

**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**  
**Nays – 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  
Nays – 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  
Nays – 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 the 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.

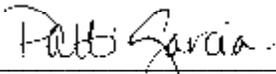
Mr. Arnold acknowledged Charwon Walters as he has spent nine years behind the camera and attended over 200 meetings taking care of the video taping of the Town Board meetings. Mr. Arnold thanked him for running the camera all those years.

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