenditures And Revenues For Each Fund, And Adopting A Budget For The Town Of Windsor, Colorado, For The Calendar Year Beginning On The First Day Of January, 2012, And Ending On The Last Day Of December, 2012, And Appropriating Sums Of Money To The Various Funds And Spending Agencies, In The Amount And For The Purpose As Set Forth Below, For The Town Of Windsor, Colorado, For The 2012 Budget Year

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2011-51; Town Board Member Shanfelt seconded the motion.

Director of Finance Moyer stated the resolution is for appropriating funds for 2012 and noted he was available to answer any questions. Staff recommended approval of the resolution as presented.

Mayor Vazquez stated the public has vocally expressed that they want the amenities of parks in Windsor and it is the Town's obligation to provide that service to the citizens.

Roll call on the vote resulted as follows:

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

Nays – None. Motion carried.

8. Resolution No. 2011-52 - A Resolution Levying General Property Taxes For The Taxable Year 2011 To Help Defray The Costs Of Government For The Town Of Windsor, Colorado, For The 2012 Budget Year (Weld County)

- Legislative Action
- Staff presentation: Dean Moyer, Director of Finance

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2011-52; Town Board Member Carrigan seconded the motion.

Director of Finance Moyer stated the resolution spells out the assessed valuation in Weld County which has been 12.03 mills for the past 12 years. Staff recommended approval of the resolution as presented.

Roll call on the vote resulted as follows:

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

Nays – None. Motion carried.

9. Resolution No. 2011-53 - A Resolution Levying General Property Taxes For The Taxable Year 2011 To Help Defray The Costs Of Government For The Town Of Windsor, Colorado, For The 2012 Budget Year (Larimer County)

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

Town Board Member Bishop-Cotner motioned to approve Resolution No. 2011-53; Town Board Member Thompson seconded the motion.

Director of Finance Moyer stated the resolution was similar to the previous one but for Larimer County as

Windsor resides in both counties.

Roll call on the vote resulted as follows:

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

D. COMMUNICATIONS

1. Communications from the Town Attorney

No communications.

2. Communications from Town Staff

- Finance – Mr. Moyer thanked department heads and Vicki Miller, Budget Analyst, for their help on the budget.
- Parks & Recreation – Ms. Chew reminded everyone that the Windsor Wonderland events start at 2:30 p.m. on December 3 at Boardwalk Park.
- Engineering – Director of Engineering Wagner provided an update on the status of the I25-SH392 interchange.

3. Communications from the Town Manager

Town Manager Arnold reviewed the future meetings agenda and noted next week the Town Board would be meeting with the Student Advisory Leadership Team at 5:30 and would convene to an executive session following. Mr. Arnold also reported there would be discussion on December 12 or 19 regarding an oil and gas lease on town-owned property and a future park site.

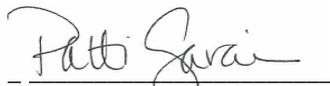
4. Communications from Town Board Members

- Town Board Member Melendez requested a future work session on the information provided by Stacy Johnson in a past packet. Town Manager Arnold stated they started work today on the retail side and he anticipates having the work session in the next 30-45 days.
- Town Board Member Bishop-Cotner wished the Windsor football team good luck as they were competing in the state championship on Monday.
- Mayor Vazquez wished the football team good luck, as well. He again thanked the Town Board for the opportunity to participate in the meeting by teleconference.

E. ADJOURN

Town Board Member Thompson motioned to adjourn the regular meeting; Town Board Member Carrigan seconded the motion. Roll call on the vote resulted as follows:

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



Patti Garcia, Town Clerk