



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

MINUTES

A. CALL TO ORDER

1. Roll Call

The following Town Board members were present:

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

Also present:

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| Town Manager | Kelly Arnold |
| Town Attorney | Ian McCargar |
| Director of Engineering | Dennis Wagner |
| Director of Finance | Dean Moyer |
| Director of Human Resources | Mary Robins |
| Director of Parks & Recreation | Melissa Chew |
| Director of Planning | Joe Plummer |
| Senior Planner | Scott Ballstadt |
| Director of Public Works | Terry Walker |
| Chief of Police | John Michaels |
| Deputy Town Clerk | Mary Lee |

2. Pledge of Allegiance

Ms. Melendez 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 moved 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

- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission Alternate. Mr. Bishop-Cotner noted the Historic Preservation Commission will meet on November 10; the Planning Commission concurs with the Board on a 1500 foot buffer for adult-oriented businesses.
- Town Board Member Carrigan – Water & Sewer Board – no report.
- Mayor Pro-Tem O'Neill – Library Board; Planning Commission; North Front Range/MPO Alternate. Mr. O'Neill reported the Book Mobile will be unveiled on November 13 and 14; there are 3 Library Board vacancies, and he encouraged citizens to apply. Mr. O'Neill also reported seeing a nice new *Welcome to Johnstown* sign while driving in that area recently.

- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board. Ms. Melendez stated the Cache La Poudre Trail Board meeting was postponed; the Chamber of Commerce will elect a new Board of Directors at the end of November.
- Town Board Member Slater – Tree Board; Windsor Housing Authority. Mr. Slater noted the Tree Board wants to include Severance schools in the Arbor Day events, and will meet with those Principals for input; Kelly Mannon will retire from the Windsor Housing Authority on November 12, with a retirement celebration at Century III honoring her many years of service.
- Town Board Member Thompson – Parks & Recreation Board, Great Western Trail Board. Mr. Thompson noted the Parks & Recreation Advisory Board meeting was cancelled – the next meeting will be in December. The Great Western Trail Board has been awarded a mini-grant for trail safety and promotions.
- Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT). Mayor Vazquez reported the MPO continues to encourage alternate modes of transportation, although there is much research to do on that topic. There has been much discussion related to emissions monitoring in Colorado, noting good air quality in northern Colorado. The MPO will question the lack of due process by the monitoring team, and asked if the Board wishes to take a position on this issue. Mr. Thompson commented the program can have dramatic impacts, and would be interested in reviewing data was for vehicles entering I-25 from HWY 392. Mr. O’Neill explained the testing process briefly. Ms. Melendez voiced opposition this issue calling it an undue burden to the tax payers. The Board would be in favor of sending a letter stating their position to the MPO.

5. Public Invited to be Heard – there was no public comment.

B. CONSENT CALENDAR

1. Minutes of the October 25, 2010 Regular Town Board Meeting – P. Garcia
2. Report of Bills – D. Moyer
3. Resolution vacating the forty (40) foot right-of-way along the eastern boundary of Lot 1, Block 1 of the Great Western Industrial Park Subdivision, Third Filing – S. Ballstadt (Resolution No. 2010-58)
4. Resolution vacating the sixteen (16) foot utility easement located along the eastern boundary of Lot 1, Block 1 of the Great Western Industrial Park Subdivision, Third Filing - S. Ballstadt (Resolution No. 2010-59)

Town Board Member Slater moved 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
Nays – None. Motion carried.**

C. BOARD ACTION

1. An Ordinance Approving an Inter-Fund Loan from the Town’s Water Utility to the Town’s General Fund for the Purpose of Financing a Portion of the Cost Associated with Improvements to the Highway Interchange Located at Interstate 25 and Colorado State Highway 392, Second Reading – I. McCargar (Ordinance No. 2010-1391)
(Super-majority vote required for adoption on second reading)

Town Board Member Slater moved to approve Ordinance No. 2010-1391, An Ordinance Approving an Inter-Fund Loan from the Town’s Water Utility to the Town’s General Fund for the Purpose of Financing a Portion of the Cost Associated with Improvements to the Highway Interchange Located at Interstate 25 and Colorado State Highway 392 on Second Reading; Town Board Member Melendez seconded the motion.

Mr. Slater called for a brief summary of the Ordinance for clarification to the public; Mr. McCargar reviewed the details of the Ordinance, and the mechanics of an Inter-Fund Loan.

Roll call on the vote resulted as follows:

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

2. An Ordinance Establishing the Town of Windsor Municipal Court as a Qualified Court of Record Pursuant to Title 13, Article 10 of the Colorado Revised Statutes; Establishing a Fixed Term of Office for Judges Serving the Windsor Municipal Court; Fixing the Conditions for Appeal Bonds; Consenting to the Entry of Judgment in Satisfaction of any Undertakings by Appeal Bond Sureties; Establishing the Office of the Municipal Court Clerk; Deferring the Fixing of Municipal Judge and Municipal Court Clerk Compensation to the Annual Budget Process; Requiring the Town to Satisfy the Requirement of a Surety Bond for the Municipal Court Clerk; Amending The Windsor Municipal Code to Reflect an Increase in the Maximum Fine for Violations of Municipal Ordinances; and Amending the Windsor Municipal Code for the Purpose of Establishing Court Costs as an Assessment in all Cases Filed in the Municipal Court, Second Reading – I. McCargar (Ordinance No. 2010-1392)
(Super-majority vote required for adoption on second reading)

Town Board Member Slater moved to approve Ordinance No. 2010-1392; An Ordinance Establishing the Town of Windsor Municipal Court as a Qualified Court of Record Pursuant to Title 13, Article 10 of the Colorado Revised Statutes; Establishing a Fixed Term of Office for Judges Serving the Windsor Municipal Court; Fixing the Conditions for Appeal Bonds; Consenting to the Entry of Judgment in Satisfaction of any Undertakings by Appeal Bond Sureties; Establishing the Office of the Municipal Court Clerk; Deferring the Fixing of Municipal Judge and Municipal Court Clerk Compensation to the Annual Budget Process; Requiring the Town to Satisfy the Requirement of a Surety Bond for the Municipal Court Clerk; Amending The Windsor Municipal Code to Reflect an Increase in the Maximum Fine for Violations of Municipal Ordinances; and Amending the Windsor Municipal Code for the Purpose of Establishing Court Costs as an Assessment in all Cases Filed in the Municipal Court on Second Reading; Town Board Member Bishop-Cotner seconded the motion.

Mr. McCargar reviewed the many facets of the Ordinance, stating the primary benefit would be to eliminate the need for the Municipal prosecutor to retry at the County level when there is an appeal.

Roll call on the vote resulted as follows:

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

3. Request for Qualifications for the Position of Windsor Municipal Court Judge – I. McCargar

Town Board Member Slater moved to approve the Request for Qualifications for the Position of Windsor Municipal Court Judge as presented; Town Board Member Bishop-Cotner seconded the motion.

Mr. McCargar noted this request adds slightly to the requirements stated in the Charter for the position of Municipal Judge; and the RFQ will be circulated throughout northern Colorado and the state. Candidates should be screened and available for interviews this month with a goal of appointment by December 13.

Roll call on the vote resulted as follows:

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

4. Public Hearing – Amendments to Chapter 17 of the Windsor Municipal Code to consolidate the Town’s existing corridor plans into the Commercial Corridor Plan (Design Criteria and Procedures) - S. Ballstadt

Town Board Member Slater moved to open the Public Hearing; 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
Nays – None. Motion carried.

Mr. Ballstadt reviewed the consolidation of existing Corridor Plans as defined by this Ordinance. He noted the applicability of these standards to areas outside the existing Corridors remains a topic of discussion. Staff and the Planning Commission are in agreement not to broaden the scope of the plan at this time. Mr. Ballstadt also explained the Town has standards in place to address situations on a case by case basis as they arise outside these Corridor areas. This Ordinance would amend Chapter 17 of the Municipal Code. Mr. Thompson expressed concern, noting he does not want to see a hodgepodge of architectural styles in the areas not included in the plan. Mr. Slater added the Board can revisit this issue in the future if the need arises.

There were no comments from the public.

Town Board Member Slater moved to close the Public Hearing; 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
Nays – None. Motion carried.

5. An Ordinance Amending Chapter 17 of the Windsor Municipal Code to consolidate the Town’s existing corridor plans into the Commercial Corridor Plan (Design Criteria and Procedures) – First Reading – S. Ballstadt (Ordinance No. 2010-1393)

Town Board Member Slater moved to approve Ordinance No. 2010-1393; An Ordinance Amending Chapter 17 of the Windsor Municipal Code to consolidate the Town’s existing corridor plans into the Commercial Corridor Plan (Design Criteria and Procedures) on First Reading; Town Board Member Bishop-Cotner seconded the motion.

There were no additional comments.

Roll call on the vote resulted as follows:

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

6. A Resolution Approving an Intergovernmental Agreement Between the Town of Windsor and Weld County School District RE-4, and Authorizing the Mayor to Execute the Same – M. Chew (Resolution No. 2010-60)

Mayor Vazquez excused himself from the proceedings stating conflict of interest, noting Mayor Pro Tem will execute documents on behalf of the Town if passed.

Town Board Member Slater moved to approve Resolution 2010-60; Town Board Member Melendez seconded the motion.

Ms. Chew explained this Resolution would allow recreation programs to be held in the Range View Elementary gymnasium in Severance. The Town of Severance is eager to have Windsor expand services into that area. Programs are covered by insurance, but school district insurance covers the facility. The District would ask for reimbursement if physical damages to property occur however.

Roll call on the vote resulted as follows:

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

Mayor Vazquez rejoined the meeting.

7. Financial Report – D. Moyer

Mr. Moyer gave a synopsis of financial transactions as they apply to budgetary projections, stating sales taxes and building permits remain strong; outpacing projections. Expenditures are slightly ahead of budget based upon unforeseen payments for temporary office space and repayment for tornado assistance. Our local outlook will remain optimistic, yet conservative based upon national trends.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Mr. McCargar reminded the Board a Kern Board meeting will follow immediately after this meeting is adjourned.

2. Communications from Town Staff

Chief Michaels invited the Board to opening ceremonies for the new Police Department, noting they are moving in tomorrow, ceasing operations at Diamond Valley at noon.

Ms. Chew noted some augmentations to the beach at Windsor Lake. The Art & Heritage division will do work to reduce humidity in the Art & Heritage Center, and will add a security system.

3. Communications from the Town Manager

Mr. Arnold reminded the Board their next meeting will take place at the CRC.

5. Communications from Town Board Members

Mr. Slater shared his excitement about touring the new Police facility, calling it “really impressive”. He added there is a vacancy on the Windsor Housing Authority, and asked that interested citizens apply.

Mr. O’Neill reported a citizen has asked about the Business Retention Specialist. Mr. Arnold noted recruitment for that position will begin soon. Mr. O’Neill shared positive comments about the ballast areas adjacent to the railroad. He also questioned the possibility of televising work sessions.

Mayor Vazquez shared that he will be starting a new job in engineering next week, thanking the Board and Staff for their support.

E. ADJOURN

Town Board Member Bishop-Cotner moved to adjourn; 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.