



**TOWN BOARD REGULAR MEETING**  
September 12, 2011 - 7:00 P.M. Town Board Chambers  
301 Walnut Street, Windsor, CO 80550

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

---

**MINUTES**

**A. CALL TO ORDER**

1. Roll Call

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

Absent:

Also present:

|                                |                  |
|--------------------------------|------------------|
| Town Manager                   | Kelly Arnold     |
| Town Attorney                  | Ian McCargar     |
| Town Attorney                  | John Frey        |
| Director of Planning           | Joe Plummer      |
| Associate Planner              | Diana Aungst     |
| Associate Planner              | Elizabeth Fields |
| Director of Parks & Recreation | Melissa Chew     |
| Manager of Parks & Open Space  | Wade Willis      |
| Recreation Supervisor          | Bobby Warner     |
| Director of Finance            | Dean Moyer       |
| Director of Engineering        | Dennis Wagner    |
| Director of Human Resources    | Mary Robins      |
| Director of Public Works       | Terry Walker     |
| Business Development Manager   | Stacy Johnson    |
| Chief of Police                | John Michaels    |
| Town Clerk                     | Patti Garcia     |
| Management Intern              | Lindsey Haggerty |

2. Pledge of Allegiance

Town Board Member Bishop-Cotner 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 Thompson motioned to approve the Agenda as presented; Town Board Member Shanfelt seconded the motion. Roll call on the vote resulted as follows:  
Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Shanfelt, Thompson  
Nays – None. Motion carried.**

4. Board Liaison Reports

- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission Alternate  
Town Board Member Bishop-Cotner noted the next scheduled meeting of the Historic Preservation Commission would be on Wednesday.

- Town Board Member Carrigan – Water & Sewer Board  
Town Board Member Carrigan stated the next meeting of the Water & Sewer Board was scheduled for October 12.
- Mayor Pro-Tem O’Neill – Library Board; Planning Commission; North Front Range/MPO Alternate  
Mayor Pro-Tem O’Neill reported Ann Kling had been selected as the new Executive Director for the Library District. Items discussed at the past planning commission meeting were included on the current Town Board agenda. Due to scheduling conflicts, Mr. O’Neill was not able to attend the last MPO meeting.
- Town Board Member Melendez – Chamber of Commerce; Cache La Poudre Trail Board; Downtown Development Authority (DDA)  
Town Board Member Melendez reported the Chamber of Commerce was exploring “bright ideas” to get traffic into Windsor. Information and a press release will be forthcoming regarding the Windsor Bucks program. Ms. Melendez noted the Windsor Business Expo on September 21, 2011 from 2-7 p.m. and the upcoming Meet the Leaders Night scheduled for September 20 at Austin’s. The Chamber is also looking for candidates for their upcoming Board of Directors election. The DDA is currently entertaining bids for a website and working on an Intergovernmental Agreement with the Town of Windsor which will help them move forward with their budget. The DDA’s scheduled meetings for the week are on Wednesday and Thursday at 7:30 a.m. The Poudre Trail Challenge is schedule for Saturday at Island Grove.
- Town Board Member Thompson – Parks & Recreation Board (PRAB); Great Western Trail Board; Tree Board  
Town Board Member Thompson stated the next PRAB meeting was scheduled for October 4. Mr. Thompson reported their were approximately 70 children that participated at the Great Western Trail bike rodeo with about 50 helmets given away. He thanked the Parks & Recreation and Public Works Departments for their help on the event. Additionally, the Great Western Trail Board is looking at options to allow horses on the trails.
- Mayor Vazquez – North Front Range/MPO; Student Advisory Leadership Team (SALT)  
No report.

5. Public Invited to be Heard

Mike Mitchell, Windsor resident, addressed the Town Board and stated concern regarding the intersection of CR 15 and Harmony Road. Mayor Pro-Tem O’Neill advised Mr. Mitchell to contact Town Manager Arnold to discuss the issue further.

**B. CONSENT CALENDAR**

1. Minutes of the August 22, 2011 Regular Town Board – P. Garcia
2. Special Event Liquor License – Windsor Lions Club Inc., Oktoberfest (Boardwalk Park) – P. Garcia
3. Liquor License Renewal – Safeway Store #1791, 3.2% Beer Retail License (off premise) – P. Garcia
4. List of Bills – D. Moyer

**Town Board Member Carrigan 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, Shanfelt, Thompson  
Nays – None. Motion carried.**

### **C. BOARD ACTION**

1. Ordinance No. 2011-1417 – An Ordinance Authorizing Colorado Water and Power Authority Loan

- First Reading
- Legislative action
- Staff presentation: Ian McCargar, Town Attorney

**Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2011-1417, An Ordinance Authorizing Colorado Water and Power Authority Loan on First Reading; Town Board Member Carrigan seconded the motion.**

Town Attorney McCargar reported on the ordinance and noted it would allow the Town to borrow money at a low rate of interest that is subsidized through programs offered by the federal government through the Clean Air Act. The ordinance would authorize the town to enter into a loan agreement and a bond agreement so that money could be borrowed to improve the waste water treatment plant. The improvements are needed due demand through population and industrial needs. Mr. McCargar reported that a grant in the amount of \$1.6M had been secured which would allow the town to reserve the funds in the water and sewer fund. The loan agreement was not included in the town board packet but had been reviewed by both legal counsel and the Director of Finance.

Town Board Member Melendez inquired if it was a 15-year loan. Mr. McCargar responded that it was a 15-year loan and that only project costs were being borrowed.

Director of Finance Moyer also reported on the ordinance and stated the town had received a similar loan in 1994 when the water treatment plant had been expanded. It was also a 15-year loan through the same program and was paid off in 2009. The Head Works project has been planned for many years and Mr. Moyer noted that the town has applied several times for the loan and was just approved in the latest round of applications. Mr. Moyer stated that the loan can be done with no increase in the town’s sewer rates; essentially the payment for the loan that was paid off in 2009 would be substituted by the new loan. Mr. Moyer also provided an overview of the history of the sewer fund which was provided in his memo to the Town Board.

Town Board Member Thompson inquired if Carestream was going to have Windsor treat their water if they were going to participate financially in the required upgrades to the current system. Town Manager Arnold reported that he has understood that Carestream has extended their contract to operate their facility for at least another year and that there have been discussions related to funds they would need to pay into the system if the town was required to increase the capacity. Mr. Arnold also stated that if the plant needs to expand that the expansion being discussed would provide the infrastructure for that to happen.

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

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

2. Ordinance No. 2011-1416 – An Ordinance amending Chapter 16 of the Windsor Municipal Code adopting certain regulations pertaining to administrative site plans for redevelopments

- Second Reading
- Legislative action
- Staff presentation: Joe Plummer, Director of Planning

**Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2011-1416, An Ordinance amending Chapter 16 of the Windsor Municipal Code adopting certain regulations pertaining to administrative site plans for redevelopments on Second Reading; Town Board Member Thompson seconded the motion.**

Director of Planning Plummer reported on the ordinance and reviewed the proposed new regulations which sets forth criteria to reference when administrative site plans for redevelopment or reuses are to be scheduled for site plan presentations before the Planning Commission and the Town Board. Mr. Plummer noted the Planning Commission recommended approval of the ordinance at their August 4, 2011 meeting and that the Town Board had approved the ordinance on first reading at their previous meeting. Staff also recommends approval of the ordinance.

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, Shanfelt, Thompson**  
**Nays – None. Motion carried.**

3. Resolution No. 2011-32 - A Resolution Extending the Deadline for the Town of Windsor and the City of Fort Collins to Take Certain Actions Under the Terms and Conditions of an Intergovernmental Agreement between the Town and the City Pertaining to the Development of the Interstate Highway 25 and State Highway 392 Interchange and the Area Surrounding that Interchange

- Legislative action
- Staff presentation: John Frey, Town Attorney

**Town Board Member Carrigan motioned to approve Resolution No. 2011-32; Town Board Member Bishop-Cotner seconded the motion.**

Town Attorney Frey reported on the resolution which extends the deadline of September 20, 2011 to December 6, 2011 to accomplish items set forth in the Intergovernmental Agreement with the City of Fort Collins. The extension will go before the Fort Collins City Council on September 20, 2011.

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

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

4. Resolution No. 2011-33 - A Resolution Approving an Oil and Gas Lease, and Related Terms, Between the Town of Windsor, Colorado, and Great Western Leasing, LLC, and Authorizing the Mayor to Execute the Same (Greenspire Subdivision Site)

- Legislative action
- Staff presentation: Ian McCargar, Town Attorney

**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2011-33; Town Board Member Melendez seconded the motion.**

Town Attorney McCargar addressed the Town Board regarding the resolution and noted it was one of two resolutions similar in form being presented to allow the Town to take advantage of an offer from Great Western Leasing to explore town owned mineral rights. The particular lease is related to mineral rights beneath town-owned property located in the Greenspire subdivision. The lease and terms were negotiated by Oil and Gas Special Counsel Ken Lind. Mr. McCargar noted that Mr. Lind negotiated the lease with terms that are advantageous as opposed to being forced pooled. The bonus is fixed at \$23,568 and the royalty is fixed at 20%. There is no surface activity on town-owned property in the Greenspire subdivision. The site, along with every oil and gas exploration sites in Windsor, will come before the Town Board for Conditional Use Grant review and approval.

Special Counsel Ken Lind stated the lease is a three-year lease and the company could commence work anytime in that three-year period. There are negotiations between the developers of Greenspire and Great Western Leasing; once the negotiations are finalized for surface rights it will then come before the Planning Commission and Town Board as a Conditional Use Grant application. There have not been any public hearings as of yet.

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

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Shanfelt, Thompson**

**Nays – None. Motion carried.**

5. Resolution No. 2011-34 - A Resolution Approving an Oil and Gas Lease, and Related Terms, Between the Town of Windsor, Colorado, and Great Western Leasing, LLC, and Authorizing the Mayor to Execute the Same (Diamond Valley Site)

- Legislative action
- Staff Presentation: Ian McCargar, Town Attorney

**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2011-34; Town Board Member Melendez seconded the motion.**

Town Attorney McCargar reported the oil and gas lease had been negotiated by Special Counsel Lind on behalf of the Town and was a similar arrangement as the lease approved with Resolution No. 2011-33. The area is located near the Diamond Valley Park site and has a much larger mineral acreage. This will result in a larger bonus of \$120,648 along with a 20% royalty which is dependent upon production. There will not be any surface activity on the park sites of the Town and a Conditional Use Grant will be required. The proposed drilling site is within the Town’s corporate limits but there will not be any surface activity on the park sites of the Town. Mr. McCargar noted the project will go through the Conditional Use Grant process and will be considered in a quasi-judicial setting.

Special Counsel Lind reported the lease has a much stricter timeframe than the lease Greenspire lease; it is a 15-month lease and has a drilling commitment by Great Western Leasing requiring the drilling of seven wells with the drilling commencing within 90 days after approval of permits, title and the Conditional Use Grant. Mr. Lind reported they estimate that happening within the next 90 days with drilling operations commencing this winter. The continuous drilling clause was noted with Mr. Lind stating the purpose of this type of lease was to provide minimal impact to the town and maximum drilling potential within a short period of time.

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

**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Shanfelt, Thompson**

**Nays – None. Motion carried.**

6. Resolution No. 2011-35 - A Resolution Making Certain Finding of Fact Concerning the Windsor Highlands Eleventh Annexation to the Town of Windsor, Colorado; Determining Substantial Compliance with Section 31-12-101, et seq., C.R.S., "The Municipal Act of 1965"; and Establishing Dates for Public Hearings before the Planning Commission and the Town Board
  - Legislative action
  - Staff presentation: Scott Ballstadt, Chief Planner

**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2011-35; Town Board Member Melendez seconded the motion.**

Associate Planner Fields reported on the resolution and noted the applicant proposes to annex portions of the right-of-way for Crossroads Boulevard the west half of the former right-of-way for Weld County Road 15 adjacent to the property master planned as Water Valley West property. The right-of-ways were not included in the original annexation in 1996 for the Windsor Highlands Annexations 1 and 2; Ms. Fields noted this was essentially a housekeeping item. The resolution establishes the public hearing dates as October 19, 2011 for planning commission and October 24, 2011 for town board. Staff recommends approval of the resolution.

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

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

7. Public Hearing – Conditional Use Grant for oil and gas well facilities to be located in an I-L, Limited Industrial, zoning district located north of and adjacent to US 34 and east of and adjacent to WCR 13 – Conrad Zeiler, Zeiler Farms, Inc., property owner/ John Krattenmaker, Petroleum Development Corporation, applicant
  - Quasi-judicial action
  - Staff presentation: Diana Aungst, Associate Planner

**Town Board Member Bishop-Cotner motioned to open the Public Hearing; Town Board Member Carrigan seconded the motion. Roll call on the vote resulted as follows:**  
**Yeas – Bishop-Cotner, Carrigan, O’Neill, Melendez, Shanfelt, Thompson**  
**Nays – None. Motion carried.**

Associate Planner Aungst reported on the conditional use grant application and noted the application was to drill seven oil and gas wells on the Zeiler Farms Annexation. The location of the wells is proposed to be approximately 900 feet north of US 34 and approximately 800 feet east of County Line Road. In addition to the seven new wells, one existing well will be relocated to the same pad site for a total of eight wells being served from one pad site. The location is currently being used for agricultural purposes and is zoned limited industrial. The applicant conducted a neighborhood meeting and the meeting notes were included in the Town Board packets. Ms. Aungst reviewed the application materials and requirements. The Planning Commission recommended approval of the Conditional Use Grant with the following conditions:

1. The applicant shall access the well site using the existing access road per the engineering department’s requirements;
2. The applicant shall maintain the access road and top with gravel as needed to control mud tracking;

3. The applicant shall use low-profile tanks and paint the equipment an earth tone to match the surrounding colors; and
4. In addition to the berm, the applicant shall install a vinyl-clad chain-link fence, six (6) feet in height without slats as a protective barrier around the entire site.

Ms. Aungst requested the following items be included in the Public Hearing record: application materials, staff memorandum and supporting documents, recommendation and all testimony entered during the public hearing.

It was noted that there had not been any comments received in opposition to the project in the meeting notes.

John Krattenmaker, Petroleum Development Corporation, addressed the Town Board and reviewed the area of where the drilling and wells would be located.

Mayor Pro-Tem O'Neill requested confirmation that the applicant concurred with the conditions set forth by the Planning Commission to which Mr. Krattenmaker stated he concurred.

**Town Board Member Bishop-Cotner motioned to close the Public Hearing; Town Board Member Carrigan seconded the motion. Roll call on the vote resulted as follows:  
Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Shanfelt, Thompson  
Nays – None. Motion carried.**

8. Conditional Use Grant for oil and gas well facilities to be located in an I-L, Limited Industrial, zoning district located north of and adjacent to US 34 and east of and adjacent to WCR 13 – Conrad Zeiler, Zeiler Farms, Inc., property owner/ John Krattenmaker, Petroleum Development Corporation, applicant – D. Aungst

- Quasi-judicial action
- Staff presentation: Diana Aungst, Associate Planner

Associate Planner Aungst stated that staff recommends approval of the Conditional Use Grant.

**Town Board Member Bishop-Cotner motioned to approve the Conditional Use Grant; Town Board Member Melendez seconded the motion. Roll call on the vote resulted as follows:**

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

9. Public Hearing – Conditional Use Grant for oil and gas well facilities to be located in an I-L, Limited Industrial, zoning district located south of SH 392 and east of SH 257 – Christopher Ruff, 392 Ventures, LLC, property owner/Vince Harris, Baseline Corporation, applicant's representative

- Quasi-judicial action
- Staff presentation: Elizabeth Fields, Associate Planner

**Town Board Member Bishop-Cotner motioned to open the Public Hearing; Town Board Member Carrigan seconded the motion. Roll call on the vote resulted as follows:  
Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Shanfelt, Thompson  
Nays – None. Motion carried.**

Associate Planner Fields reported on the Conditional Use Grant application and noted it is to drill 18 wells in the Ruff Second Annexation. The property is zoned limited industrial. Ms. Fields

provided a map of the proposed are and outlined where the drill site would be located. The drill site is located in a vacant agricultural area. The applicant held a neighborhood meeting with the notes from the meeting being included in the Town Board packet for review. Ms. Fields reported the applicant is proposing eighteen wells that will be drilled directionally from one drilling pad site; the drilling will be done in two phases with nine wells being drilled in each phase. The Planning Commission held their public hearing on August 17, 2011 and has recommended approval with the following conditions:

1. The applicant shall submit a copy of the required stormwater management plan to the Town's Engineering Department for review and approval;
2. The applicant shall apply for and receive approval for an access permit from the Colorado Department of Transportation for the new access to Highway 392; and
3. The applicant shall use low-profile tanks and paint the equipment an earth tone to match the surrounding colors.
4. The applicant shall address all of staff's comments prior to commencing drilling operations.

Rick Benning, representing the applicant, addressed the Town Board and provided a short power point of the project. The vicinity map was reviewed noting drilling is anticipated to start in October. The two phases will be determined as they are unsure of the number combination being drilled; such as 10 wells in Phase 1 and 8 in Phase 2, or 9 wells in Phase 1 and 9 in Phase 2. The applicant noted that the phasing allows for a much smaller footprint. All the wells will be directional wells and the applicant reported the proposal complies with the Colorado Oil and Gas Conservation Commission and Windsor Oil & Gas requirements.

Town Manager Arnold reported the drilling does not go as far as Diamond Valley.

Mayor Pro-Tem O'Neill requested confirmation that the applicant concurred with the four conditions set forth by the Planning Commission to which the applicant concurred.

**Town Board Member Carrigan motioned 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, Shanfelt, Thompson  
Nays – None. Motion carried.**

10. Conditional Use Grant for oil and gas well facilities to be located in an I-L, Limited Industrial, zoning district located south of SH 392 and east of SH 257 – Christopher Ruff, 392 Ventures, LLC, property owner/Vince Harris, Baseline Corporation, applicant's representative
  - Quasi-judicial action
  - Staff presentation: Elizabeth Fields, Associate PlannerAssociate Planner Fields stated she had not further comments.

**Town Board Member Bishop-Cotner motioned to approve the Conditional Use Grant; Town Board Member Carrigan seconded the motion. Roll call on the vote resulted as follows:  
Yeas – Bishop-Cotner, Carrigan, O'Neill, Melendez, Shanfelt, Thompson  
Nays – None. Motion carried.**

11. Diamond Valley Plaza Bid Update

- Staff presentation: Melissa Chew, Director of Parks & Recreation  
Manager of Parks & Open Space Willis reported that six qualified bids had been received for the Diamond Valley Plaza and concession restroom building project. The bid was comprised of a base bid with four alternates including the ballfield equipment, entry signage, foul polls and demolition of the existing cemetery field. The base bids came in very close although the lowest bid was higher than the engineer's estimate that was presented to the Town Board in June, 2011. The engineers estimate was based on the preliminary design prior to the inclusion of the structural components. McCauley Construction was the low bidder and both representatives of McCauley and Landmark Engineering were in attendance.

Possible project alternatives have been discussed with McCauley to bring down the cost of the project which were reviewed by Director of Parks & Recreation Chew. Ms. Chew provided an handout that provided two options for the project which she referred to as "Option 1" and "Option 2" in her discussion with the Town Board, a third option was also brought forward which related to redesigning or delaying the project. Option 1 included items that had been included in the 2011 budget for design, water and sewer and estimated costs to complete the project which takes the expenses over budget by \$410,827. Ms. Chew stated that several 2012 Capital Improvement Projects (CIP) related to the cemetery and Windsor Village Park irrigation renovation could be reprioritized to allow for that funding to be used on the Diamond Valley (DV) project. Reprioritizing the projects would bring the outstanding balance to \$121,827. Director of Finance Moyer noted that the outstanding balance could be covered in the CIP reserves. In this scenario, the project would be completed as it had been bid with the overage coming from CIP reserves and reprioritizing several CIP projects.

Option 2 provides for elimination of portions of the project; deletion of the playground, portions of the spectator canopy, deletion of landscaping and changes to seeding and irrigation; changes related to value engineering along with the reprioritization of the previously identified CIP projects. Ms. Chew provided a visual of what those changes would appear like, particularly the loss of the spectator canopy.

The area is the main entry into Diamond Valley as noted on the Master Plan; the entry sign will be an additional component of the project and is not included in the current bid.

The Town Board discussed various types of grasses that could be used with Ms. Chew noting that the use of native grass would be good for a warm up area but not suitable for a picnic area. Town Board Member Thompson preferred that the landscaping be done right the first time and noted that it sounded like if native grass was used that it would render the area useless except for warm up/practice areas. Town Board Member Carrigan disagreed and noted several types of native grasses that could be used and benefit the area.

Town Board Member Bishop-Cotner stated his preference for Option 1 as he is in favor of landscaping and shade and believes the playground component is important.

Ms. Chew recommended if Option 1 was chosen that the Town Board still pursue the value engineering reduction as it has no impact on the project itself for a savings of \$21,000.

Town Board Member Melendez concurred with Mr. Bishop-Cotner but stated her concern with the impact of the cost to complete the project as bid and the long-term maintenance of Diamond Valley and the maintenance.

Ms. Chew noted that the fields already exist and that the additional grass area would need to be mowed. Concessions would pay for itself and additional items such as cleaning restrooms, sweeping the trail, etc. was included in budgetary information the Town Board had received previously related to neighborhood parks.

Town Board Member Thompson inquired if the contract was a fixed price contract to which Ms. Chew stated yes. Ms. Chew noted there was a contingency and that any change order is subject to a fee.

Leon McCauley, McCauley Construction, was present to address questions from the Town Board. Town Board Members Melendez and Thompson inquired what the chances were that the project would go over bid. Mr. McCauley noted it is a lump sum contract with a fixed price at the bottom line. Mr. McCauley stated there could be an issue at the site could be with the mud volleyball pit as the last soil test had been completed in 2001. He also stated that this was a new project so there would be less of a chance of issues arising. It was also noted that the Town manages the contingency.

Mayor Pro-Tem O'Neill stated his support of Option 1.

Town Board Member Melendez asked if the changes between Option 1 and Option 2 would make a difference in the revenue that could be generated at Diamond Valley. Recreation Supervisor Warner stated that he believes landscaping is important as visitors will stay in Windsor, buy food in Windsor and tell others about the venue and its amenities. Mr. Warner noted that the fields could be rented out and they could be used starting early spring through fall for tournaments. Field rental for Triple Crown tournaments is at \$1,200 to \$1,500 per day.

Town Board Member Thompson requested that Town Board Member Carrigan be involved with the grass/landscaping decision. Town Manager Arnold noted that the grass discussion would be for another day; he recommended that the contract be approved and that options related to landscaping could be discussed later.

The Town Board discussed the options with a consensus that Option 1 was preferred.

**Town Board Member Thompson motioned to accept the low bid with Option 1 and include the value engineering; Town Board Member Carrigan seconded the motion. Roll call on the vote resulted as follows:**

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

## 12. Finance Report

- Staff presentation: Dean Moyer, Director of Finance

Finance Director Moyer reviewed the finance report and noted that August, 2011 had been a good month. It was noted that grocery, restaurant and liquor stores were leading the sales tax collections as has been the pattern this year. Sales tax collections may outpace collections in previous years; Mr. Moyer anticipates collections could surpass \$5M in 2011. Building permits

were still moving ahead at a strong pace with 170 single-family home permits issued this year which is well over the projected 103 new construction permits. Operating expenses are within projected guidelines having consumed 65% of the annual budget.

Mr. Moyer noted the assessed valuation decreased \$23M from what it was last year with a loss in property tax revenue for the 2012 budget at \$277,442.

13. 2012 Revenue Discussion

- Staff presentation: Dean Moyer, Director of Finance

Finance Director Moyer stated he was looking for verification that the Town was headed in the right direction related to revenue projections. Mr. Moyer noted the "Big Three" revenue sources of property tax, sales tax and construction use tax. Staff is proposing to base 2012 revenue projections from the average of three years; 2009 actual, 2010 actual and projected 2011.

The Town Board supported the process for 2012 revenue projections.

**D. COMMUNICATIONS**

1. Communications from the Town Attorney

Town Attorney McCargar stated he has been working on an analysis of the sales tax code related to a particular vendor which may create increased payments for future quarters and provide opportunity to collect what should have been paid.

2. Communications from Town Staff

No communications.

3. Communications from the Town Manager

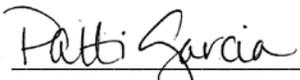
Town Manager Arnold reported there would be an executive session on September 26, 2011 regarding the Downtown Development Authority Intergovernmental Agreement (IGA). There will be additional discussions with the DDA in October and November regarding the DDA budget and the IGA.

4. Communications from Town Board Members

Town Board Member Thompson thanked the police department for getting a stolen bike returned in 24 hours.

**E. ADJOURN**

**Town Board Member Melendez motioned to adjourn the Regular Meeting; Town Board Member Bishop-Cotner seconded the motion.**



Patti Garcia, Town Clerk