



TOWN BOARD REGULAR MEETING  
September 13, 2010 - 7:00 P.M.  
Town Board Chambers – 301 Walnut Street  
Windsor, CO 80550

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MINUTES

**A. CALL TO ORDER**

1. Mayor Pro-Tem O'Neill called the regular meeting of the Windsor Town Board to order on Monday, September 13, 2010 at 7:00 p.m. in the Town Board Chambers.

The following Town Board members were present: Mayor Pro-Tem Matthew O'Neill  
Robert Bishop-Cotner  
Mike Carrigan  
Kristie Melendez  
Jon Slater

Absent: Don Thompson  
Mayor John Vazquez

Also present: Town Attorney Ian McCargar  
Town Manager Kelly Arnold  
Director of Engineering Dennis Wagner  
Director of Planning Joe Plummer  
Director of Parks & Recreation Melissa Chew  
Director of Public Works Terry Walker  
Director of Human Resources Mary Robins  
Chief of Police John Michaels  
Town Clerk Patti Garcia  
Chief Planner Scott Ballstadt  
Associate Planner Elizabeth Fields

2. Pledge of Allegiance  
Town Board Member Melendez let 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 Bishop-Cotner motioned to add Item B.8. Letter of Agreement for Kern Board Legal Representation and Town of Windsor to the Consent Calendar; Town Board Member Slater seconded the motion. Roll call on the vote resulted as follows:**  
**Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater**  
**Nayes – None. Motion carried.**  
  
**Town Board Member Slater motioned to approve the Agenda as amended; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**  
**Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater**  
**Nayes – None. Motion carried.**
4. Board Liaison Reports

- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission Alternate  
Town Board Member Bishop-Cotner reported the Planning Commission had discussed the oil drilling at Peakview Estates which will be on the Town Board agenda on September 27. The Historic Preservation Commission had not met this month so there was no report.
  - Town Board Member Carrigan – Water & Sewer Board  
Town Board Member Carrigan stated the next Water & Sewer meeting would be held later this month.
  - Mayor Pro-Tem O'Neill – Library Board; Planning Commission; North Front Range/MPO Alternate  
Mayor Pro-Tem O'Neill reported the Library Board met on August 31 and they are working on a resolution opposing Amendment 60 and 61 and Proposition 101. Additional items included the rebranding information and a special meeting that is being scheduled for Wednesday, September 15. Mr. O'Neill also reported on the MPO; he was unable to attend but received information that noted the main topic was that of livability.
  - Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board  
Town Board Member Melendez reported the Chamber of Commerce had met September 1 and discussed the lodging tax ballot question and creating a platform to distribute accurate information on the proposed tax. The Windsor Business Expo will be held September 21 from 2-7 p.m. at the Community Recreation Center. The Poudre River Trail Board met September 2 at which they discussed a coordinated management and public service segment which may include flipside signs along the trail for flooding, etc. Several interns are working to create new signs and t-shirt designs. There was additional discussion regarding vandalism and coordination with the sheriff's department and plans for hiring a Poudre Trail manager.
  - Town Board Member Slater – Tree Board; Windsor Housing Authority  
Town Board Member Slater noted the Tree Board had not met so there was no report. The Windsor Housing Authority had tentatively scheduled a work session on October 18 with the Town Board.
  - Town Board Member Thompson – Parks & Recreation Board  
No report.
  - Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT)  
No report.
5. Public Invited to be Heard  
Mayor Pro-Tem addressed those in attendance regarding the oil and gas conditional use permit hearing that is scheduled for September 27, 2010. Mr. O'Neill noted the conditional use grant would be brought before the Town Board as a quasi-judicial hearing and it wasn't proper for the Town Board to receive information prior to the public hearing.

Town Attorney McCargar stated in order to provide due process, no presentations should be given prior to the public hearing in order to protect the integrity of the hearing process.

Sherry Powell, Windsor resident, asked if there would be opportunity for questions and answers at the public hearing. Attorney McCargar stated there would be opportunity. Mr. McCargar also recommended that any letters or emails regarding the oil and gas public hearing be sent to Kelly Arnold, Town Manager.

Matt Hallis, Windsor resident, requested the public hearing be delayed to give the residents in the subdivision time to get together so they can ask the right questions. Mr. McCargar noted the public hearing was scheduled for September 27 and it would be the purview of the Town Board to grant a continuance at the meeting.

## B. CONSENT CALENDAR

1. Minutes of the August 23, 2010 Regular Town Board Meeting – P. Garcia
  2. Liquor License Report of Changes – Senor Jalapeno, Tavern Liquor License – P. Garcia
  3. Liquor License Renewal – Senor Jalapeno, Tavern Liquor License – P. Garcia
  4. Liquor License Renewal – Safeway, 3.2 Percent Beer Retail License (Off Premise) – P. Garcia
  5. Liquor License Special Event Permit – Northern Colorado Youth Hockey – P. Garcia
  6. Report of Bills – D. Moyer
  7. Letter of Support for USDA Application - Sun West BioFuels – K. Arnold
  8. Letter of Agreement for Kern Board Legal Representation and Town of Windsor – K. Arnold
- Town Board Member Slater motioned to approve the Consent Calendar as amended; Town Board Member Melendez seconded the motion. Roll call on the vote resulted as follows:**  
**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Slater**  
**Nayes – None. Motion carried.**

## C. BOARD ACTION

1. An Ordinance Amending Chapter 16 of the Windsor Municipal Code to Allow Larger Signage for Large Scale Commercial and Industrial Tenants – Second Reading - E. Fields (Ordinance No. 2010-1385)  
*(Super-majority vote required for adoption on second reading)*  
**Town Board Member Slater motioned to approve Ordinance No. 2010-1385, An Ordinance Amending Chapter 16 of the Windsor Municipal Code to Allow Larger Signage for Large Scale Commercial and Industrial Tenants on second reading; Town Board Member Bishop-Cotner seconded the motion.**

Associate Planner Fields noted first reading of the ordinance was approved at the August 23 meeting and that no changes had been made to the ordinance since that time.

Mayor Pro-Tem O’Neill opened the meeting for public comment to which there was none.

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

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

2. An Ordinance Amending Chapter 16 of the Windsor Municipal Code Regarding Sign Code Amendments to Subdivision-Wide Real Estate Promotional Signage – Second Reading – E. Fields (Ordinance No. 2010-1386)  
*(Super-majority vote required for adoption on second reading)*

**Town Board Member Slater motioned to approve Ordinance No. 2010-1386, An Ordinance Amending Chapter 16 of the Windsor Municipal Code Regarding Sign Code Amendments to Subdivision-Wide Real Estate Promotional Signage on second reading; Town Board Member Bishop-Cotner seconded the motion.**

Associate Planner Fields reported that first reading of the ordinance had been approved at the August 23 Town Board meeting. Ms. Fields provided a review of the ordinance and noted there had not been any changes since first reading.

Mayor Pro-Tem O'Neill opened the meeting for public comment to which there was none.

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

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

3. An Ordinance Amending Chapter 7 of the Windsor Municipal Code with respect to the keeping of back yard chicken hens – First Reading – I. McCargar (Ordinance No. 2010-1387)  
**Town Board Member Melendez motioned to approve Ordinance No. 2010-1387, An Ordinance Amending Chapter 7 of the Windsor Municipal Code with respect to the keeping of back yard chicken hens on first reading; Town Board Member Slater seconded the motion.**

Town Attorney McCargar reported on the keeping of hens ordinance. Mr. McCargar noted changes had been implemented pursuant to work session discussions. These amendments included allowing for the keeping of up to six hens on a parcel, location from property lines, neighboring property approvals and providing a sunset provision so that the Town Board can review the interest in the keeping of hens in a year and determine if the ordinance should sunset or not.

Town Board Member Carrigan stated he is not opposed to hens, but he has received feedback from constituents that have voiced their opposition to the hen ordinance.

Mayor Pro-Tem O'Neill commented that he does not see a problem with hens in a rural area, but due to the residential nature of the community he is not supportive of the concept. Mr. O'Neill received similar comments from constituents who are opposed to the keeping of back yard chicken hens. Mr. O'Neill also noted there are Homeowners Associations (HOA's) in Windsor that can opt out of the ordinance, but older neighborhoods that don't have HOA's don't have that option.

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

**Yeas – Bishop-Cotner, Melendez, Slater  
Nays – Carrigan, O'Neill. Motion carried.**

4. An Ordinance Repealing, Amending and Re-Adopting Section 2-1-70 of the Windsor Municipal Code with Respect to the Appointment of Alternate Members to Boards and Commissions Serving the Town of Windsor – First Reading – I. McCargar (Ordinance No. 2010-1388)  
**Town Board Member Slater motioned to approve Ordinance No. 2010-1388, An Ordinance Repealing, Amending and Re-Adopting Section 2-1-70 of the Windsor Municipal Code with Respect to the Appointment of Alternate Members to Boards and Commissions Serving the**

**Town of Windsor on first reading; Town Board Member Bishop-Cotner seconded the motion.**

Town Attorney McCargar stated the ordinance was a follow up on discussions regarding alternate members for the advisory boards/commissions when there are attendance issues. Due to some boards requesting alternates and others not currently needing them, the ordinance provides that the Chair would request the Town Board to appointment an alternate. It would be at the discretion of the Town Board to make the appointment of an alternate. Mr. McCargar also noted that before an alternate is appointed, the bylaws for the board/commission would have to be amended to provide for that function.

Town Board Member Slater commented that he likes this approach as it leaves it up to the individual board/commission as to what would work best for them.

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

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

5. A Resolution of the Windsor Town Board Stating its Opposition to State Ballot Proposition 101 and Amendments 60 and 61, and Urging the Registered Voters of Windsor to Vote Against Same at the November, 2010, State General Election – I. McCargar (Resolution No. 2010-44)  
**Town Board Member Slater motioned to approve Resolution No. 2010-44; Town Board Member Melendez seconded the motion.**

Finance Director Moyer reported on the resolution and stated that if Proposition 101 and Amendments 60 and 61 all pass that it could be a \$1M hit to the Town’s general fund. Mr. Moyer stated in relation to the operations of the Town, it would equate to approximately 10% of the operating budget. Out of that budget is paid police services, street repair, parks maintenance, along with most items that are associated with services provided by a municipality. The resolution addresses those items and encourages people to vote against it. Most municipalities have or will be approving the same type of resolution.

Town Board Member Melendez stated the Proposition and Amendments would have a crippling effect on our town and requested citizens to become informed and educated on the issues.

Mayor Pro-Tem O’Neill stated that in looking at government at the local level, a lot has been accomplished along with keeping a good handle on finances. Mr. O’Neill reiterated Ms. Melendez’ comments and encouraged citizens to become informed on the issues.

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

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

6. A Resolution Adopting and Reaffirming the 2009 Northeast Colorado Emergency Managers Multi-Hazard Mitigation Plan – J. Michaels (Resolution No. 2010-45)  
**Town Board Member Slater motioned to approve Resolution No. 2010-45; Town Board Member Carrigan seconded the motion.**

Chief of Police Michaels reported on the resolution noting it reaffirms the 2009 Northeast Colorado Emergency Managers Multi-Hazard Mitigation Plan. The Plan was adopted by the

Town of Windsor and the northeast region in 2004 and is updated every five years. He provided a review of the items included in the Plan.

Town Board Member Carrigan asked if there had been any discussions of having a siren in the event of a tornado. Chief Michaels noted that citizens are to sign up with the Everbridge System which notifies them by telephone, email or text message of emergencies.

Town Manager Arnold noted that due to the tornado there was a large DOLA grant that allowed for each community to choose whether they wanted to go to a siren system or a generator. Most small communities chose to utilize a siren and larger ones chose a generator so that services would continue. Windsor decided to go with more technology and receive a generator.

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

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

7. Request for rebate of application fee for vacation of recreation easement - Stephanie Watson, Weld County School District RE-4, applicant / Richard Huwa, RLH Engineering, applicant’s representative – J. Plummer

Planning Director Plummer reviewed the request. The Town Board had vacated the recreation easement where the tennis courts are now constructed and is no longer needed. The school district was required to pay the \$150 application fee for the vacation of the recreation easement which is now being requested by the school district to be rebated back to them.

**Town Board Member Slater motioned to approve the rebate of \$150 to the school district from the General Fund; Town Board Member Bishop-Cotner seconded the motion.**

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

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

8. Reimbursement of Fees – Our Lady of the Valley Church/Stepping Stones – M. Chew  
Parks and Recreation Director Chew reported on the request of reimbursement from Our Lady of the Valley Catholic Church of park/trail fees at Eastman Park for a fundraiser benefiting Stepping Stones of Windsor.

Town Manager Arnold noted a letter had been received from Stepping Stones of Windsor to make a presentation to the Town Board along with request for funds of \$5,000.

**Town Board Member Slater motioned to approve the reimbursement request of \$150 to Our Lady of the Valley Catholic Church; Town Board Member Bishop-Cotner seconded the motion.**

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

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

9. Financial Report – D. Moyer

Finance Director Moyer reviewed the financial report and noted sales tax collections were over those collected through August, 2009 and have cleared monthly projections.

Mr. Moyer noted that the grocery stores have submitted more sales tax than this time last year and that through August 2010, 96 single family home permits had been issued and the Town had projected for 87 total new construction permits for the year.

#### D. COMMUNICATIONS

1. Communications from the Town Attorney  
Town Attorney McCargar reminded the Town Board of the Executive Session following the meeting.
2. Communications from Town Staff  
There were no communications from staff.
3. Communications from the Town Manager  
Town Manager Arnold reported that Windsor Town Hall project had received the "Best Building Rehabilitation" award by Downtown Colorado, Inc. (DCI). The award would be formally received at the DCI banquet on September 23, 2010. Mr. Arnold also reported that the Town had received a grant for the sewer plant.
4. Communications from Town Board Members  
Town Board Member Bishop-Cotner reported that today was his 24<sup>th</sup> wedding anniversary.

#### E. EXECUTIVE SESSION

An executive session pursuant to § 24-6-402 (4) (e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators - Incentives for a regional research and development prospect proposing relocation to the Town of Windsor (K. Arnold/I. McCargar)

**Town Board Member Bishop-Cotner motioned to go into an Executive Session pursuant to § 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 – Incentives for a regional research and development prospect proposing relocation to the Town of Windsor; Town Board Member Slater seconded the motion.**

Roll call on the vote resulted as follows:

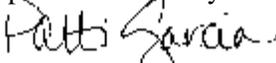
Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Slater, Thompson, Vazquez

Nays – None. Motion carried.

Upon returning to the regular meeting, Mayor Pro-Tem O'Neill 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