

**TOWN OF WINDSOR, CO  
TOWN BOARD REGULAR MEETING  
Monday, March 8, 2010 - 7:00 P.M.  
Town Board Chambers – 301 Walnut Street  
Windsor, CO 80550**

**MINUTES**

**A. CALL TO ORDER**

1. Roll Call

Mayor Vazquez called the regular meeting of the Windsor Town Board to order on Monday, March 8, 2010 at 7:08 p.m. in the Board Room at Town Hall, 301 Walnut Street, Windsor, CO.

The following Town Board members were present:

Mayor John Vazquez  
Mayor Pro-Tem Richard Drake  
Robert Bishop-Cotner  
Michael Kelly  
Matthew O'Neill  
Jon Slater  
Nancy Weber

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

Mayor Pro-Tem Drake 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 O'Neill motioned to approve the agenda as presented; Mayor Pro-Tem Drake seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Drake, Bishop-Cotner, Kelly, O'Neill, Slater, Weber, Vazquez**

**Nayes – None. Motion carried.**

4. Board Liaison Reports

- Chamber of Commerce; Historic Preservation Commission – *Town Board Member Bishop-Cotner*  
Town Board Member Bishop-Cotner reported the Chamber of Commerce would be hosting a Candidate Forum on March 18 at the Community Recreation Center.

- 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 the Library Board had met and reviewed goals and strategic planning. A reminder of the Census was included on the Town of Windsor utility bills that were recently sent out and a new Census video was scheduled to play on Channel 8. Mr. O’Neill also attended the MPO retreat last Wednesday at which there were two speakers on regionalism. Additional items that were discussed by the MPO included air quality and the strategic action plan which was last done in 2004. The MPO is looking to review the plan on a more regular basis.
- Tree Board; Windsor Housing Authority – *Town Board Member Slater*  
No Report.
- Parks & Recreation Board – *Town Board Member Weber*  
Town Board Member Weber reported the Parks & Recreation Board approved a revised Museum Mission Statement along with deaccessioning a selection of museum items at their last meeting.
- North Front Range/MPO; Youth Advisory Board - *Mayor Vazquez*  
Mayor Vazquez noted that Tara Fotsch would begin to be more involved with the Youth Advisory Board. Parks & Recreation Director Chew reported the Youth Advisory Board would like to be more involved with the Town Board.

5. 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 February 22, 2010 Regular Town Board – P. Garcia
2. Liquor License Renewal – Halston Oil Co., 3.2 Percent Beer Retail License (Off Premise) – P. Garcia
3. Chimney Park Restaurant Inc. dba Chimney Park Restaurant & Bar, Hotel and Restaurant Liquor License – P. Garcia
4. Angkor Liquors, Retail Liquor Store License – P. Garcia
5. AKS LLC dba Cinder & Cruise Liquors, Retail Liquor Store License – P. Garcia
6. List of Bills, February 2010 – D. Moyer

**Town Board Member O’Neill motioned to approve the Consent Calendar as presented; Town Board Member Weber seconded the motion. Roll call on the vote resulted as follows:**

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

**C. BOARD ACTION**

1. Ordinance amending certain portions within the Windsor Municipal Code for the purpose of assuring clarity and consistency of administration of flags, open space, preliminary

plats and site plans, surface mining, non-regulated land transfers, and neighborhood meetings, Second Reading – J. Plummer (Ordinance No. 2010-1370)

**Town Board Member Slater motioned to approve Ordinance No. 2010-1370; An Ordinance amending certain portions within the Windsor Municipal Code for the purpose of assuring clarity and consistency of administration of flags, open space, preliminary plats and site plans, surface mining, non-regulated land transfers, and neighborhood meetings on Second Reading; Town Board Member O’Neill seconded the motion.**

Planning Director Plummer reviewed the ordinance and noted that it had passed on first reading at the February 22, 2010 Town Board meeting. The Planning Commission had reviewed the information and recommended approval.

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

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

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

2. A Resolution Approving and Adopting the Design Criteria and Construction Specifications – Division II – Water & Sewer Systems – D. Wagner (Resolution No. 2010-16)

**Mayor Pro-Tem Drake motioned to approve Resolution No. 2010-16; Town Board Member Weber seconded the motion.**

Engineering Director Wagner presented the resolution and noted it would approve the adoption of water and sewer specifications which would replace outdated standards.

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

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

3. Ordinance amending Chapter 13, of the Windsor Municipal Code with respect to design criteria and construction specifications for Division II Water & Sewer systems, Second Reading – D. Wagner (Ordinance No. 2010-1371)

**Town Board Member Slater motioned to approve Ordinance No. 2010-1371, An Ordinance amending Chapter 13, of the Windsor Municipal Code with respect to design criteria and construction specifications for Division II Water & Sewer systems on Second Reading; Mayor Pro-Tem Drake seconded the motion.**

Engineering Director Wagner noted the ordinance had been approved on first reading at the February 22, 2010 Town Board meeting.

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

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

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

4. Being a Resolution Ratifying, Approving, and Confirming the Terms and Conditions of the First Addendum to Intergovernmental Agreement Regarding Windsor Lake Regional Non-Potable Irrigation Service Between and Among the Town of Windsor and Greenspire Metropolitan District No. 1, Greenspire Metropolitan District No. 2, and Greenspire Metropolitan District No. 3. – I. McCargar (Resolution No. 2010-17)  
**Town Board Member Weber motioned to approve Resolution No. 2010-17; Town Board Member O’Neill seconded the motion.**

Town Attorney McCargar presented the resolution and noted the information had been presented to the Town Board at a work session on February 22, 2010 by John Frey. Mr. McCargar explained there had been an agreement with the Districts in 2008 to build a regional irrigation pump facility and collect revenue for their agreed share of the cost for constructing the facility. The Districts made a payment of \$150,000 toward the \$650,000 that is due. A new agreement has been negotiated which calls for a series of payments with specific due dates.

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

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

5. Resolution Approving a Legal Services Contract Between the Town of Windsor and Liley, Rogers & Martell, Attorneys, for Services Related to the Establishment and Operations of a Business Improvement District Within the Town of Windsor – I. McCargar (Resolution No. 2010-18)  
**Town Board Member O’Neill motioned to approve Resolution No. 2010-18; Town Board Member Slater seconded the motion.**

Town Attorney McCargar reported on the resolution and noted the Supreme Court requires that an attorney have a written agreement with their client. Although the Agreement is related to a Business Improvement District (BID), if the Town Board determines to go another direction, the Agreement can be amended. The Agreement sets up terms of representation in order for the Town Board to reach their objectives of the Downtown Master Plan. Lucia Liley represents many downtown entities and has relationships with others that can provide the special counsel on financing. The Agreement was conditionally approved by Town Manager Arnold last week.

The Town Board discussed financing issues as some of the downtown business owners have expressed concern regarding the financial implications that a BID may impose.

Mayor Vazquez commented that he believes the Lucia Liley could bring ideas outside of the structure of the BID to help accomplish the same objectives related to the strategic plan.

Mr. McCargar noted that the BID, or whatever mechanism is used to carry the plan out, requires its own attorney; he cannot represent that entity and continue as counsel to the Town.

Mr. Vazquez also noted that he has heard there are several business owners that are not supportive of the BID due to the financial implications; but those financial implications have not yet been defined.

Town Manager Arnold stated that it's better to find out now than to spend money on a ballot question in November that could be defeated. One of the true benefits of a BID was the creation of a formalized group, which is what the Town needs.

Town Board Member Kelly inquired if we don't do a BID, what would be the alternative. Mr. Arnold noted that possibly there could be the formation of a Downtown Development Authority similar to a Housing Authority.

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

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

6. Resolution Supporting the Weld County Commissioner's Request to Colorado Air Quality Control Commission to Postpone Implementation of IM240 Ozone Testing Program in the North Front Range Until 2013 – K. Arnold (Resolution No. 2010-19)  
**Town Board Member Weber motioned to approve Resolution No. 2010-19; Town Board Member O'Neill seconded the motion.**

Mayor Vazquez stated the resolution came at the request from the MPO. The resolution would allow for another two years of data to be compiled to show that we are compliant with air quality standards.

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

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

7. February Financial Report – D. Moyer  
Finance Director Moyer reviewed the financial report included in the Town Board packet and noted that February sales taxes were approximately \$10,000 short of annual projections for February, which is approximately the same amount of sales tax the auto complex had submitted last year. Although sales tax was down in February, the Town is still ahead of projections due to a good January. The Planning Department issued 13 single-family permits in February and Mr. Moyer noted that we are doing well related to construction use tax. Operating expenditures are where they belong for February.

**D. COMMUNICATIONS**

1. Communications from the Town Attorney  
Town Attorney McCargar reminded the Town Board of the Executive Session and Kern Board of Directors meeting following the Regular Meeting.
2. Communications from Town Staff  
Parks & Recreation – Parks & Recreation Director Chew reported that a public art piece created by members of the community in collaboration with the Art & Heritage staff would be in the foyer of the Community Recreation starting on Friday.

3. Communications from the Town Manager  
Town Manager Arnold stated that staff would be meeting with the Town Board candidates on March 17. Mr. Arnold also reported that Bob Garcia, CDOT, announced his resignation.
4. Communications from Town Board Members  
Town Board Member O'Neill reported on the recent CML Board of Director meeting and noted that there are concerns regarding dues and memberships dropping. Additionally, Mr. O'Neill commented on two pieces of legislation regarding URA's and medical marijuana.

#### **E. EXECUTIVE SESSION**

1. An executive session pursuant to Section 24-6-402 (4) (e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding Town Hall renovations - K. Arnold  
**Town Board Member O'Neill motioned to go into Executive Session pursuant to Section 24-6-402 (4) (e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding Town Hall renovations; Town Board Member Slater seconded the motion.**

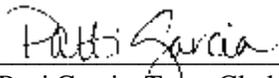
**Roll call on the vote resulted as follows:**

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

**Upon returning to the regular meeting, Mayor Vazquez advised that if any participants in the Executive Session believed the session contained any substantial discussion of any matters not included in the motion to convene the Executive Session, or believed any improper action occurred during the Session in violation of the Open Meetings Law, such concerns should now be stated. Hearing none the regular meeting resumed.**

#### **F. ADJOURN**

Upon a motion duly made, the meeting was adjourned.

  
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Patti Garcia, Town Clerk