

**TOWN OF WINDSOR, CO  
TOWN BOARD REGULAR MEETING  
Monday, January 25, 2010 - 7:00 P.M.  
Town Board Chambers – 301 Walnut Street  
Windsor, CO 80550**

**AGENDA**

**A. CALL TO ORDER**

1. Roll Call

Mayor Vazquez called the regular meeting of the Windsor Town Board to order on Monday, January 25, 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
Robert Bishop-Cotner
Michael Kelly
Matthew O'Neill
Jon Slater
Nancy Weber

Absent:

Mayor Pro-Tem Richard Drake
-----------------------------

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
Assistant to the Town Manager	Dawn Jaeger
Town Clerk	Patti Garcia

2. Pledge of Allegiance

The Pledge of Allegiance was led by Town Board Member Michael Kelly.

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 O'Neill seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Bishop-Cotner, Kelly, O'Neill, Slater, Weber, Vazquez  
Nays – None. Motion carried.**

4. Board Liaison Reports

- Chamber of Commerce; Historic Preservation Commission – *Town Board Member Bishop-Cotner*  
No report.
- Cache La Poudre Trail Board - *Town Board Member Kelly*  
No report.

- Water and Sewer Board – *Mayor Pro-Tem Drake*  
No report.
- Library Board; Planning Commission; 2010 Census Complete Count; NFR/MPO Alternate – *Town Board Member O’Neill*  
Town Board Member O’Neill reported that the Library Board would be meeting Tuesday night. Items of note from the Planning Commission meeting were included on the current Town Board agenda/ Mr. O’Neill reported that the Town of Windsor was second in the region in year-to-date single family detached building permits. He also stated that the Complete Count Committee met last Wednesday and that an informative video regarding the Census was running on Channel 8.
- Tree Board – *Town Board Member Slater*  
Town Board Member Slater noted the Tree Board would be meeting Tuesday night.
- Parks & Recreation Board – *Town Board Member Weber*  
No report.
- North Front Range/MPO; Youth Advisory Board - *Mayor Vazquez*  
Mayor Vazquez reported the Youth Advisory Board would be meeting Thursday night.

5. Recognition of Parks & Recreation Advisory Board Members – M. Chew  
Mayor Vazquez commended Jennifer Hansen and Sean Ash on their work on the Parks and Recreation Advisory Board and distributed plaques of appreciation.

6. Public Invited to be Heard  
Matt Hallis, 363 Gooselake Court, Windsor, addressed the Town Board regarding the lack of snow removal in cul-de-sacs in Windsor. Mr. Hallis had to hire a contractor to move snow after the last snow storm and feels that as a taxpayer he should expect adequate snow removal.

Director of Public Works Walker noted that Windsor does not have the manpower or equipment to plow all the cul-de-sacs in Town. Mr. Walker reviewed the current practices for snow removal in cul-de-sacs noting that if more than eight inches of snow falls then his department tries to plow one way in and one way out of the cul-de-sacs. There are also issues with snow removal in cul-de-sacs as there isn’t anywhere to put the snow.

Mayor Vazquez addressed Mr. Hallis and noted if there was a situation then the Town would do their best to mitigate the snow removal.

Town Manager Arnold noted that crews were working all day on Christmas and the day after Christmas and worked to plow areas that there was drifting in cul-de-sacs. If complaints are called in, then the Public Works Department does their best to get those areas taken care of.

Mayor Vazquez advised Mr. Hallis to communicate with Mr. Walker regarding his concerns.

## **B. CONSENT CALENDAR**

1. Minutes of the January 11, 2010 Regular Town Board – P. Garcia

2. Liquor License Renewal – Highland Meadows Golf Course, Hotel/Restaurant License with an Optional Premise – P. Garcia
3. Resolution Reaffirming the Application Fee for the Processing of Telecommunications Facility Approvals in the Town of Windsor, Colorado – J. Plummer (Resolution No. 2010-05)  
**Town Board Member O’Neill motioned to approve the Consent Agenda as presented; Town Board Member Slater seconded the motion. Roll call on the vote resulted as follows:**  
**Yeas – Bishop-Cotner, Kelly, O’Neill, Slater, Weber, Vazquez**  
**Nayes – None. Motion carried.**

### C. BOARD ACTION

1. Liquor License Renewal – Austin’s Concepts of Windsor, Inc. dba Austin’s Homestead Bar & Grill, Hotel/Restaurant with an Optional Premise – J. Michaels  
Police Chief Michaels noted the renewal was included as a board action item due to a violation in 2009.

Alan Jansen, representing the applicant, addressed the Town Board and noted processes they have implemented since the violation occurred. They include implementing a mystery shopper program and stringent training of the processes and responsibilities of servers. Employees attended the alcohol server training provided by the Town of Windsor and increased server training to one full-day related to beverage service.

Mayor Vazquez noted his appreciation of their efforts and changes in training protocol.

**Town Board Member Kelly motioned to approve the Liquor License Renewal for Austin’s Concepts of Windsor; Town Board Member O’Neill seconded the motion. Roll call on the vote resulted as follows:**  
**Yeas – Bishop-Cotner, Kelly, O’Neill, Slater, Weber, Vazquez**  
**Nayes – None. Motion carried**

2. Ordinance approving Rezoning of Ruff Third Annexation south of and adjacent to SH 392 and approximately one-quarter mile east of SH 257 from I-L, Limited Industrial District to GC, General Commercial District - Chris Ruff, 392 Ventures, LLC, applicant/Tricia Kroetch, North Star Design, Inc., applicant’s representative, Second Reading - J. Plummer (Ordinance No. 2010-1364)

**Town Board Member O’Neill motioned to approve Ordinance No. 2010-1364; Ordinance approving Rezoning of Ruff Third Annexation south of and adjacent to SH 392 and approximately one-quarter mile east of SH 257 from I-L, Limited Industrial District to GC, General Commercial District on Second Reading, Town Board Member Slater seconded the motion.**

Planning Director Plummer noted that Mr. Ruff presented the rezoning request at the previous Town Board meeting. The rezoning would bring the property into compliance with the Windsor/Severance/Greeley cooperative growth area. The Planning Commission reviewed the request at their December 16, 2009 meeting and has recommended approval as presented.

Tricia Kroetch, representing the applicant, was present to answer any questions.

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

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

**Yeas – Bishop-Cotner, Kelly, O’Neill, Slater, Weber, Vazquez**  
**Nayes – None. Motion carried.**

3. An Ordinance Amending Article IX of Chapter 16 of the Windsor Municipal Code with Respect to the Issuance of Permits for Temporary Advertising, Second Reading – J. Plummer (Ordinance No. 2010-1365)  
**Town Board Member O’Neill motioned to approve Ordinance No. 2010-1365, An Ordinance Amending Article IX of Chapter 16 of the Windsor Municipal Code with Respect to the Issuance of Permits for Temporary Advertising on Second Reading, Town Board Member Slater seconded the motion.**

Planning Director Plummer noted the ordinance had been reviewed at the January 11 meeting and addressed concerns from the Town Board related to sign maintenance and pre-existing signs. Additional language was added in Section 2 and Section 6 of the ordinance regarding existing signs. Staff completed an inventory of existing signs and recommended the language that stated that any existing sign must be resubmitted for approval. If the sign does not meet the established criteria, then 30 days is allowed to rectify the condition prior to revocation of the permit.

Mr. Plummer noted that as with all land use ordinances, the development community had been made aware of the anticipated changes. One developer responded and requested the item be tabled until there was further study and research completed by staff.

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

Town Manager Arnold noted the ordinance was expedited to allow developers to take advantage of it prior to the summer selling season.

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

**Yeas – Bishop-Cotner, Kelly, O’Neill, Slater, Weber, Vazquez**  
**Nayes – None. Motion carried.**

4. An Ordinance Vacating a Portion of the Former Seventh Street Right of Way within the Town of Windsor, Colorado, First Reading - I. McCargar (Ordinance No. 2010-1367)  
**Town Board Member Weber motioned to approve Ordinance No. 2010-1367, An Ordinance Vacating a Portion of the Former Seventh Street Right of Way within the Town of Windsor, Colorado on First Reading, Town Board Member O’Neill seconded the motion.**

Town Attorney McCargar reported on the ordinance and noted it is a statutory process that allows the Town to release the right-of-way as noted on the exhibit referenced in the ordinance.

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

**Yeas – Bishop-Cotner, Kelly, O’Neill, Slater, Weber, Vazquez**  
**Nayes – None. Motion carried.**

5. A Resolution Referring a Question to the Registered Electors of the Town of Windsor Regarding the Prohibition of Medical Marijuana Dispensaries within the Town – I. McCargar (Resolution No. 2010-06)

Town Attorney McCargar addressed the Town Board and recommended that a question regarding medicinal marijuana be referred to the voters as opposed to an ordinance that would be creating policy. Mr. McCargar requested the Town Board consider the first draft of the question which included language related to “prohibiting the opening any more dispensaries”. Mr. McCargar noted he tried to build into the text that closing a business is unconstitutional and did not want to give the voters the impression that the question would permit the Town to close lawful businesses.

**Town Board Member O’Neill motioned to approve Resolution No. 2010-06; Town Board Member Bishop-Cotner seconded the motion.**

Town Manager Arnold requested clarification on which draft the Town Board has motioned to approve; the first draft or the resolution that had been included in their Town Board packets.

Mayor Vazquez noted it was the draft that was included in the packet and that the agenda would need to be amended to consider a different version.

Mr. McCargar recommended to amend the agenda item to include the original draft for consideration which contained the reference of “opening any more medical marijuana dispensaries”.

The Town Board discussed the current dispensaries open in Windsor and noted the one that the Town believes is non-compliant, but still open. The question will provide guidelines for how the citizens want to proceed with the regulating of dispensaries in Windsor.

Town Board Member Weber stated that the Town already has a moratorium in place to allow time for the state legislature to get policies in place. Ms. Weber believes the question is misleading and is concerned regarding interpretation.

Town Attorney McCargar noted that the moratorium is not permanent and some action may be needed. The question allows the community to voice if they desire more dispensaries in Windsor.

Town Board Member Kelly commented that if the state does not do anything, then the question is needed to help the Town Board to determine what the citizens want.

**Town Board Member O’Neill motioned to approve the resolution as originally drafted which includes the ballot language “Unless And Until There Is A Final Judicial Determination That Such A Prohibition Would Violate The Colorado Constitution, Should The Town Board For The Town Of Windsor Pass An Ordinance Prohibiting The Opening Of Any More Medical Marijuana Dispensaries Within The Town’s Corporate Limits”; Town Board Member Bishop-Cotner seconded the motion.**

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

**Yeas – Bishop-Cotner, Kelly, O’Neill, Slater, Vazquez  
Nays – Weber. Motion carried.**

Bill Miller, 1748 Clear Creek Court, requested to address the Town Board related to the approved resolution. He stated concerns regarding the recitals in the resolution including reference to only one district court decision which was in Arapahoe County along with

possible fees that could be incurred as the Town does have insurance for these types of instances. He also noted his concern regarding the lack of regulations on dispensaries.

Mr. Miller stated he wished the Town had been more proactive, similar to the City of Greeley, with this issue so we would not be in the current situation.

Mayor Vazquez addressed Mr. Miller's concerns and noted that the difference between business practices between Windsor and Greeley related to the acceptance of sales tax license applications. Mr. Vazquez also noted that if the citizens want to ask the question to ban medicinal marijuana dispensaries, they may do so through a special election.

6. 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, Colorado, First Reading – I. McCargar (Ordinance No. 2010-1368)

**Town Board Member Weber motioned to approve Ordinance No. 2010-1368, 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, Colorado on First Reading; Town Board Member Bishop-Cotner seconded the motion.**

Town Attorney McCargar reported the ordinance follows through with the direction provided by the Town Board to extend the moratorium to June 15, 2010.

Town Board Member Kelly inquired if the moratorium could be extended again to which Mr. McCargar replied that it could be terminated prior to June 15 or extended as noted by the language in the ordinance.

There was no public comment.

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

**Yeas – Bishop-Cotner, Kelly, O'Neill, Slater, Weber, Vazquez  
Nays – None. Motion carried.**

7. A Resolution Approving Cooperation Between the Town of Windsor, Colorado, and the Windsor Charter Academy for the Purpose of Obtaining Great Outdoors Colorado Grant Funding – M. Chew (Resolution No. 2010-07)

**Town Board Member Weber motioned to approve Resolution No. 2010-07; Town Board Member Kelly seconded the motion.**

Parks and Recreation Director Chew reported the Windsor Charter Academy was interested in adding a playground to their school area. As they are not a governmental entity, they are not eligible for a GOCO grant but could partner with the Town on the project. An IGA would be formulated which would state that the Town was not financially responsible for the park and would simply be a pass through for the funds; the Town would be responsible for grant reporting.

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

**Yeas – Bishop-Cotner, Kelly, O’Neill, Slater, Weber, Vazquez**  
**Nays – None. Motion carried.**

8. A Resolution Approving the Amended Master Plan for Stonehenge Park and Approving a Change of Name for Stonehenge Park within the Town of Windsor, Colorado – M. Chew (Resolution No. 2010-08)  
**Town Board Member Weber motioned to approve Resolution No. 2010-08; Town Board Member Slater seconded the motion.**

Parks and Recreation Director Chew reported that an ordinance had been passed to amend the Highland Meadows Metro District Service Plan. The master plan and the park name were established at the time of incorporation. Through neighborhood input, changes were requested along with the name change to Aberdour Circle Park. The park will be built by the metro district and turned over to the Town when completed. The Parks and Recreation Advisory Board recommended approval at their January 5, 2010 meeting. Ms. Chew noted that Jon Turner, representing the metro district, was in attendance and available for questions.

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

**Yeas – Bishop-Cotner, Kelly, O’Neill, Slater, Weber, Vazquez**  
**Nays – None. Motion carried.**

9. Review of Future Work Sessions Schedule – K. Arnold  
Town Manager Arnold reviewed upcoming work session topics with the Town Board.

#### **D. COMMUNICATIONS**

1. Communications from the Town Attorney  
Town Attorney McCargar reminded the Town Board of the Kern Board meeting after adjournment.
2. Communications from Town Staff  
Finance – Finance Director Moyer noted that he would be handing out 2010 budget books to the Town Board. The budget will also be posted on the website.
3. Communications from the Town Manager  
Town Manager Arnold noted that the loan application request for the Headworks Project at the treatment plant was turned down. There was a \$25M loan process with approximately \$60M in applications. Mr. Arnold noted that the timeliness of the project along with funding options needs to be discussed.
4. Communications from Town Board Members  
None.

#### **E. ADJOURN**

**Town Board Member Kelly motioned to adjourn the Regular Meeting; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**  
**Yeas – Bishop-Cotner, Kelly, O’Neill, Slater, Weber, Vazquez**  
**Nays – None. Motion carried.**

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