



## TOWN BOARD REGULAR MEETING

December 12, 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  
Director of Parks & Recreation  
Director of Finance  
Director of Engineering  
Director of Public Works  
Director of Human Resources  
Business Development Manager  
Town Clerk

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

2. Pledge of Allegiance

Town Board Member Shanfelt 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 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.**

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 the next meeting of the Water & Sewer Board would be in February, 2012.
- Mayor Pro-Tem O'Neill – Library Board; Planning Commission; North Front Range/MPO Alternate  
Mayor Pro-Tem O'Neill reported the last meeting of the MPO had been cancelled due to weather. The Planning Commission reviewed a Conditional Use Grant for a wedding/reception venue and the Library Board met on November 29 and is discussing

the possibly opportunity to use part of a bank building in Severance as a library branch.

- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board; Downtown Development Authority  
Town Board Member Melendez reported the Chamber met on December 7; new members to their Board of Directors are Brent Phinney and Ty Chadwick. The January Chamber meeting will be held the second Wednesday at the AmericInn. The Poudre Trail Board had met on December 1; a new website was launched in November and they are currently working on the 2012 work plan and budget. On Wednesday, the Downtown Development Authority will be meeting and they will be reviewing a resolution for the upcoming election.
- Town Board Member Thompson – Parks & Recreation Board; Great Western Trail Board; Tree Board  
Town Board Member Thompson noted that none of the boards he serves as liaison had met since the last Town Board meeting.
- Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT Report on 4<sup>th</sup> Monday of the month)  
Parks & Recreation Director Chew reported that SALT had met with the Town Board last Monday; six town board members were present with approximately 14 youth and two recreation coordinators. SALT presented a video regarding 2012 goals; it was noted that a highlight for 2011 was a retreat attended by members of the group which was conducted by the Parks & Recreation Association specifically for youth advisory boards.

5. Public Invited to be Heard

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

**B. CONSENT CALENDAR**

1. Minutes of the November 28, 2011 Regular Town Board Meeting, December 5, 2011 Special Meeting, December 7, 2011 Special Meeting – P. Garcia
2. Special Event Liquor License – Our Lady of the Valley Catholic Parish – P. Garcia
3. Liquor License Renewal – Rempe Holdings Inc. dba Uncorked Wine & Liquor, Retail Liquor License – P. Garcia
4. Liquor License Renewal – Chimney Park, Hotel & Restaurant Liquor License – P. Garcia
5. Report of Bills – D. Moyer
6. Consideration of Fuel Charges Owed the Town of Windsor from the Windsor/Severance Fire District – T. Walker
7. Approval of Contract for State Trails Grant – Greeley No. 2 – M. Chew
8. Resolution No. 2011-54 – A Resolution Designating a Public Place for the Posting of Notices Concerning Public Meetings – P. Garcia

**Town Board Member Bishop-Cotner motioned to approve the Consent Calendar as presented; 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.**

**C. BOARD ACTION**

1. Public Hearing – New Hotel and Restaurant Liquor License for Perfect Pizza Experience dba

Pelican Jo's Pizzeria, 263 Eastman Park Drive, Unit B, Windsor, CO 80550. Applicant: Mike Brady

- Quasi-judicial action
- Staff presentation: Patti Garcia, Town Clerk & John Michaels, Chief of Police

**Town Board Member Melendez 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.**

Town Clerk Garcia reported on the application and noted the required forms and fees had been submitted. Pursuant to the applicant's request for a concurrent review; the application had been forwarded to Liquor Enforcement. It was noted the appropriate background checks had been completed and had been found satisfactory; additionally, the police department had conducted a premise inspection and the diagram submitted in the Town Board packet reflected the same. Ms. Garcia stated the Town Board was to review the license based on the needs and desires of the neighborhood, which is considered the half-mile radius of the proposed premise.

Mike Brady, applicant, addressed the Town Board and noted he was available to answer any questions. Pursuant to the Mayor's request, Mr. Brady reviewed his 30-year history in the restaurant industry and noted that Chief Michaels will be meeting with his staff to review the liquor code and responsibilities relative to a liquor license. Mr. Brady also mentioned having staff participate in TIPS classes.

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

Mr. Brady stated that all the documents in the packet related to the liquor license are to be part of the permanent record.

**Town Board Member Carrigan 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.**

2. Consideration of a New Hotel and Restaurant Liquor License for Perfect Pizza Experience dba Pelican Jo's Pizzeria, 263 Eastman Park Drive, Unit B, Windsor, CO 80550. Applicant: Mike Brady

- Quasi-judicial action
- Staff presentation: Patti Garcia, Town Clerk & John Michaels, Chief of Police

**Town Board Member Thompson motioned to approve the Hotel and Restaurant Liquor License for Perfect Pizza Experience dba Pelican Jo's Pizzeria; Town Board Member Carrigan seconded the motion.**

Staff had nothing further to add.

**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. 2011-1421 – 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
- Second 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 Second Reading; Town Board Member Carrigan seconded the motion.**

Town Attorney McCargar reported on the ordinance and noted there hadn't been any changes since first reading. The ordinance contained two revisions from the existing code which include the change in the amount of penalty due to municipal court becoming a court of record and extending the sunset provision for an additional year.

Town Board Member Carrigan stated he was in favor of the ordinance and recommended the Town Board move forward with a vote.

Town Board Member Thompson commented that regardless of the inclusion of the sunset clause that it had been determined that the ordinance would need to be revisited in a year so the addition of the clause doesn't change the purpose of the ordinance.

Town Board Member Shanfelt noted he was impressed with how responsible the citizenry had been with their chicken hen permits. He stated there appeared to be ongoing concern regarding health issues related to the keeping of chicken hens that has not been addressed. He had wished there had been input from an entity, such as Colorado State University, to address those health issue concerns.

Mayor Vazquez stated that he opposes the ordinance due to the sunset clause and noted if there were health concerns that the issue would be brought before the board regardless of the sunset.

Mayor Vazquez opened the meeting for public comment.

Ted Hollman, 971 Hemlock Drive, Windsor, addressed the Town Board and reviewed a letter he had sent to the Town and distributed to the Town Board members. Mr. Hollman reviewed specifics included in the letter and stated that he did not believe a sunset was necessary as any change could be made by the Town Board at any time.

Mayor Vazquez asked Mr. Hollman if his letter could be added to the permanent record; Mr. Hollman stated the letter could be added.

John Bork, 1376 Barn Owl Court, Windsor, spoke in opposition to the sunset provision stating he has a chicken hen permit and believes the ordinance is good for Windsor.

John Houten, Windsor resident, spoke against the sunset provision and stated he was "pro-chicken".

Mayor Vazquez stated he was in favor of the chicken ordinance; he is just opposed to the sunset provision.

Town Board Member Melendez noted that the sunset clause does not mean that anyone is against the keeping of chickens. Ms. Melendez stated that she is in favor of the sunset clause as she believes it is best to err on the side of caution.

Town Board Member Thompson stated that it had been agreed that the ordinance needed to be revisited to address specific issues such as how long a coop can be vacant before being removed, if the number of chickens that can be allowed needs to be changed, etc. and believes everyone is on the same page.

Mayor Pro-Tem O'Neill noted that having chickens in E-1 zones makes sense and reiterated the concerns from the constituents in his District regarding chickens in residential areas. He will vote in favor of the ordinance at this time knowing it will be back for review a year from now.

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

**Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Thompson,  
Nayes – Shanfelt, Vazquez. Motion carried.**

4. Resolution No. 2011-55 – A Resolution Ratifying, Approving, and Confirming the Terms and Conditions of the Employment Agreement, as Amended, between the Town of Windsor and Kelly E. Arnold

- Legislative Action
- Staff presentation: Mayor and Town Board

**Town Board Member Carrigan motioned to approve Resolution No. 2011-55; Town Board Member Shanfelt seconded the motion.**

Town Board Member Carrigan stated he has learned a lot from Town Manager Arnold and appreciates his work in municipal government. Town Board Member Thompson concurred.

Town Board Member Shanfelt commended Mr. Arnold on an exceptionally well run town and staff.

Town Board Member Bishop-Cotner noted that Mr. Arnold is honest and straight-forward and runs the town in a wonderful way; Mr. Bishop-Cotner stated he considers Mr. Arnold a great Town Manager and his friend.

Mayor Pro-Tem O'Neill reported on Mr. Arnold's exceptional work at the Town and commended him on being very accessible.

Town Board Member Melendez stated that Windsor is a community fortunate enough to be in a positive position which is related to the leadership.

Mayor Vazquez noted the solid relationship he has with Mr. Arnold and their common objectives. He stated he appreciated the opportunity to work with Mr. Arnold.

Town Manager Arnold responded noting he considers it an honor to work for the Town of Windsor. He believes the town is on a good track but noted there is always room for improvement.

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

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

5. Financial Report

- Staff presentation: Dean Moyer, Director of Finance

Director of Finance Moyer reviewed the report included in the Town Board packet and noted that the Town was 5.7% ahead of last year. It was noted that 15 single-family home permits were issued in November for a current total of 227 year to date. Construction use tax collection had been budgeted at \$486,000 and the town has collected a little over \$1M. Property tax is at the same place as it was last year and operating expenditures are where they should be. Mr. Moyer noted that bills for the I25/SH392 project are starting to come in. Summarizing the report, Director of Finance Moyer believes that sales tax will come in around \$5.4M which would be a new record for Windsor.

Mayor Vazquez reported he was pleased to see the operating expenditures low and excited regarding the sales tax growth. He also noted the successful year of building permits.

**D. COMMUNICATIONS**

1. Communications from the Town Attorney

Town Attorney McCargar reported the Weinmeister case is winding down and that a ruling was issued last week with the case closing soon. He also noted there should be further information regarding the sewer case in mid-January.

2. Communications from Town Staff

- Parks & Recreation – Director of Parks & Recreation Chew reported that the Windsor Wonderland event was a success with an estimated 800-1,000 in attendance downtown. There will be a financial report in January regarding the Diamond Valley project with it currently being on track with the timeline and budget. Ms. Chew also noted a request for proposal was issued for Neighborhood Park Design and there had been a good turnout for the pre-bid opening.
- Human Resources – Director of Human Resources Robins reported that open enrollment went very well and that employees were receptive.

3. Communications from the Town Manager

Town Manager Arnold commented on the Comcast rate structure increase included under Communications in the Town Board packet.

4. Communications from Town Board Members

Town Board Member Thompson inquired regarding the events at the Loveland Distribution Center. Mr. Arnold gave an overview of the Occupy Denver & Loveland group's presence at the distribution center and noted that Windsor had been requested to participate through law enforcement.

Mayor Pro-Tem O'Neill reported on activities with the CDOT Transit Rail Advisory Committee.

Town Board Member Carrigan stated it was good to see citizens attending the Windsor Wonderland and noted there had been a good turnout at the fire station open house.

Mayor Vazquez extended his congratulations to the Windsor High School football team in winning the 3A state championship and noted that multiple teams from Windsor had won titles

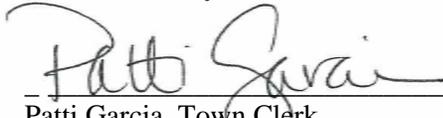
this year.

**E. ADJOURN**

**Town Board Member Bishop-Cotner motioned to adjourn; Town Board Member Thomspen 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.**

  
\_\_\_\_\_  
Patti Garcia, Town Clerk