



TOWN BOARD REGULAR MEETING

March 26, 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.

MINUTES

A. CALL TO ORDER

1. Roll Call

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

Absent:

Also present: Town Manager
Town Attorney
Town Attorney
Town Clerk
Business & Development Manager
Chief of Police
Director of Planning
Chief Planner
Associate Planner
Director of Parks & Recreation
Director of Public Works
Absent: Director of Finance
Director of Engineering
Director of Human Resources

Kelly Arnold
Ian McCargar
John Frey
Patti Garcia
Stacy Johnson
John Michaels
Joe Plummer
Scott Ballstadt
Elizabeth Fields
Melissa Chew
Terry Walker
Dean Moyer
Dennis Wagner
Mary Robins

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 amend the agenda and add action item C.1.a. Resolution No. 2012-1424, 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; Town Board Member Shanfelt seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Bishop-Cotner, Carrigan, O'Neill, 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
No report.

- 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 on Tuesday night and the MPO's next meeting is on April 5th at the Windsor Community Recreation Center. The Planning Commission reviewed two items that are included on the Town Board agenda for consideration along with discussing the Weld County referral application from Musket Corporation.
- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board; Downtown Development Authority
No report.
- Town Board Member Thompson – Parks, Recreation & Culture Board (PRCAB); Great Western Trail Board; Tree Board
Town Board Member Thompson reported the Tree Board would be meeting Tuesday night and on April 23 the Town Board will be presenting awards to the winners of the poster and poetry contest. Mr. Thompson also reported the Great Western Trail Authority received a \$61,000 Safe Trails to School Grant and stated that PRCAB would be meeting a week from Tuesday.
- Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT) report on 4th Monday of the month
Members of SALT were present and reported on upcoming events.

5. Public Invited to be Heard

Kristy Duffy, Windsor resident, addressed the Town Board regarding her perception of why there shouldn't be a change to become the City of Windsor as opposed to staying the Town of Windsor. Ms. Duffy also stated her concern regarding oil and gas drilling activities within the Town of Windsor and is frustrated that the Town is not working with the State of Colorado to protect Windsor property owners; she wished the Town Board would consider a moratorium.

Fawna Kness, Windsor resident, brought forward concerns regarding the current chicken ordinance as it does not require inspection of chicken coops prior to issuing a chicken hen permit. She is concerned with the protection and safety of the chickens and other wildlife. Ms. Kness also expressed frustration with conditional use grant option for small businesses in E1 zoned properties. The Town Board requested Ms. Kness work with Town Manager Arnold on both issues.

Carol Householder, Windsor resident, expressed concerns regarding oil and gas drilling operations close to waterways. Ms. Householder also thanked the current Town Board for their time and effort put forth including working on committees and events in town.

Cindy Scheuerman, Windsor resident, brought forward her concern that putting a time limit on public comment would be a bad decision for the Town Board.

B. CONSENT CALENDAR

1. Minutes of the March 13, 2012 Regular Town Board Meeting – P. Garcia
2. Liquor License Special Event Permit – Northern Colorado Youth Hockey – P. Garcia
3. Liquor License Permit Application and Report of Changes – Italian Grill – Patti Garcia
4. Liquor License Renewal – American Legion Post 109 – P. Garcia
5. Resolution No. 2012-23 - A Resolution Approving the First Amendment to an Intergovernmental Agreement Under Which the Town of Windsor Participates in the Northern Colorado Drug Task Force, and Authorizing the Town Manager to Execute the Same – J. Michaels

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, Shanfelt, Thompson, Vazquez
Nayes – None. Motion carried.

C. BOARD ACTION

- C.1.a. Resolution No. 2012-1424, 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 Attorney Frey reported on the resolution stating there is continued work with Fort Collins related to the requirements to determine the benefit area and how to allocate the costs to the property owners in that area. At the joint meeting with the City of Fort Collins on February 8, 2012, direction was given to work with property owners to come up with a fair and equitable way to assess those costs. The process is ongoing with a current deadline of April 3 on the intergovernmental agreement. The resolution for considerations would extend the deadline to August 15.

Town Board Member Shanfelt motioned to approve Resolution No. 2012-1424; Town Board Member Carrigan seconded the motion. Roll call on the vote resulted as follows:

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

1. Liquor License Transfer of Ownership – Vanmoo Co dba Sala Thai Restaurant

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

Town Clerk Garcia provided the background information on the transfer application and noted that it was added as an action item for Town Board consideration due to information provided by Chief of Police Michaels in relation to the required background check of the applicant.

Mayor Vazquez and Town Attorney McCargar noted that if there is concern regarding approving the license, the item could be set for a public hearing at a later date.

Chief of Police Michaels provided an overview of his findings, stating he had discussed his concerns with the applicant and requested the applicant to provide a letter of explanation to the Town Board, which was included in the Town Board packet.

Vanrang Van Ratsamy addressed the Town Board and provided an overview of the charges noted in his letter and noted that everything had been dropped.

The Town Board discussed the issue noting that their recommendation for approval is based on the good moral character of the applicant. Town Board Member Bishop-Cotner stated he felt the applicant was of good moral character and that the issues reported on were past history.

Town Board Member Carrigan motioned to approve the Transfer of Ownership; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

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

2. Front Range Wine Festival and 2012 Sponsorship Request

- Staff Presentation: Casey Muller, Special Events Coordinator
 - Agency Presentation : Tim Bowers, Event Organizer
- Special Events Coordinator Muller reported the agenda item and noted the festival organizers are requesting the Town of Windsor to be a sponsor of the event. Ms. Muller reviewed the

sponsorship request which included the normal sponsorship package, in-kind requested items totaling \$956.80 along with the no-glass requirement to be waived. The total in-kind contribution being requested is \$2,708.80.

Tim Bowers, applicant, stated the proposed venue is Main Park. It would be a Colorado wine festival which features all Colorado wines and local foods; he currently has 15 wineries committed to the event.

Mayor Pro-Tem O'Neill asked if the amount requested was the same as the previous year. Ms. Muller stated the amount is more, but is a more accurate figure.

The Town Board asked Mr. Bowers if he would be willing to combine with other festivals in Windsor, such as the Fine Arts Festival. Mr. Bowers stated he would be willing to join in that type of effort.

Town Board Member Thompson motioned to approve the Front Range Wine Festival and 2012 Sponsorship Request; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

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

3. Fine Arts Festival and 2012 Funding Request

- Staff Presentation: Casey Muller, Special Events Coordinator
 - Agency Presentation : Don Riechert, President, Windsor Fine Arts Festival
- Special Events Coordinator Muller stated she has been working with the Windsor Fine Arts Festival (FAF) committee on their annual event. The applicants have submitted their special event package and requested the following:
- Town of Windsor Standard Sponsorship Package
 - In-kind request of \$661.20
 - Cash contribution of \$8,919.50

Ms. Muller noted the total investment in the Festival would be \$14,830.70.

Don Reichert, applicant, addressed the Town Board and noted the goals and objectives of the FAF include having more patrons attend the event, be able to measure the economic success for Windsor.

The Town Board inquired how much the Town had contributed to the event in the two previous years; Bob Matthews, FAF committee member, reported the first year was \$4,800 and the second year was \$7,000. Mayor Pro-Tem O'Neill noted the request for 2012 was \$1,000 more and inquired if the FAF board members contribute monetarily to the event to which the answer was no.

Mayor Pro-Tem O'Neill asked what the amount of registration fees is each year. It was reported that artist registration fees received were \$22,975 the first year and \$20,150 the second year. The expense for putting on the FAF was \$22,900 the first year and \$22,232 the second year.

The Town Board asked if the FAF would be willing to share festival dates with another event. Mr. Reichert stated they would be willing to share dates.

Town Board Member Thompson stated the expenses track the fees fairly closely and asked what happens with the Town portions. Mr. Matthews stated they keep the retained earnings to plan for the next year. He noted they carried about \$10,000 on the books through the year; the funds are used for marketing and other expenses prior to the event.

The Town Board discussed the request at length. Mayor Vazquez stated he was uncomfortable with taxpayer dollars being used as “coffers” and asked if they could find ways to not need the \$8,000 cash contribution from the Town.

Town Board Member Bishop-Cotner asked the applicants when they expect the event to be self-sufficient. Mr. Reichert stated hopefully this year, if they have 70+ artists in 2012 they would be able to be self-sufficient.

Town Board Member Thompson noted that the math shows if the request is approved they would have \$18,000 to do what needs to be done. He requested to see an impact on economy evaluation completed and submitted to the Town Board this year.

Mayor Vazquez stated that the Town will always be a partner on the event through the use of the showmobile, etc.

Town Board Member Thompson motioned to approve the Fine Arts Festival requests for this year; Town Board Member Carrigan seconded the motion. Roll call on the vote resulted as follows:

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

4. Ordinance No. 2012-1427 – Ordinance Designating the Windsor Railroad Depot as a Local Historic Landmark

- Second Reading
- Legislative action
- Staff presentation: Elizabeth Fields, Associate Planner

Mayor Pro-Tem O’Neill motioned to approve Ordinance No. 2012-1427, Ordinance Designating the Windsor Railroad Depot as a Local Historic Landmark on second reading; Town Board Member Thompson seconded the motion.

Associate Planner Fields reported on the ordinance and noted it was in the same form as presented at the last meeting. The application designating the Windsor Railroad Depot as a Local Historic Landmark was submitted on behalf of the Historic Preservation Commission by Chair Lynn-McAbee. The Depot, which was built in 1882, is located in Boardwalk Park. At their February 15 meeting, the Historic Preservation Commission forwarded a recommendation of approval to the Town Board. The Town Board reviewed the proposal at their February 27, 2012 work session and approved the ordinance on first reading on March 12, 2012.

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, Shanfelt, Thompson, Vazquez
Nays – None. Motion carried.**

5. Ordinance No. 2012-1428 – An Ordinance Vacating a Portion of the Weld County Road 15 Right-of-Way within Section 31, Township 6 North, Range 67 West of the Prime Meridian within the Town of Windsor, Colorado

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

Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2012-1428, An Ordinance Vacating a Portion of the Weld County Road 15 Right-of-Way within Section 31,

Township 6 North, Range 67 West of the Prime Meridian within the Town of Windsor, Colorado on second reading; Town Board Member Carrigan seconded the motion.

Town Attorney McCargar stated the memorandum included in the Town Board packet explains that a portion of the right-of-way that was established by Weld County years ago is clear now that the Town of Windsor has annexed the parcel of ground. The vacating of the right of way is to be done by ordinance. Mr. McCargar noted there had not been any changes to the ordinance since first reading.

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, Shanfelt, Thompson, Vazquez

Nayes – None. Motion carried.

6. Public Hearing – Amendments to Chapter 16 of the Windsor Municipal Code regarding outdoor storage uses in the Limited Industrial and Heavy Industrial zoning districts

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

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

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

Nayes – None. Motion carried.

Chief Planner Ballstadt addressed the Town Board and handed out a revised ordinance that included four addresses that would be exempt from the ordinance requirements. Mr. Ballstadt noted the ordinance was in response to requests to allow outdoor storage in the limited industrial zoning district, ie Man Caves. Outdoor storage has historically been viewed as heavy industrial use by the Town of Windsor.

Mr. Ballstadt noted the first change would be to define enclosed storage facilities:

“Enclosed storage facilities means facilities intended or used for the public or private keeping of personal property and which are fully screened from view from public and private streets and neighboring properties, and within which the keeping of personal property is the intended or actual principal use of the property. Enclosed storage facilities include, but are not limited to, fully enclosed storage units (i.e., structures consisting of four walls and a roof).”

Secondly, accessory outdoor storage would need to be added:

“Outdoor storage, accessory means any outdoor keeping of personal property that is normally auxiliary to the principal industrial use.”

Chief Planner Ballstadt reported that accessory outdoor uses would be identified as an accessory use in heavy industrial and limited industrial zoning districts, with additional screening requirements in the limited industrial zoning district to mitigate potential negative impacts on surrounding areas and are identified in the ordinance. Additionally, it was noted in limited industrial this would be a new use and that the total square footage of accessory outdoor storage in the limited industrial zoning district is to not exceed 65% of the total square footage of the property.

At the February 27, 2012 work session staff was requested to evaluate the sites that would be impacted by the ordinance. In response to the request, the various properties that would be impacted were reviewed and Mr. Ballstadt provided examples of calculations related to the various lots. The four addresses noted on the revised ordinance exceed the 65% limitation and in order not to penalize them, they are exempt for the requirements as called out in the ordinance.

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

**Town Board Member Thompson motioned to close the public hearing; Town Board Member Shanfelt seconded the motion. Roll call on the vote resulted as follows:
Yeas – Bishop-Cotner, Carrigan, O’Neill, Shanfelt, Thompson, Vazquez
Nays – None. Motion carried.**

7. Ordinance No. 2012-1429 - Amending Chapter 16 of the Windsor Municipal Code regarding outdoor storage uses in the Limited Industrial and Heavy Industrial zoning districts

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

Mayor Pro-Tem O’Neill motioned to approve Ordinance No. 2012-1429, Amending Chapter 16 of the Windsor Municipal Code regarding outdoor storage uses in the Limited Industrial and Heavy Industrial zoning districts on first reading; Town Board Member Bishop-Cotner seconded the motion.

Chief Planner Ballstadt stated on March 21, 2012, the Planning Commission forwarded a recommendation of approval of Ordinance No. 2012-1429.

Roll call on the vote resulted as follows:

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

8. Ordinance No. 2012-1430 –Amending Chapter 2, Article 6 of the Windsor Municipal Code For The Purpose Of Approving And Incorporating Changes To The Name And Composition Of The Windsor Parks And Recreation Advisory Board, And Specifically Providing For Code-Wide Amendments To Reflect The Change Of Name

- First Reading
- Legislative action
- Staff presentation: Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture

Town Board Member Thompson motioned to approve Ordinance No. 2012-1430, Amending Chapter 2, Article 6 of the Windsor Municipal Code For The Purpose Of Approving And Incorporating Changes To The Name And Composition Of The Windsor Parks And Recreation Advisory Board, And Specifically Providing For Code-Wide Amendments To Reflect The Change Of Name on first reading; Town Board Member Shanfelt seconded the motion.

Director of Parks, Recreation and Culture Chew reported last year the Parks and Recreation Department went through a name change to Parks, Recreation and Culture; at that time there was discussion related to changing the Parks and Recreation Advisory Board to reflect the new name. Additionally, they also discussed having a background of arts & humanities in the membership pool. At their March 8, 2012 meeting, the Parks and Recreation Advisory Board forwarded a recommendation to the Town Board to change the name to Parks, Recreation and Culture Advisory Board, allow the incorporation of having two members with a background in arts & humanities, and amend the bylaws to appoint alternates, if desired.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion carried.

9. Site Plan Presentation - Chimney Park Restaurant rear patio improvements – Jason Shaeffer, Chimney Park, applicant/Justin Larson, VFLA, applicant’s representative

- Staff presentation: Elizabeth Fields, Associate Planner
Associate Planner Fields provided an overview of the proposed site plan for Chimney Park Restaurant which was included in the Town Board packet. Ms. Fields reviewed the proposed improvements and concept drawings for the rear patio and noted that Jason Schaeffer, owner, was present. Ms. Fields also reported that Justin Larson, applicant’s representative, had presented the site plan to the Planning Commission and Downtown Development Authority and with both entities providing support of the project.

Mr. Schaeffer provided an overview of the restaurant and its support of local businesses and non-profits. It was also recently listed as one of the top 100 best restaurants in the United States. The proposed patio will provide patrons with a view of Windsor Lake and Boardwalk Park. Mr. Schaeffer noted the benefits of the improvements including anticipated additional sales tax revenue to the Town of Windsor.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Town Attorney McCargar stated he is working with Greg Bell on the Severance Intergovernmental Agreement. He additionally thanked Town Board Member Carrigan for his service as Town Board Member as this was his last meeting he would be attending.

2. Communications from Town Staff

- Chief Planner Ballstadt noted the Musket Corporation information that was included in the Communications section of the Town Board packet.
- Director of Parks, Recreation and Culture Chew reported on the upcoming Arbor Day celebration, the Fine Arts Exhibit at the Windsor Community Recreation Center and at the Arts & Heritage Center and invited the Town Board to meet Great Outdoors Colorado officials and other community leaders on Saturday regarding the Poudre River Initiative Grant.

3. Communications from the Town Manager

Town Manager Arnold reported on the Strategic Plan update that was included in the Town Board packet and stated that any questions be referred to him or Management Intern Blomberg. Mr. Arnold noted the Volunteer Program is ready to roll out. The Housing Authority would be providing an update on their grant application status at the next work session along with a review of the Musket Corporation information.

4. Communications from Town Board Members

Town Board Member Carrigan stated it was his last meeting and thanked District 6 and the citizens of Windsor for giving him the opportunity to take part on the Town Board. He noted that being on the Town Board was more difficult than he had anticipated and that the scope of the issues were larger than he had known. He additionally thanked staff for their support and the Town Board Members for their dedication.

E. ADJOURN

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

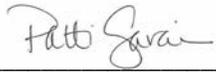
Yeas – Bishop-Cotner, Carrigan, O’Neill, Shanfelt, Thompson, Vazquez

Nayes – None. Motion carried.

Town Board Minutes

March 26, 2012

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A handwritten signature in cursive script, appearing to read "Patti Garcia", is written over a light gray rectangular background.

Patti Garcia, Town Clerk