



**TOWN BOARD REGULAR MEETING**

January 9, 2012 - 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.

**AGENDA**

**A. CALL TO ORDER**

1. Roll Call  
Mayor Pro-Tem Matthew O’Neill

Mayor John Vazquez  
  
Robert Bishop-Cotner  
Mike Carrigan  
Kristie Melendez  
Don Shanfelt  
Absent - Don Thompson

Also present: Town Manager Kelly Arnold  
Town Attorney Ian McCargar  
Director of Planning Joe Plummer  
Director of Parks & Recreation Melissa Chew  
Director of Finance Dean Moyer  
Director of Engineering Dennis Wagner  
Director of Public Works Terry Walker  
Director of Human Resources Mary Robins  
Chief of Police John Michaels  
Town Clerk Patti Garcia

- 2. Pledge of Allegiance DS
- 3. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board

**MC/BC ALL**

- 4. Board Liaison Reports
  - Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission Alternate No report.
  - Town Board Member Carrigan – Water & Sewer Board No report.
  - Mayor Pro-Tem O’Neill – Library Board; Planning Commission; North Front Range/MPO Alternate – LB on Jan 24 at 5:30. Gale Schick Chair – next meeting Jan 18. MPO met on 5<sup>th</sup> – transportation - preliminary
  - Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board; Downtown Development Authority – Chamber meets wed at 6:30 A.M. DDA tomorrow eve 6:30 at firestation – present and have discussion re upcoming electin and ballot issue
  - Town Board Member Thompson – Parks & Recreation Board; Great Western Trail Board; Tree Board
  - Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT) Report on 4<sup>th</sup> Monday of the month)

5. Public Invited to be Heard  
Tiara English Cunningham, Mrs. Windsor, requested Town sponsorship of 1 month worth of rec pass

sponsorship. \$25 for the pass. OK

**B. CONSENT CALENDAR**

1. Minutes of the December 12, 2011 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – Hunan Taste Cuisine, Inc. dba Asian Pearl Bistro, Hotel & Restaurant Liquor License – P. Garcia
3. Report of Bills – D. Moyer
4. Resolution No. 2012-01 – A Resolution Approving an Amendment to an Intergovernmental Agreement between the Town of Windsor, Colorado, and the Colorado Department of Local Affairs Division of Emergency Management with Respect to a Water Line Protection Project – I. McCargar

KM/MC - ALL

**C. BOARD ACTION**

1. Public Hearing – Conditional Use Grant for a temporary wedding and reception venue in the Estate Residential (E-1) zoning district – 675 Southwood Lane – Gary Young, applicant
  - Quasi-Judicial Action
  - Staff presentation: Elizabeth Fields, Associate Planner

Open ph – MO/BC – ALL

Elizabeth – reviewed application – requested 13 wedding receptions from . . .

Not a use by right. Weddings will take place in a tent. . .

Gary Young – 675 Southwood Lane, Windsor. Have been thru pc process and had several discussions with staff. Has operated as a bible campus in the past and one of the ideas they had at the time of purchase was for weddings & receptions. After weddings were held last year and comments received from neighbors they are working to address outside concerns, such as noise, before the 2012 scheduled weddings. Would like to provide practical course training for those who want to learn how to facilitate weddings. Noted that the weddings bring people to Windsor who frequent restaurants, etc. Events would end at 10 p.m. which falls within the town's ordinance.

MO – how many years have you been doing weddings at this location? 9 weddings in 2009 and weddings in 2010. Chief – complaints that you know of? John – none that he knows of and would have to do research.

JV – CUG is only for this year – is this to accommodate only those weddings that have been planned? Long term objective? Course curriculum to meet as a use by right as far as a private school and will go from there.

JV – appreciates the objective. Great location. How many are night time events? Are they all 13 night time events? Aubrey? Yes, all are night time events.

JV – have you had conversations with neighbors regarding the concerns? Yes, from comments from pc was how the list was formulated. List was to address concerns. Regarding the littering – part of your obligation as landowner to take care of.

MO – any issues with following the 6 conditions of the planning commission? No problem.

Open for public comment.

Stan Everitt – 695 Westwood?

MO – read the 6 conditions. Gary has been very cooperative to come up w solutions. Difficult to make the receptions work with the neighborhood. Make sure the school doesn't have the same problems in a lessor form of the reception. Fine with retaining the pad there until the cug is expired. A portion of the pad is on their property and a portion on the campus property. Biggest issue is noise; the other issue is the 18-25 year olds with lots of alcohol, at night, at a party. Dirving on the streets.

JV – are you prepared to live thru this one more summer? Yes, the compromise is in the works.

Rebecca Hodges; I love Co . . . Wedding Planner. Wedding venues in No Co for 100+ attendees are few. Last year 2 venues were shut down – we thrive on bringing more people to no co for these events. Edgewater has been very professional.

Dan Anderson – 660 southwood lane. The litter issue would go away if the parking issues were taken care of. Concern for him is if there are no more receptions, how many weddings will there be? Several per day?

JV – are you prepared to work thru these issues for another year? Yes, for the 13 receptions that are scheduled.

JV – Gary Young – what is the capacity? how many vehicles can the parking lot accommodate? Estimate 75 cars would come to a wedding. He would work to make sure that cars are parked in the lot and his side of street.

JV – the town would not be responsible for coordinating or setting this up.

DS – need to be proactive and have someone or staff person who is in control of the situation instead of having neighbors report back to you about what is going on (music too loud, littering, etc.) Manage the event.

IDM – what is in the packet becomes part of the permanent record.  
Close ph MO/MC - ALL

2. Conditional Use Grant for a temporary wedding and reception venue in the Estate Residential (E-1) zoning district – 675 Southwood Lane – Gary Young, applicant

- Quasi-Judicial Action
- Staff presentation: Elizabeth Fields, Associate Planner

MO/MC with 6 conditions as proposed.

Elizabeth – at pc meeting forwarded recommendation.

IDM – consider an amendment to MO motion.

Concrete pad stay in place until a date certain – w/in 30 days of last event for pad to be removed.

KM last event is September 29.

Concrete pad will be removed . . . IDM

The applicant shall take steps to mitigate unreasonable noise . . .

Another amendment for parking . . . so possibly 3 amendments.

- 1) Adding sentence – concrete pad be removed by
- 2) Persons onsite for unreasonable noise
- 3) On 8 p.m. Ask Ian for amendments.

JV – asked Gary with revised conditions as amended – are they ok? Parking ok – we will take care of cones, etc. Yes.

Matt amend motion items 1, 3 and 4 – November 15, preference to onsite parking, person/BC amend conditional use grant and conditions. ALL

KM – recommended to approve – appreciate the way he has handled his business and working with neighbors.

MO/MC to approve CUG ALL

3. Ordinance No. 2012-1423 - An Ordinance Pursuant to § 31-2-210, C.R.S., to Referring the Question of Whether the Town of Windsor Home Rule Charter shall be Amended to Remove Ambiguity, Improve Clarity and Correct Clerical Errors
  - Legislative Action
  - First Reading
  - Staff presentation: Ian McCargar, Town Attorney

BC/DS

IDM – product that staff and legal had since using the charter for the past 10 years. Statutes require that if you wish to amend your charter, even for clerical purposes, it must be done by ordinance and then put forward on a ballot. None of the proposed amendments do not change the intent of the charter. Reviewed each change proposed. Clean up measures since using the Charter for 10 years.

ALL

4. Resolution No. 2012-02 – A Resolution Approving an Intergovernmental Agreement for Water Resource Cooperation by, between and among the Kern Reservoir and Ditch Company, the Town of Windsor, Colorado, and the Weld County School District RE-4, and Authorizing the Town Manager to Execute the Same
  - Legislative Action
  - Staff presentation: Ian McCargar, Town Attorney

MC/BC

IDM – agreement between tow, school and kern. Agreement accomplishes much to the benefit of the school district and town. Same memo the school district is reviewing tonight. Allows the sd to add some wells that it owns to the town's system – a means to getting them into our augmentation system, our decree, Cost of doing this will be borne by the sd. Brings excess water from sd louden shares into Windsor lake (kern reservoir). The sd can keep them in the lake and make the lake appear more full. It helps the sd and it helps us. Requires us to work with sd to seek out other storage water opportunities. Non-potable water plan that we approved encourages us to seek these out. Operational summary is attached to IGA. Short form explanation on how this agreement will be administered.

JV – 8:20

KA – driving force is we heard from tb that this was for the greater good for the Windsor taxpayers. The agreement does operate the best – new cache – junior rights agreement.

JV – appreciates the hard work.

ALL

5. Financial Report
  - Staff presentation: Dean Moyer, Director of Finance

Dean – good news from December – ended year on several high notes. \$385,000 highest sales tax on record. YTD - \$5.3M which is a new record for revenues for Windsor. (sales tax collections). 16 sfh permits issued in December. 244 for the year. Use tax collected related to building permits - \$1M – highest since 2008. Operating expenses – we are under?  
1997 we were at 240 sfh permits. Afterwards we were on a 10 year run.  
We were talking at the end of last year of revising the form; include more information regarding the expenditure side of equation.

JV – thanked Dean for his efforts through out this year. We are under budget for operating. Over budget for revenues.

Dean discussed the refinancing of the crc bonds which were issued in 2002. At the time the bonds were issued we had to get a bond rating. Initial bonds were at a A- and we were upgraded to an A+; we are now rated at a AA-, which is a step up from our previous rating. If our sales tax base was broader we may have gotten a higher rating. Dean talked to Dioines – bonds going to market on Wednesday; in favorable position. Anticipates coming out better than he thought.

#### **D. COMMUNICATIONS**

1. Communications from the Town Attorney – John Frey , John Plock – Frey, McCargar, Plock and John Root. WHA requested appointment – will be a letter of appt
2. Communications from Town Staff  
Clean up amount, website live on Jan 13
3. Communications from the Town Manager  
Letter from Don Johnson – lauren project. Next meeting if available. Next week work session at 6 p.m.
4. Communications from Town Board Members  
MC – travel a 5 state territory for DuPont. District 6 to be open. Step down the last meeting before the election.

#### **E. ADJOURN**

**KM/MC – ALL8:46 - ALL**