



**TOWN BOARD WORK SESSION**  
October 8, 2012 – 6:00 P.M.  
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.

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**GOAL of this Work Session is to have the Town Board receive information on topics of Town business from the Town Manager, Town Attorney and Town staff in order to exchange ideas and opinions regarding these topics.**

**Members of the public in attendance who have a question related to an agenda item are requested to allow the Town Board to discuss the topic and then be recognized by the Mayor prior to asking their question.**

**AGENDA**

1. Discussion of golf carts on public streets – J. Michaels & I. McCargar
2. Future Meetings agenda
3. Adjourn



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## MEMORANDUM

**Date:** October 8, 2012  
**To:** Mayor and Town Board  
**Via:** Work session packets  
**From:** Ian D. McCargar, Town Attorney  
**Re:** Golf Cars on Public Streets  
**Item #:** Work Session – Item 1

### **Background / Discussion:**

#### **1. History and current regulations.**

When it comes to golf cars\* on public streets, the Windsor Town Board has taken two official regulatory steps:

- Resolution No. 2005-97 (“2005 Resolution”), a copy of which is attached, and under which “neighborhood electric vehicles” were permitted on the streets in the Water Valley area; and
- Ordinance No. 2009-1357 (“2009 Ordinance”), under which a permit system was established for neighborhoods by application and Town Board review. This Ordinance is codified at Chapter 8, Article VI of the Windsor Municipal Code, a copy of which is attached for reference and comparison.

In 2008 and 2009, the State Legislature amended portions of the Model Traffic Code to open more streets to fuel-efficient types of transportation. The 2009 Ordinance was enacted in response to legislative changes in 2008.

In response to further legislative changes in 2009, the Town Board approved on first reading Ordinance No. 2010-1374 (“2010 Ordinance”), a copy of which is attached. This Ordinance was not brought back for second reading and is, therefore, not on the books. At present, the only two regulations on the books for golf cars are the 2005 Resolution and the 2009 Ordinance. No permits have been applied for or issued under the 2009 Ordinance. Since the 2005 Resolution was adopted, the legislature has eliminated “neighborhood electric vehicles” from the defined terms in the Model Traffic Code; under the 2005 Resolution, the Town still applies the former definition to limit the Resolution’s reach to electric-only golf cars.

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\* The phrase “golf cars” is a statutorily-defined term describing what many commonly refer to as “golf carts”.

## **2. Status of 2010 Ordinance.**

The attached 2010 Ordinance would have done away with the permitting process under the 2009 Ordinance, and would have allowed for both electric- and gasoline-powered golf cars on Town-owned streets posted for speeds of no more than 40 mph. The 2010 Ordinance contained a number of equipment requirements and established driver qualifications to address the public safety issues associated with mixing golf cars with the other types of traffic on Town streets. The attached map depicts Town streets that would not be eligible for golf car traffic in the event the 2010 Ordinance were to clear second reading in its current form.

As may be seen from the attached segment of the Minutes from the May 10, 2010, Town Board meeting with respect to the 2010 Ordinance, the Town Board was split 4-3 on the ordinance. There was generalized concern over allowing these vehicles on Town streets, and some specific concern regarding the equipment requirements on golf car operators.

**Financial Impact:** None.

**Relationship to Strategic Plan:** Support different types of mobility

**Recommendation:** Discuss 2010 Ordinance, give staff direction.

**Attachments:** 2005 Resolution; 2009 Ordinance (codified at Windsor Municipal Code Chapter 8, Article VI); Map of Town streets posted at 40 mph or more; 2010 Ordinance; May 10, 2010, Town Board Regular Meeting Minutes (Item C-2).



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## MEMORANDUM

**Date:** October 8, 2012  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** John E. Michaels, Chief of Police  
**Re:** Golf Cars  
**Item #:** Work Session - 1

### **Background / Discussion:**

In August, 2009 the Legislature passed amendments to the Motor Vehicle Code, the result of which is that towns may authorize and regulate golf cars within town corporate limits, with some exceptions. In the Fall of 2009, the Town Board approved limited permit-based golf car regulations in which currently the Water Valley area is the only development that applied and was approved as a golf car district. To date, no other subdivisions or neighborhood areas have applied for a permit to utilize golf cars in their areas. The draft ordinance attached contains the following features:

1. The ordinance defines "Golf Car" consistent with the state statute and with our prior code.
2. It restricts the operation of Golf Cars on state highway, consistent with the limitation in the state law. This restriction will prevent the operation of Golf Cars on or across State Highways 392 and 257.
3. Unlicensed drivers would be prohibited.
4. It prohibits the operation of Golf Cars on streets posted above 40mph which would prohibit Golf Cars from travelling on Eastman Park Drive, County Roads 5,13,15, and 19. Golf Cars could cross these roads but not travel on them.
5. Requires Golf Cars to utilize a slow moving vehicle emblem for increased safety.

### **Areas of Consideration:**

1. If Golf Cars are allowed on all town streets with the exception of the state law limitation it could create additional traffic flow problems due to the low speed of that type of vehicle, 20 mph, impeding traffic that normally flows at 30mph. There are several streets that are marked with double yellow markings which prohibit passing on the left and passing on the right is only permitted in certain circumstance dealing with intersections. Some of the main roads that have double yellow paint markings are: 7th, 11th, Walnut West of 11th to 15th, 15<sup>th</sup> South of Main to Walnut, Garden from 7th to Highway 257, and Jacoby Road. These are heavily traveled roads and placing slow moving Golf Car on them would create conflict with motor vehicles.
2. There are no insurance requirements to drive a golf car on the town streets. If the golf car driver causes property damage or injury to another party without insurance coverage, it could have strong repercussions for the victim. I am not requesting insurance be part of the any ordinance change if golf cars are allowed but mention it as a point of discussion for the Board.

3. There are circumstances where golf cars and motorized utility vehicles would be beneficial for use by or authorized by Town of Windsor or for special events such as the Harvest Festival and the other activities in our parks where those types of vehicles could be utilized. If any changes are made in the code language, it could include allowing the usage of these vehicles for “Conducting business related to special events, Town Sponsored Events in designated areas”.

**Financial Impact:** None

	<b>Budget</b>	<b>Proposed</b>	<b>Note</b>
<b>Revenue</b>	\$0	\$	
<b>Expense</b>	\$0	\$	
<b>Net</b>		\$	

**Recommendation:** Review proposed ordinance and instruct staff.

**Attachments:** None

TOWN OF WINDSOR

**RESOLUTION NO. 2005- 97**

BEING A RESOLUTION AUTHORIZING AND REGULATING THE OPERATION OF NEIGHBORHOOD ELECTRIC VEHICLES IN THE GOLF COURSE COMMUNITIES LOCATED IN THAT PORTION OF THE TOWN OF WINDSOR KNOWN AS WATER VALLEY.

WHEREAS, the Town has adopted the Model Traffic Code for Colorado, promulgated and published by the Colorado Department of Transportation; and

WHEREAS, the aforesaid Model Traffic Code, together with the applicable statutes of the State of Colorado, defines *neighborhood electric vehicles* and prohibits the operation of such vehicles on all streets and highways within the state unless authorized by specific resolution or ordinance enacted by a governing body and applicable to streets and highways under that governing body's jurisdiction; and

WHEREAS, the developers of the golf course communities located in the Water Valley area of the Town have requested that neighborhood electric vehicles be authorized for operation on the streets and highways within those communities; and

WHEREAS, by the provisions of this Resolution, it is the intention of the Town Board to authorize and regulate such operation;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

1. That, except as otherwise specifically authorized by this Resolution, all provisions of the Model Traffic Code for Colorado and the applicable statutes of the State of Colorado relating to neighborhood electric vehicles shall remain in full force and effect in the Town of Windsor.

2. That neighborhood electric vehicles are hereby authorized for operation on the streets and highways of the golf communities in the Water Valley area of the Town of Windsor, as identified on the map of those communities attached hereto and incorporated herein by this reference.

3. That all neighborhood electric vehicles operated pursuant to the provisions of this Resolution shall fully comply with the definition of such vehicles as is contained within the Model Traffic Code for Colorado and the applicable Colorado statutes. In addition, all neighborhood electric vehicles operated pursuant to the provisions of this Resolution shall:

- Be subject to all applicable laws of operation under the Model Traffic Code for Colorado

- Be driven single file, as close to the right-hand side of roadway as possible
- Not be driven on sidewalks or trails

4. Pursuant to the provisions of the Model Traffic Code for Colorado, this Resolution shall become effective upon adequate notice of the provisions hereof, such notice to be given by the installation of signs and other traffic control devices.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 14<sup>th</sup> day of November, 2005.

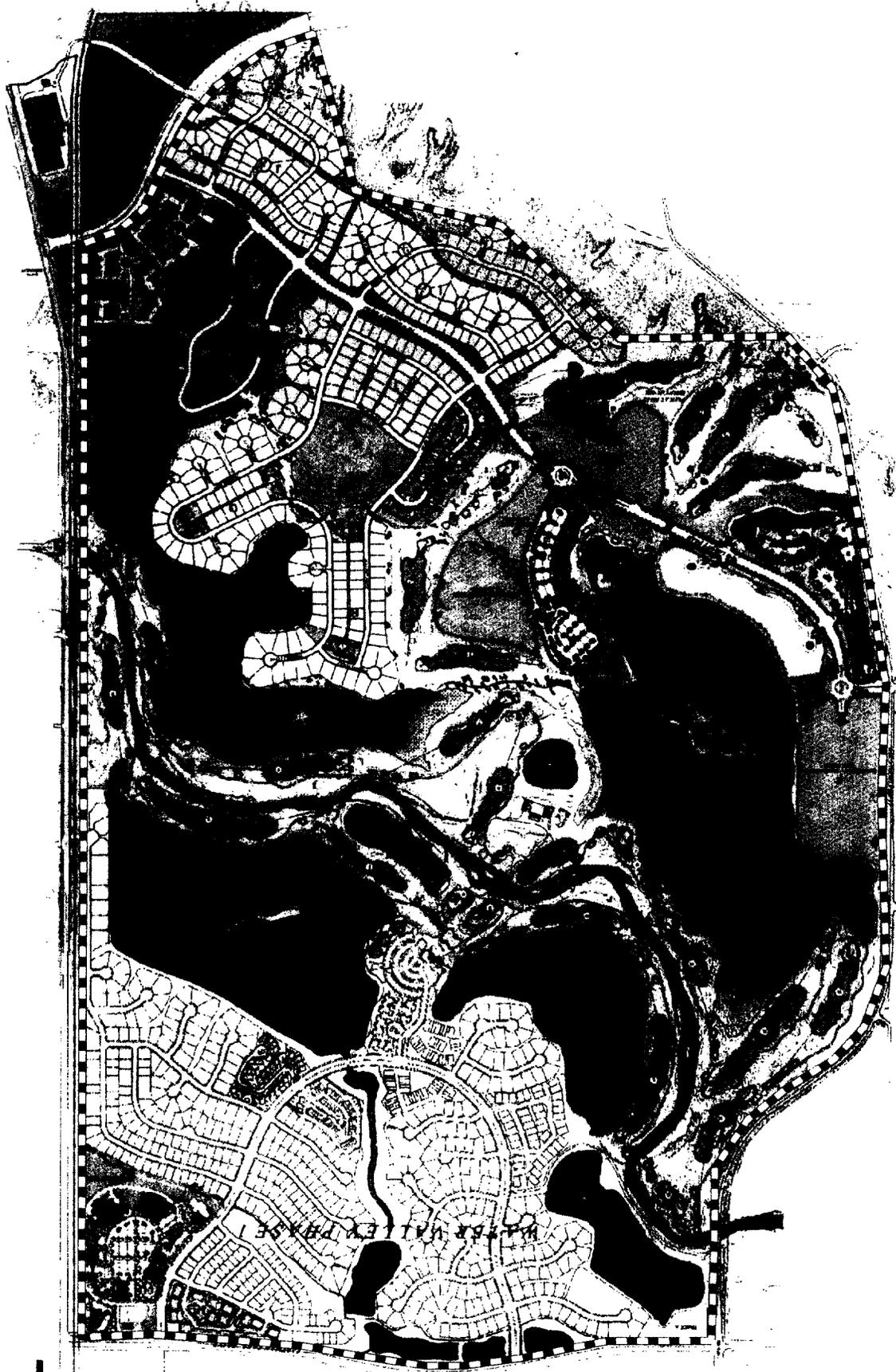
TOWN OF WINDSOR, COLORADO

By *Richard H. Stiles*  
Mayor

ATTEST:

*[Signature]*  
Town Clerk





TOWN OF WINDSOR

ORDINANCE NO. 2010-1374

AN ORDINANCE AMENDING THE WINDSOR MUNICIPAL CODE WITH RESPECT TO THE AUTHORIZATION AND REGULATION OF GOLF CARS ON PUBLIC STREETS WITHIN THE TOWN OF WINDSOR

WHEREAS, the Town of Windsor (hereinafter, "Town") is committed to maintaining an efficient and environmentally-responsible system of transportation for the benefit of its citizens and visitors to the Town; and

WHEREAS, the Town wishes to facilitate the use of alternate modes of transportation when doing so will conserve fossil fuels; and

WHEREAS, the Town is, however, strongly committed to preservation of public safety on its streets, rights of way and trail system; and

WHEREAS, in 2009, the Colorado Legislature passed amendments to the Colorado Motor Vehicle Code which reserve unto local governments that ability to authorize and regulate the operation of "Golf Cars", as that term is defined in the Colorado Motor Vehicle Code; and

WHEREAS, the authority reserved unto local governments for the authorization and regulation of "Golf Cars" is necessary to assure public safety and the proper regulation of vehicles and traffic upon both local streets and portions of the State Highway System; and

WHEREAS, the Town's Chief of Police has made recommendations consistent with the foregoing authority and consistent with the preservation of public safety, which recommendations have been considered by the Town Board; and

WHEREAS, the Town Board finds that the within Ordinance defines, authorizes and regulates the operation of "Golf Cars" upon Town streets, rights of way and trails in a manner which both facilitates an efficient transportation system and protects the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

1. Chapter 8 of the Windsor Municipal Code is hereby amended by the addition of a new Article VI, which shall read as follows:

**VI. GOLF CARS**

Sec. 8-6-10. Golf Car defined.

A Golf Car is a self-propelled vehicle not designed primarily for operation on roadways and that has:

- (1) A design speed of less than twenty miles per hour;
- (2) At least three wheels in contact with the ground;
- (3) An empty weight of not more than one thousand three hundred pounds;  
and
- (4) A carrying capacity of not more than four persons.

Sec. 8-6-20. Operation of Golf Cars authorized.

Subject to the provisions of this Article, and except as prohibited herein, the operation of Golf Cars within the Town shall be lawful.

Sec. 8-5-30. Golf Cars, restricted operations.

Notwithstanding the authorization set forth in Section 8-5-20 of this Code, the following restrictions shall apply to the operation of Golf Cars within the Town of Windsor:

- (1) No Golf Car shall be operated by any person under the age of sixteen (16) years.
- (2) No Golf Car shall be operated by any person, unless such person holds valid driving privileges pursuant to Title 42 of the Colorado Revised Statutes, or the equivalent under the law of any other jurisdiction within the United States.
- (3) No Golf Car shall be operated upon any sidewalk, pedestrian trail, or recreational facility within the Town, whether or not such trail or recreational facility is operated under authority of the Town, with the exception of golf courses and associated golf facilities.
- (4) Golf Cars shall not be operated upon or across any portion of Colorado State Highway 392 within the Town's corporate limits, or upon or across any portion of Colorado State Highway 257 within the Town's corporate limits.
- (5) The operator of a Golf Car must obey all traffic and parking regulations otherwise applicable to motor vehicles.
- (6) No Golf Car shall be operated between sunset and sunrise or at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead,

unless such Golf Car is equipped and illuminated with head lamps, tail lamps, stop lamps and turn signals as required under Title 42, Article 4, Part 2 of the Colorado Revised Statutes, as amended.

- (7) No Golf Car shall be operated upon any portion of roadway which is posted for a maximum speed of greater than forty (40) miles per hour, except that a Golf Car may be operated to directly cross a roadway that has a speed limit greater than forty (40) miles per hour at an at-grade crossing in order to continue traveling upon a roadway with a speed limit equal to or less than forty (40) miles per hour. Nothing in this sub-section shall, however, be deemed to authorize the operation of a Golf Car upon or across any portion of Colorado State Highway 392 or Colorado State Highway 257.
- (8) Every Golf Car in operation upon any roadway within the Town shall at all times display the slow-moving vehicle emblem as required under Article I, Part Two, Section 234 of the Model Traffic Code, and as further regulated by the provisions of 1 Colorado Code of Regulations § 204-5.

Sec. 8-5-40. Golf Cars, operation within roadway.

The operation of Golf Cars shall be operated as close to the right side of the roadway as practicable, exercising due care when approaching, overtaking, or passing a standing vehicle or one proceeding in the same direction, or when approaching, overtaking, or passing a pedestrian or bicyclist.

Sec. 8-5-60. Violations.

Violations of this Article shall be punishable in accordance with the penalty provisions as set forth in this Code.

Sec. 8-5-60. Repealer.

This Ordinance shall repeal all provisions found within Ordinance No. 2009-1357.

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Introduced, passed on first reading, and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2010.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

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

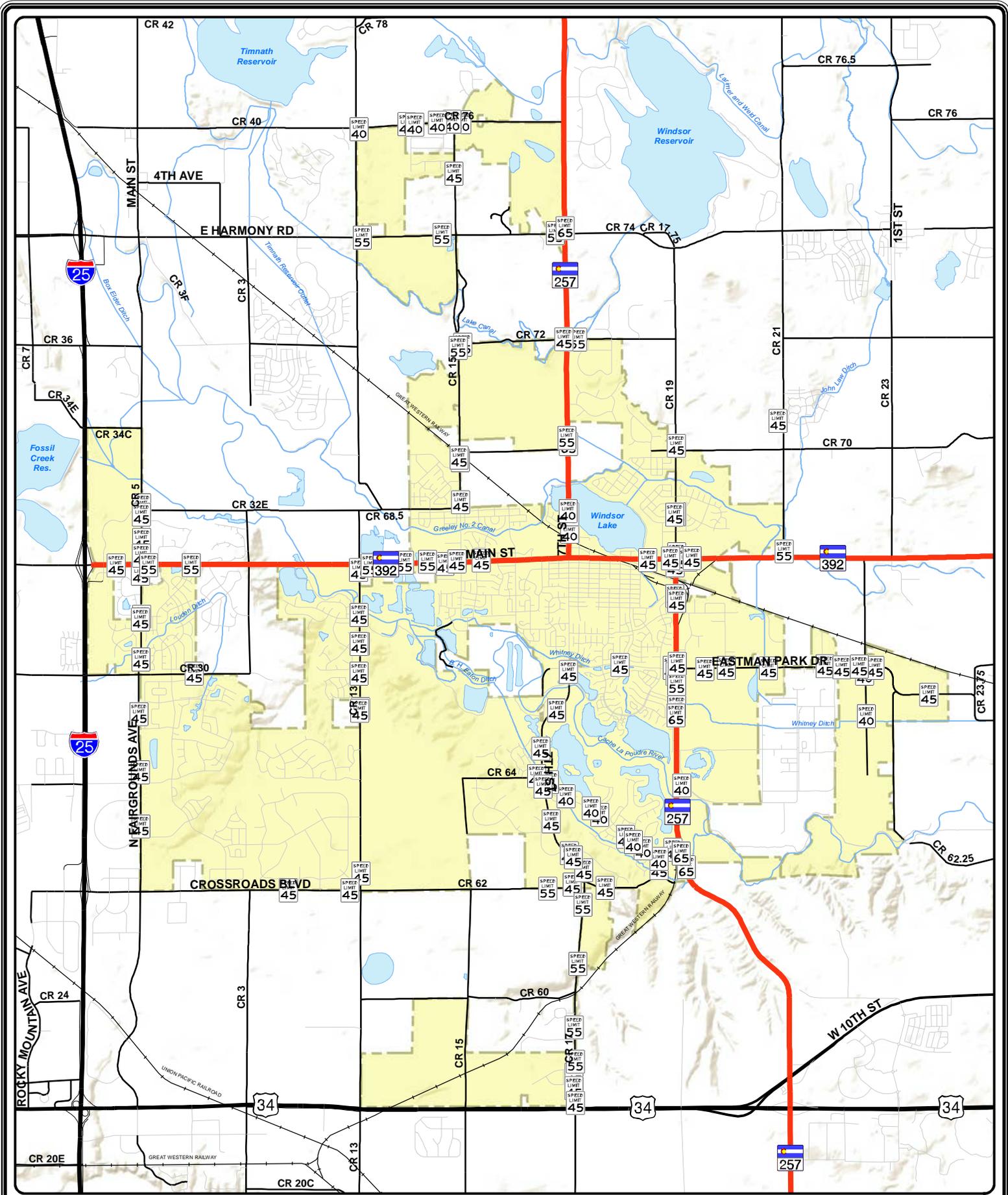
Introduced, passed on second reading, and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2010.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

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



## Municipal Boundary

State Highways Windsor Corporate Limits - 24.6 sqmi



This map was created for illustrative purposes only. Any representations from the map or its contents, whether intentional or not, are the sole responsibility of the user.  
 Created: 10/4/2012  
 Updated: 10/4/2012  
 Prepared By: stonemich  
 File: SpeedLimits\_forGolfCarts(8.5x11).mxd

**WINDSOR MUNICIPAL CODE, CHAPTER 8, ARTICLE VI**

**(“2009 ordinance”)**

**Golf Cars**

**Sec. 8-6-10. Golf car defined.**

A *golf car* is a self-propelled vehicle not designed primarily for operation on roadways and that has:

- (1) A design speed of less than twenty (20) miles per hour;
- (2) At least three (3) wheels in contact with the ground;
- (3) An empty weight of not more than one thousand three hundred (1,300) pounds; and
- (4) A carrying capacity of not more than four (4) persons.

**Sec. 8-6-20. Operation of golf cars authorized.**

(a) Except as authorized and as provided by the terms of this Article, the operation of golf cars within the Town shall be unlawful.

(b) The operation of golf cars shall be permitted only pursuant to the following requirements:

(1) Permits for the operation of a golf car upon Town streets shall be issued only for particular neighborhoods and subdivisions, and only by resolution of the Town Board.

(2) Any person wishing to seek Town Board permission for operation of a golf car upon Town streets within a particular neighborhood or subdivision shall first obtain the written consent of the homeowners' association within the applicable neighborhood or subdivision or the written approval in the form of a signed petition from a majority of the residents within the applicable neighborhood or subdivision.

(3) Any person wishing to seek Town Board permission for operation of a golf car upon Town streets shall submit to the Police Department the written consent required under Paragraph (2) above, together with a legible map of the neighborhood or subdivision for which permission is sought pursuant to this Section. The Chief of Police shall, upon receipt of the required documentation under this Section, refer the permit request to the Town Board for consideration.

(4) The Town Board shall have the authority to deny a golf car permit application or revoke a permit previously issued if, in its sole discretion, it determines that the safety of the public cannot be assured.

(5) The Town Board may, in its sole discretion, attach such limitations and conditions as it deems fit to any permit issued under this Section to assure the safety of the public.

**Sec. 8-6-30. Golf cars, restricted operations.**

Notwithstanding the issuance of any permit under Section 8-6-20 above, the following restrictions shall apply:

- (1) No golf car shall be operated by any person under the age of sixteen (16) years.
- (2) No golf car shall be operated by any person unless such person holds valid driving privileges pursuant to Title 42, C.R.S., or the equivalent under the law of any other jurisdiction within the United States.
- (3) No golf car shall be operated upon any sidewalk, pedestrian trail or recreational facility within the Town, whether or not such trail or recreational facility is operated under authority of the Town, with the exception of golf courses and associated golf facilities.
- (4) Golf cars shall not be operated upon or across any portion of Colorado State Highway 392 or Colorado State Highway 257.
- (5) The operator of a golf car must obey all traffic and parking regulations otherwise applicable to motor vehicles.
- (6) No golf car shall be operated between sunset and sunrise or at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead, unless such golf car is equipped and illuminated with head lamps, tail lamps, stop lamps and turn signals as required under Title 42, Article 4, Part 2, C.R.S.
- (7) No golf car shall be operated in violation of any limitation or condition imposed by the Town Board pursuant to the authority provided under Paragraph 8-6-20(b)(5) above.

**Sec. 8-6-40. Golf cars, operation within roadway.**

Golf cars shall be operated as close to the right side of the roadway as practicable, exercising due care when approaching, overtaking or passing a standing vehicle or one proceeding in the same direction or when approaching, overtaking or passing a pedestrian or bicyclist.

**Sec. 8-6-50. Violations.**

Violations of this Article shall be punishable in accordance with the penalty provisions as set forth in this Code.

**TOWN OF WINDSOR, CO**  
**TOWN BOARD REGULAR MEETING**  
**Monday, May 10, 2010 - 7:00 P.M.**  
**Town Board Chambers – 301 Walnut Street**  
**Windsor, CO 80550**

**MINUTES**

**A. CALL TO ORDER**

1. Mayor Vazquez called the regular meeting of the Windsor Town Board to order on Monday, May 10, 2010 at 7:00 p.m. in the Board Room at Town Hall, 301 Walnut Street, Windsor, CO.

The following Town Board members were present:

Mayor John Vazquez
Matthew O'Neill
Robert Bishop-Cotner
Mike Carrigan
Kristie Melendez
Jon Slater
Don Thompson

Also present:

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

2. Pledge of Allegiance  
Town Board Member Thompson 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 Slater 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, Slater, Thompson, Vazquez**  
**Nayes – None. Motion carried.**
4. Board Liaison Reports
  - Chamber of Commerce – *Town Board Member Melendez*  
Town Board Member Melendez reported the Chamber would be hosting a BBQ at Boardwalk Park on June 10 from 5-7 p.m. and reminded everyone that Pelican Fest was approaching at the end of May. The “Meet the Leader” event will be

held on Wednesday and is a great networking opportunity and encouraged all to attend. Ms. Melendez also noted the Chamber is looking forward to the economic development study.

- **Historic Preservation Commission; Planning Commission Alternate – *Town Board Member Bishop-Cotner***  
Town Board Member Bishop-Cotner noted the Historic Preservation Commission would be holding their meeting on Wednesday. The North Greeley Rail Corridor Subplan Area was discussed at the last Planning Commission meeting.
- **Cache La Poudre Trail Board - *Town Board Member Melendez***  
Town Board Member Melendez noted a dedication on Saturday of the completion of the Poudre Trail west of Weld County Road 13 and west Windsor and Island Grove Park in Greeley along with an unveiling of the mile marker project with a total of 92 mile markers implemented.
- **Water and Sewer Board – *Town Board Member Carrigan***  
Town Board Member Carrigan noted the next meeting of the Water & Sewer Board will be in June.
- **Library Board; Planning Commission; 2010 Census Complete Count; NFR/MPO Alternate – *Mayor Pro-Tem O’Neill***  
Mayor Pro-Tem O’Neill reported the Library Board would be meeting in two weeks. It was reported there could be a slight delay on the Bookmobile, but it is anticipated it will be here in time for Harvest Fest.
- **Tree Board; Windsor Housing Authority – *Town Board Member Slater***  
Town Board Member Slater reported the Windsor Housing Authority would be meeting on May 20<sup>th</sup>. Mayor Pro-Tem O’Neill is on the agenda to discuss partnership opportunities with Habitat for Humanity.
- **Parks & Recreation Board – *Town Board Member Thompson***  
Town Board Member Thompson stated the next meeting of the Parks & Recreation Advisory Board would be held June 1 with a tour of town parks and facilities.
- **North Front Range/MPO; Youth Advisory Board - *Mayor Vazquez***  
Town Engineer Wagner reported on the last MPO meeting stating agenda items included a presentation regarding parliamentary procedure, a Transportation Improvement Program amendment and a presentation by Embrace Colorado who has requested the MPO participate in a HUD grant. It was also reported the 34 Express Bus had been terminated.

Mayor Vazquez noted the Windsor Commission of Student Leaders had a representative present, Nicole Fisher, who will serving as their liaison. Ms. Fisher stated they are working to coordinate a free dance for the end of June; they are working with Martin Lind to hold it at the Island in Water Valley. Other

ideas the students are working on include possibly attending the Colorado Municipal League Conference, helping with the Art Festival and creating a town treasure hunt. Mayor Vazquez requested the students work with Chief Michaels on the dance.

5. Proclamation – National Police Week (May 9-15, 2010)  
Mayor Vazquez read the Proclamation.
6. Proclamation – National Public Works Week (May 16-23, 2010)  
Mayor Vazquez read the Proclamation.
7. Public Invited to be Heard  
Mayor Vazquez opened the meeting for items of concern not on the agenda; hearing none, the Mayor moved on to the next agenda item.

## **B. CONSENT CALENDAR**

1. Minutes of the April 26, 2010 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal, Backdraft, Inc. dba Firestation Restaurant – P. Garcia
3. April 2010 Report of Bills – D. Moyer  
**Town Board Member Slater 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, Slater, Thompson, Vazquez**  
**Nayes – None. Motion carried.**

## **C. BOARD ACTION**

1. An Ordinance Extending the Moratorium Imposed Pursuant to Town of Windsor Ordinance No. 2009-1363 with Respect to the Acceptance and Processing of Applications for the Issuance of Licenses, Permits and Other Approvals Related to Persons and Legal Entities Establishing Medical Marijuana Dispensaries within the Town of Windsor, First Reading – I. McCargar (Ordinance No. 2010-1373)

**Town Board Member Slater motioned to approve Ordinance No. 2010-1373, An Ordinance Extending the Moratorium Imposed Pursuant to Town of Windsor Ordinance No. 2009-1363 with Respect to the Acceptance and Processing of Applications for the Issuance of Licenses, Permits and Other Approvals Related to Persons and Legal Entities Establishing Medical Marijuana Dispensaries within the Town of Windsor, on First Reading; Town Board Member Bishop-Cotner seconded the motion.**

Town Attorney McCargar noted the ordinance was a second extension of the original moratorium ordinance to August 31, 2010. It is needed to assure there is adequate time to adopt the regulations that are being drafted and discussed by the Town Board. All other terms and conditions of the earlier ordinance are intact.

Town Board Member Thompson inquired if the regulations are adopted prior to the end of the moratorium to which Mr. McCargar noted the regulations would include a sunset of the moratorium ordinance.

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

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

**Vazquez**

**Nayes – None. Motion carried.**

2. An Ordinance Amending the Windsor Municipal Code with Respect to the Authorization and Regulation of Golf Cars on Public Streets within the Town of Windsor, First Reading – I. McCargar (Ordinance No. 2010-1374)

**Mayor Pro-Tem O’Neill motioned to approve Ordinance No. 2010-1374, An Ordinance Amending the Windsor Municipal Code with Respect to the Authorization and Regulation of Golf Cars on Public Streets within the Town of Windsor on First Reading; Town Board Member Melendez seconded the motion.**

Town Attorney McCargar stated this is the second ordinance since the legislation changed in 2008 which cleared the citizenry to allow golf cars on roads. The first ordinance adopted provided for a neighborhood by neighborhood declaration of golf car allowance. Pursuant to the Board’s direction, Mr. McCargar integrated into the ordinance the ability for golf cars to cross streets posted at greater than 40 mph as long as it is being done at an at-grade crossing. Mr. McCargar was not able to integrate the regulations for slow moving vehicle emblems into the ordinance; they are very lengthy and complicated. Mr. McCargar had the regulations, including the dimensions and a triangle diagram of what has been approved for slow moving vehicles. The purpose of the emblem would be for the safety of the occupants of the slow moving vehicle. Additionally, Mr. McCargar added a subsection which would repeal the permit based system.

Pursuant to a question from Mayor Vazquez, Mr. McCargar stated the triangle diagram would be required on golf cars anytime they are on a public street.

Mayor Pro-Tem O’Neill does not support golf cars on public streets and believes slow moving vehicles are a hazard. He is supportive alternative modes of transportation and of the neighborhood by neighborhood system but does not want to see the golf cars on main streets.

Town Board Member Carrigan agreed with Mr. O’Neill and stated golf cars belong in golf course communities and not on the streets.

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

**Yeas – Bishop-Cotner, Slater, Thompson, Vazquez**

**Nayes – Carrigan, O’Neill Melendez. Motion carried.**

The Town Board discussed the ordinance and direction for staff to change the language prior to second reading as it will require a super majority vote to be adopted or if it would be tabled to a date certain.

Town Board Melendez stated her concerns regarding golf cars and vehicles on streets and reiterated the same views as Mayor Pro-Tem O'Neill.

Town Attorney McCargar noted that if the ordinance does not pass, the resolution which provided for the permit system would continue to be in effect.

The Town Board discussed possibly having golf cars as a work session item to which Mr. McCargar recommended that at second reading, the Town Board postpone the ordinance to a date certain with the anticipation of discussing the item during a work session.

3. Being an Ordinance Requiring all Persons Maintaining a Business or Engaged in Business within the Town of Windsor to Obtain an Annual Business License, Establishing Penalties for Failure to Obtain such License, and Providing for the Revocation and Suspension of Such License, First Reading – D. Moyer, J. Plummer, I. McCargar (Ordinance No. 2010-1375)

**Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2010-1375, Being an Ordinance Requiring all Persons Maintaining a Business or Engaged in Business within the Town of Windsor to Obtain an Annual Business License, Establishing Penalties for Failure to Obtain such License, and Providing for the Revocation and Suspension of Such License on First Reading; Town Board Member Slater seconded the motion.**

Town Attorney McCargar reported on the ordinance and noted it is the same as what had been presented to the Board at the work session.

Town Board Member Slater stated the effective date of the program is January 1, 2011.

Town Board Member Melendez also reported the Chamber of Commerce is supportive of the ordinance.

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

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

4. An Ordinance Amending the Windsor Municipal Code for the Purpose of Expanding Municipal Election Candidate Nomination Timelines, First Reading – P. Garcia (Ordinance No. 2010-1376)

**Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2010-1376, An Ordinance Amending the Windsor Municipal Code for the Purpose of Expanding Municipal Election Candidate Nomination Timelines on First Reading; Mayor Pro-Tem O'Neill seconded the motion.**

Town Clerk Garcia stated the ordinance had been reviewed at a prior work session and that additional areas of the election calendar may be reviewed at a later date.

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

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

**Nayes – None. Motion carried.**

5. Discussion of report on Planning Commission’s referral comments on North Greeley Rail Corridor Sub-area Plan – J. Plummer

Planning Director Plummer reported on the agenda item and noted the recommendations that the planning commission will refer to the City of Greeley and Weld County on the subarea plan. Town Manager Arnold read the following recommendations:

1. The City of Greeley and Weld County work with the Great Western Railway to reconstruct the 59<sup>th</sup> Avenue bridge in Greeley to accommodate eastbound rail traffic;
2. The City of Greeley and Weld County work with the Great Western Railway also to tie into the Union Pacific switch in the Greeley switching yard to further accommodate eastbound rail traffic;
3. For consistent and compatible industrial development within the sub-area and properties within Windsor which abut the sub-area, that Greeley and Weld County enter into discussions with Windsor to create an intergovernmental agreement for the development within and adjacent to the sub-area; and
4. Staff attend the May 18, 2010 joint work session of the Greeley and Weld County Planning Commissions and each of the meetings of the Greeley City Council and the Weld County Board of County Commission on this matter to convey our Planning Commission’s recommendation on the draft plan.

It was noted there is not currently a switch in Greeley. Mayor Pro-Tem O’Neill reported that Union Pacific has not shown interest in building it; it is expensive and would shut down one of their tracks during installation.

Town Manager Arnold requested clarification of the third point. Mr. Plummer explained that the Planning Commission requested an IGA with Greeley and Weld County to provide for consistent development standards of the area. It would give opportunity for Weld County and Greeley to comment on our development standards.

Mayor Pro-Tem O’Neill commented that he recommends following the Planning Commission’s top three recommendations. Mr. O’Neill particularly was supportive of the first recommendation of the 59<sup>th</sup> Avenue bridge from the east so that not every train will be coming through Windsor and giving others the economic benefit.

Town Board Member Thompson stated his concern regarding long haul trains coming through Windsor. Town Manager Arnold noted he believes it is just for short line trains.

Mr. Thompson also noted the study states that a dramatic increase in road traffic would happen, specifically, extra traffic on SH 392.

Mr. Arnold noted the Town will work with Greeley on Crossroads which has been identified as a project that we should work on soon.

**Mayor Pro-Tem O'Neill motioned to authorize staff to attend Weld County and Greeley Planning Commission meetings and set forth Windsor's Planning Commission's concerns about the development in the north Greeley subarea; Town Board Member Bishop-Cotner seconded the motion.**

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

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

Mayor Vazquez requested that the topic be discussed at a work session prior to formally providing Town Board support.

6. Bids for Eastman Park Dr. / 3<sup>rd</sup> St. - Water Valley Pkwy Roundabout – D. Wagner

Engineering Director Wagner addressed the Town Board and reviewed the memo which was provided in the Town Board packets. Bids for construction of the roundabout were reviewed using asphalt and concrete as an alternative. It was noted that the project will cause a closure of 7<sup>th</sup> Street to 1<sup>st</sup> Street from May 24 to August 16. After review of the bids, staff recommended that GLH Construction be awarded the project. The asphalt option was recommended as pavement markings show up better on asphalt, snow and ice melt better and all streets in Windsor are asphalt.

**Town Board Member Slater motioned the approval of awarding GLH Construction the asphalt bid that was submitted to the Town; Town Board Member Bishop-Cotner seconded the motion.**

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

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

7. April 2010 Financial Report – D. Moyer

Director of Finance Moyer reviewed the financial report memo included in the Town Board packets noting it had been a good month. It was noted that the Town received a one-time audit payment for back taxes from a movie rental company which had been sending payments to the state. This issue has been rectified and they are now filing monthly to sales tax to the Town. Operating expenditures are where they should be and the Town continues to get a good return on their bids related to capital expenditures.

## **D. COMMUNICATIONS**

1. Communications from the Town Attorney

Town Attorney McCargar reported on the status of the Pino case and noted that Mr. Pino's lawyer had filed a motion to withdraw in both Weld County District Court and Windsor Municipal Court. Mr. McCargar has also filed a motion to continue the trial that was scheduled on May 24 in Weld County District Court to allow for both the moratorium injunction and building code enforcement injunction to be one trial.

2. Communications from Town Staff

- Parks and Recreation – Parks and Recreation Director Chew stated that weather has created issues with Covenant Park construction with anticipated opening the first part of June. Trees are being planted in Arbedour Circle which were provided by the Developer and last week sand filters were installed in the pool which will open Memorial Day weekend. Last weekend at Chimney Park, Triple Crown hosted a high school baseball tournament at which three games were played simultaneously.
- Police – Chief Michaels reported the Bike Rodeo would be held in cooperation with the Optimists Club on May 22 in the middle school parking lot. The Optimists purchased 75 helmets that will be provided for free.

3. Communications from the Town Manager

Town Manager Arnold reported that Greenspire Metropolitan District has requested time with the Town Board, possibly next week; they currently do not have any irrigation water. Town Board directed to place it on the work session agenda for the next week.

It was noted that the current meeting would be the last formal meeting in Town Board meeting in the Chambers; the next formal meeting will be in the Fireside Room at the high school and the Town Board will then be moving to the new Town Board Chambers on the third floor.

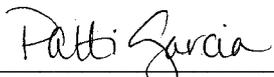
Mr. Arnold acknowledged Charwon Walters as he has spent nine years behind the camera and attended over 200 meetings taking care of the video taping of the Town Board meetings. Mr. Arnold thanked him for running the camera all those years.

Communications from Town Board Members

Town Board Member O'Neill reminded the Town Board of the Colorado Municipal League Outreach luncheon being held in Loveland on May 24.

**E. ADJOURN**

Town Board Member Bishop-Cotner motioned to adjourn; Town Board Member Slater seconded the motion.

  
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Patti Garcia, Town Clerk



## FUTURE TOWN BOARD MEETINGS

Work Sessions & Regular Meetings will be held in the Board Chambers unless otherwise noted.

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October 15, 2012 6:00 p.m.	Town Board Work Session A Woman's Place funding request – Lotte Muster Community Recreation Center ad hoc committee report – D. Moyer & T. Fotsch
October 22, 2012 6:00 p.m.	Town Board Work Session Budget Wrap Up DDA Budget Presentation
October 22, 2012 7:00 p.m.	Town Board Meeting
October 29, 2012	Fifth Monday
November 5, 2012 6:00 p.m.	Town Board Work Session Dormant Land Use Projects Update – J. Plummer Liquor licensing - fee review & collection of occupation tax – P. Garcia
Tuesday, November 13, 2012 Windsor High School – Fireside Room 5:30 p.m.	Joint meeting with Fire, School and Library Districts
Tuesday, November 13, 2012 7:00 p.m.	Town Board Meeting Kern Board Meeting
November 19, 2012 6:00 p.m.	Town Board Work Session Economic Development Update – S. Johnson Greenspire discussion
November 26, 2012 6:00 p.m.	Town Board Work Session
November 26, 2012 7:00 p.m.	Town Board Meeting
December 3, 2012 6:00 p.m.	Town Board Work Session
December 10, 2012 5:30 p.m.	Board/Manager/Attorney Monthly Meeting
December 10, 2012 7:00 p.m.	Town Board Meeting
December 17, 2012 6:00 p.m.	Town Board Work Session
December 24, 2012	Town Board Meeting – Cancelled

### Additional Events

October 13, 2012 12:30 p.m. 31725 Great Western Drive	Windsor Readiness Center Ribbon Cutting –Attending: Robert Bishop-Cotner, Don Thompson, Kristie Melendez, Ivan Adams, John Vazquez
October 17, 2012 6:30 p.m. Embassy Suites, Loveland	Dinner hosted by Colorado Department of Transportation – Attending: Ivan Adams RSVP's required by October 12, 2012

**Future Work Session Topics**

Outside agency funding requests application process