



TOWN BOARD REGULAR MEETING

April 23, 2012 - 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 John Vazquez
Mayor Pro-Tem Kristie Melendez
Myles Baker
Don Thompson
Ivan Adams
Jeremy Rose (by telephone)
Robert Bishop-Cotner

Absent:

Also present: Town Manager
Town Attorney
Town Attorney
Town Clerk
Business & Development Manager
Chief of Police
Director of Planning
Chief Planner
Director of Parks & Recreation
Director of Public Works
Director of Finance
Director of Engineering
Director of Human Resources
Management Intern

Kelly Arnold
Ian McCargar
John Frey
Patti Garcia
Stacy Johnson
John Michaels
Joe Plummer
Scott Ballstadt
Melissa Chew
Terry Walker
Dean Moyer
Dennis Wagner
Mary Robins
Lindsey Blomberg

2. Pledge of Allegiance

Board Member Myles Baker led the Pledge of Allegiance.

3. Arbor Day Poster Contest Recognition

Mayor Vazquez and Tree Board liaison Don Thompson acknowledged the students that received awards.

4. 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 Adams seconded the motion. Roll call on the vote resulted as follows:

Yeas – Melendez, Baker, Thompson, Adams, Vazquez

Nays – None. Motion carried.

5. Board Liaison Reports

- Town Board Member Baker – Parks, Recreation and Culture Advisory Board (PReCAB); Cache La Poudre Trail Board Alternate
Town Board Member Baker reported that PReCAB would be holding a work session with the Town Board next Monday night.
- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Board
Town Board Member Thompson reported he had attended the Planning Commission meeting last week and is looking forward to new things. Mr. Thompson noted items that had been on the agenda including a site plan presentation by McDonalds and a referral from Weld County for Musket Corporation. The GOCO grant applied for by Great Western Trail Authority (GWTA)

“Safe Routes to School” is looking favorable and Mr. Thompson stated that he and Phil Boatright would be attending a fat tire mountain bike festival in Fruita, CO as the GWTA would like to promote a similar event. The Tree Board had a many events last week with the Arbor Day tree planning at Windsor Charter School and Grandview Elementary; a 5k race on and tree sale on Saturday and culminated with the awards ceremony earlier at the Town Board meeting. The next big event will be Sick Tree Day on June 26, 2012.

- Mayor Pro-Tem Melendez – Downtown Development Authority (DDA); Chamber of Commerce; North Front Range/MPO Alternate
Mayor Pro-Tem Melendez had nothing new from the Chamber of Commerce. The first MPO meeting she will be attending will be in May. The DDA met recently and due to the successful election will be proceeding on moving forward. Three committees have been established; Parking, Beautification and Marketing. Through the RFP process, a marketing company has been chosen by the DDA and a contract will be signed in a couple of weeks. Ms. Melendez noted the DDA would be co-sponsoring the Salsa in the Streets event on August 9th. It was also noted the Poudre Trail-a-thon would be held May 12 and that there was information on Cache la Poudre Trail website.
 - Town Board Member Rose – Water & Sewer Board; Planning Commission Alternate
Town Board Member Rose reported the next meeting of the Water & Sewer Board would be held in June.
 - Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board
No report.
 - Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT) report on 4th Monday of the month
Town Board Member Adams stated he was looking forward to working with the SALT group.
 - Mayor Vazquez – North Front Range/MPO
Mayor Vazquez reported that he would continue to serve the MPO representing Windsor and would work to bring Mayor Pro-Tem Melendez up to speed.
5. Proclamation Colorado Public Works Week
Mayor Vazquez read the proclamation.
6. Proclamation National Preservation Month
Mayor Vazquez read the proclamation.
7. Public Invited to be Heard
Wendell Bradley, 608 Meadow Drive, Windsor, addressed the Town Board and requested that if the board members feel the information he sent them was inaccurate or incorrect, to please contact him. Mr. Bradley stated his concern regarding the Colorado Oil & Gas Commission and how they use information and how they generate reports. Mr. Bradley went on to address several other concerns regarding fracking and stated he does not believe there is any benefit for supporting the industry.

Mark Crough, 8813 Longs Peak Circle, Windsor, stated his belief that Windsor is in a dangerous spot; he has been to many public hearings and meetings on the oil and gas issue and is concerned regarding the direction the industry is heading. He recommended the Town of Windsor get some air sampling done and requested that Windsor put a moratorium on any non-registered sites until more work can be done.

Mayor Vazquez stated he supports the air monitoring and believes that a lot that can be learned from that effort.

Gillian Christenson, 2025 N. Chimney Park Drive, Windsor, voiced support of a moratorium. She noted that fracking can be made safe but it has been pushed through rapidly and not given people the opportunity to find a safe route. A moratorium could give that safe opportunity.

Aaron Lore, 1004 Indian Trail Drive handed out copies of the Constitution and calculators to the Town Board signifying their work in upholding the foundation of governmental values and to remember to keep the budget in check.

Ted Holman, 971 Hemlock, Windsor, reported on his concerns regarding fracking stating he received a contract for fracking under his house; he will not sign it as he is opposed to it. He is concerned that the air quality will deteriorate, concerned with water quality and that there will be a blow out of a drill head. He supports a moratorium.

Diane West, Windsor, reported on an article read in the Coloradoan regarding a Denver study that found potentially toxic levels within a half mile of drill sites. She noted concerns regarding the Poudre River and that it is close to where the fumes will be exhausted.

B. CONSENT CALENDAR

1. Minutes of the April 9, 2012 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – Duke of Windsor – P. Garcia

Town Board Member Thompson motioned to approve the Consent Calendar as presented; Mayor Pro-Tem Melendez seconded the motion. Roll call on the vote resulted as follows:

Yeas – Melendez, Baker, Thompson, Adams, Vazquez
Nays – None. Motion carried.

C. BOARD ACTION

1. Resolution No. 2012-31 – A Resolution Appointing Kristie Melendez to Serve as the Mayor Pro-Tem for the Town of Windsor, Colorado, Pursuant to § 3.2 of the Windsor Home Rule Charter

- Legislative action
- Presentation: John Vazquez, Mayor
Town Board Member Thompson motioned to approve Resolution No. 2012-31; Town Board Member Adams seconded the motion.

The Town Board had consensus on the appointment with Mayor Vazquez noting it was important to find the best person to represent the community. He did not take part in the discussions but believes Ms. Melendez is the best candidate.

Mayor Pro-Tem Melendez thanked her fellow board members for their vote of confidence and stated she would work as diligently as former Mayor Pro-Tem O'Neill did and will do her best to fill the position.

Roll call on the vote resulted as follows:

Yeas – Melendez, Baker, Thompson, Adams, Vazquez
Nays – None. Motion carried.

2. Resolution No. 2012-32 - Resolution Appointing and Affirming Local Board and Commission Service by Current Town Board Members – J. Vazquez
 - Legislative action

- Presentation: John Vazquez, Mayor
Mayor Pro-Tem Melendez motioned to approve Resolution No. 2012-32; Town Board Member Thompson seconded the motion.

Mayor Vazquez stated that the advisory boards are critical in getting information to and from the various boards.

Roll call on the vote resulted as follows:

Yeas – Melendez, Baker, Thompson, Adams, Vazquez

Nays – None. Motion carried.

3. Outside Agency Funding Request – Alzheimer’s Association

- Staff overview, Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture
- Megan Balmforth, Alzheimer’s Association
Director of Parks, Recreation & Culture Chew stated the request is similar as those received in prior years. Megan Balmforth addressed the Town Board stated the Town had supported the Alzheimer’s Association for the past two years with approximately 320 people attending the event from the region. Ms. Balmforth stated that there are events in Windsor that residents attend.

Ms. Chew stated the reimbursement request was for the room rental cost of \$364; the \$140 of staff costs would be absorbed.

Mayor Vazquez commented that this event is one which taxpayer dollars are used for worthwhile cause that impact the community positively and supports the reimbursement request.

Town Board Member Adams motioned to approve the reimbursement request of \$364; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:

Yeas – Melendez, Baker, Thompson, Adams, Vazquez

Nays – None. Motion carried.

4. Electronic Street Sign Request

- Audrey Bacon, spouse of Windsor National Guardsman
Director of Public Works Walker reported on the request and referred to the memorandum and letter of request in the Town Board packet. Ms. Bacon has requested the use of the sign on May 6th on the west end of Windsor.

Town Board Member Thompson stated he had seen a welcome home sign in Loveland for a similar event and voiced his support of the men and women in uniform.

Town Board Members Adams and Baker concurred with Town Board Member Thompson.

Mayor Pro-Tem Melendez noted that it is important to state that this is an exception in the regular use of the sign so there are not any future issues.

Mayor Vazquez requested the Public Works Department add an American flag to the sign for the homecoming.

Audrey Bacon, 1536 Walnut Street, thanked the Town Board for their consideration.

Town Board Member Thompson motioned to authorize the use of the electronic sign on May 6th and accessorized with an American flag for the Bacon family; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

Yeas – Melendez, Baker, Thompson, Adams, Vazquez

Nayes – None. Motion carried.

5. Site Plan Presentation – McDonalds Restaurant – Mark House, McDonald’s USA LLC, applicant/David Bednar, URS Corporation, applicant’s representative

- Staff presentation: Elizabeth Fields, Associate Planner
Associate Planner Fields addressed the Town Board and noted this would be the only opportunity for them to review the application. The McDonald’s restaurant is located in a General Commercial zone at 1601 Main Street in Windsor and the applicant is requesting to remodel the existing restaurant. The proposed improvements include a re-designed building exterior with a dark brown façade, new branding and signage; the existing stone façade and trellis will remain intact. The proposed site work includes painting the existing trash enclosure to match the proposed façade, new striping and updated menu boards and ordering systems.

The corridor plan state the color should be an earth tone and brown falls into that category. Comments received from the Town Board will be taken under consideration. Ms. Fields noted the architects had chosen a lighter shade of brown but the owner requested the darker shade. At the April 18, 2012 Planning Commission meeting, the members voiced concern regarding the dark brown façade and stated they would like to have it painted a shade lighter.

The Town Board discussed the shade of brown that should be used.

Mark House, representing the applicant, stated they were open to whatever color that they would like.

Town Board Member Thompson offered that since the color was the only issue that the owner should be requested to use the lighter color.

Mayor Vazquez reported the Code doesn’t say it can’t be a darker color; there is nothing definitive in the Code that prohibits the darker color if the owner is willing to pay for it to be remodeled.

Mayor Pro-Tem Melendez stated that the remodel would be a substantial improvement from a marketing standpoint.

Town Board Member Baker commented that he hopes it spurs more redevelopment in that area.

Mayor Vazquez wrapped up the discussion by stating if the owner wishes to voluntarily use a lighter color it may appease the Planning Commission but the Town Board would be satisfied with the color that has been chosen.

6. Public Hearing – Conditional Use Grant for oil and gas well facilities in the Residential Mixed Use (RMU) zoning district – West of 7th Street and north of Crossroads Boulevard in the South Hill Subdivision - Clayton Doke, Peterson Energy Management Inc., applicant’s representative/Martin Lind, Frye Farm Investments LLC., property owner

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Chief Planner
Town Board Member Thompson motioned to open the Public Hearing; Mayor Pro-Tem Melendez seconded the motion. Roll call on the vote resulted as follows:
Yeas – Melendez, Baker, Thompson, Adams, Vazquez
Nayes – None. Motion carried.

Mayor Vazquez provided an overview of how the public hearing would be administered; that staff would provide the background information, the applicant would then have opportunity to address the topic, then it would be open to comments from the public. Mr. Vazquez requested that

comments be relevant to the application and requested that people not be repetitive in their comments.

Town Attorney McCargar added that this was the Town Board's opportunity to receive evidence on which their decisions would be made. All the information received must be brought forward during the public hearing; it is not time for opinions to be expressed. The following agenda item is when the Town Board is to discuss what they heard and how it affects their decision on the application.

Chief Planner Ballstadt reviewed the Conditional Use Grant Application submitted by Tekton Energy and provided a power point presentation with the factual data. The application is requesting approval of 12 oil and gas wells on Tract A of the South Hill Subdivision. Mr. Ballstadt stated that based on the application materials, the wells will be drilled directionally from one pad site that will serve all twelve wells. This site is approximately 1/3 miles south of the nearest residence in Hilltop Estates.

Mr. Ballstadt reviewed the Code requirements and stated the Planning Commission voted at April 5, 2012 meeting to recommend approval with the conditions as listed in the Town Board packet:

1. Prior to the commencement of drilling, the applicant must submit the following information for review and approval by the Town:
 - a. The applicant shall submit a comprehensive Initial Drilling and Site Improvement Plan regarding drilling activities and initial installation of related site improvements details pertaining to all of the following:
 - (1) Site access plan. This item shall address permitting and approval of a driveway access on Crossroads Blvd. including permitting, access paving, culvert design, drainage and other improvements to the driveway access point on Crossroads Blvd.
 - (2) Public street clean-up and tracking prevention. This item shall include a tracking pad to be reviewed and approved by the Town.
 - (3) Site grading. This item shall address proposed site grading, including any earth berms for emergency containment.
 - (4) The following notes and certification blocks shall be included on the Initial Drilling and Site Improvement Plan:
 - i. The applicant shall comply with all rules and regulations of the Colorado Oil and Gas Conservation Commission.
 - ii. The facilities shall be kept clean and otherwise properly maintained at all times.
 - iii. A signed owner's acknowledgement certification block.
 - iv. The access permit for the current access to Crossroads Blvd. shall only be approved for temporary agricultural and oil and gas well activities. This access point is temporary and will be required to be removed at such time that permanent access is available in the future.
 - b. The applicant shall submit a comprehensive Perpetual Maintenance Plan regarding the on-going life of the wells that includes, but is not limited to, details pertaining to all of the following:
 - (1) Site access plan. This item shall address permitting and approval of a driveway access on Crossroads Blvd. including permitting, access paving, culvert design, drainage and other improvements to the driveway access point on Crossroads Blvd.
 - (2) On-going public street cleaning. This item shall include a tracking to be reviewed and approved by the Town.

- (3) Site lighting. This item shall include details regarding site lighting fixtures and locations. Security and other site lighting shall utilize full cutoff light fixtures to mitigate light pollution.
- (4) The following notes shall be included on the Perpetual Maintenance Plan:
 - i. The applicant shall maintain compliance with all rules and regulations of the Colorado Oil and Gas Conservation Commission.
 - ii. The facilities shall be kept clean and otherwise properly maintained at all times.
 - iii. A signed owner's acknowledgement certification block.
 - iv. The access permit for the current access to Crossroads Blvd. shall only be approved for temporary agricultural and oil and gas well activities. This access point is temporary and will be required to be removed at such time that permanent access is available in the future.
- c. The applicant shall obtain any applicable building permits from the Town prior to constructing any improvements on site.
- d. The applicant shall address and comply with the conditions of Windsor Severance Fire Rescue.
2. The following conditions of approval shall be incorporated into the aforementioned plans for review and approval:
 - a. The applicant shall utilize electric motors in order to mitigate the noise impacts on the adjacent residential neighbors.
 - b. The applicant shall ensure that the wells and tanks are of the minimum size required.

Jerry Sommer, CEO of Tekton Energy addressed the Town Board noting Tekton is an Oil & Gas exploration and development company. The company is relatively new at 16 months old. The individuals that make up the company have been involved in oil and gas for decades. Mr. Sommer introduced his team to the Town Board. He stated that fracking is not a new idea as it was patented in 1947.

Andy Peterson, Peterson Energy Management, stated he has worked in this area for over 30 years and noted that the more that people know about the business will help them not to fear it. Mr. Petersen reviewed the pad layout and note that drilling is to start in May.

Mr. Sommers reported that he has done project all over the world and sought out this project and a partnership; the partner they found was Martin Lind and the majority of the project will be located in Water Valley. Their goal is to be a good neighbor to Windsor and desires accountability.

Mr. Sommers stated he came from the company that invited fracking; he reviewed the process and noted it has been done for decades. He noted the fracture simulation along with research that Amoco has done. He reported on the mapping of micro-seismic height and noted the depth of well water compared to the much deeper drilling depths. He noted there is over a mile of solid rock between the well depth and where the drilling occurs.

Mayor Vazquez opened the meeting for public comment.

Jill Burzinski inquired of Mr. Sommers that as part of Tekton being a good neighbor if they were going to take care of water & air quality.

Steve Zelnick stated he has been in the water quality business for 30 years and that is his area of expertise. He wanted to advise the applicant and Town Board that there are tools and a means to get information regarding water testing.

Andy Petersen stated that there isn't any water on the hill; in the areas that are off the hill Tekton will voluntarily sample the water. He is unsure how to check the air pollution but stated that Tekton follows all the rules and regulations as noted by law. Mr. Petersen added that they go to the highest extent possible to protect the environment and would need to defer to other authorities to check the air quality.

Mark Crough stated he does not believe his neighborhood has been notified of the drilling. MR. Crough stated that under the COGCC that NOAA found air quality violations ten times the acceptable level in Erie, CO which were related to the drilling in the area. Mr. Crough reported he has done research on fracking and noted that New York and New Jersey do not allow the practice in their states. He stated that France no longer allows it. Mr. Crough appealed to the Town Board to maintain the quality of life in Windsor.

Mayor Vazquez stated that there is quite a bit to learn on both sides of the issue and the Town Board is willing to learn and evaluate the data.

Town Attorney McCargar asked if the applicant was amenable to having the power point provided by Chief Planner Ballstadt and all packet materials to be entered into the permanent record; Mr. Sommers agreed to have the materials entered into the record.

Aaron Lore stated that he agrees with the regulations and that the Town needs to go through the process. He stated that citizens can help steer the process; the political part is what has caused this issue and there is no solid data.

Diane West asked if radioactive materials were used in fracking; Mr. Petersen stated they are not. Ms. West also stated concern regarding what would happen to the pipes in an earthquake; Mr. Petersen noted they cannot rule out a catastrophic event but he does not know of earthquake activity related to fracking. Mr. Peterson stated that records show that there are currently 17,000 active oil and gas wells in Weld County with a majority of them hydraulically fractured.

Sarah Landry, Community Outreach Coordinator at the Colorado Oil & Gas Association stated that property values from 2000-2010 in Weld County increased 38% and assessed property values increased 138%; property values have not been affected negatively by the oil & gas industry and noted a study that proved that fracturing does not contaminate water. The rules that are coming into effect through the EPA in 2015 are following Colorado's rules. Ms. Landry also stated she had just received a report regarding the air quality in Erie stating it was safe despite elevated propane levels. She also recommended citizens visit fracfocus.org to receive information regarding chemicals used at particular wells. Ms. Landry also encouraged people to look on the COGCC website for updated and current information and reports.

Martin Lind addressed the Town Board and noted this is about land use and it was difficult to argue the fact that he cares about land use. Mr. Lind stated that concerns were brought forward and addressed during neighborhood meetings. The wells have been placed in strategic areas on his land so they would not inhibit the surroundings; he has not had any complaints regarding odor or noise and he noted that his office is near the operations. Mr. Martin stated that the assessed valuation has increased and if done responsibly, the industry will benefit the town.

Mayor Pro-Tem Melendez motioned to close the public hearing; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Melendez, Baker, Thompson, Adams, Vazquez
Nays – None. Motion carried.

7. Conditional Use Grant for oil and gas well facilities in the Residential Mixed Use (RMU) zoning district – West of 7th Street and north of Crossroads Boulevard in the South Hill Subdivision - Clayton Doke, Peterson Energy Management Inc., applicant's representative/Martin Lind, Frye Farm Investments LLC., property owner

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Chief Planner
Town Board Member Thompson motioned to approve the Conditional Use Grant; Town Board Member Adams seconded the motion.

Town Attorney McCargar advised the Town Board that all the evidence that they are to rely on has been presented during the public hearing.

Mayor Vazquez asked what would happen if the Conditional Use Grant (CUG) was denied. Town Attorney McCargar stated if a company takes action in violation to the Code that the Town could sue and enjoin it. The Town would need to overcome the rules and regulations of the OGCC and if our rules would supercede theirs; which they don't.

Mayor Vazquez stated that he will support the CUG because we can't have a moratorium on a whim; there would need to be a reason, not just running interference on a business.

Town Attorney McCargar noted that a moratorium must be reasonable in its duration and stated there would need to be a legislative reason behind it.

Town Board Member Adams noted the request is regarding land use and not a moratorium on the industry; he supports the land use by what he has heard tonight.

Mayor Pro-Tem Melendez stated she appreciated the passion coming from both sides, but there is overwhelming evidence in support of the applicant.

Town Board Member Thompson stated that the water and air quality must be tested and that the applicants should know how to conduct those tests.

Town Board Member Baker requested that the water test result be made public; he understands that we don't have much local control but doesn't want to see the Town in litigation when it doesn't need to be.

Roll call on the vote resulted as follows:

Yeas – Melendez, Baker, Adams, Vazquez
Nays – Thompson. Motion carried.

8. Presentation of Planning Commission recommendation regarding Weld County referral – Use by Special Review (USR12-0005) for a transloading facility for the loading and transport of crude oil by rail – Clay Drake, Windsor Renewal 1, LLC, property owner/Bruce Bowden, Musket Corporation, applicant

- Staff presentation: Scott Ballstadt, Chief Planner
Chief Planner Ballstadt addressed the Town Board and noted the presentation of the Planning Commission's recommendations regarding the Weld County referral for Musket Corporation's proposed Use by Special Review (USR) for a transloading facility where crude oil would be transported for oil wells throughout northern Colorado to the site for offload into existing tanks and trains for further transport to refineries by rail.

As there are issues related to the Growth Management Area, sanitary sewer service, traffic impacts and related improvements, master drainage plan impacts and containment requirements it was recommended that Weld County deny the USR and refer the applicants to Windsor for annexation. The Planning Commission concurred with the recommendation and is forwarding the USR to the Town Board due to the issues.

The property is located within the Town's Growth Management Area; the subject USR proposes direct access to Town streets and proposes that the Town provide sewer sanitary sewer service. Although the USR questionnaire reflects annexation has been discussed with the Town; the information is incorrect. The applicant has not discussed annexation with the Town.

The referral materials reflect that water is proposed to be provided by Greeley. The applicant has reported that sewer service would be provided by the Town of Windsor using existing infrastructure owned by Kodak; the applicant has not submitted a request for sanitary service to the Town. The Town does provide sanitary sewer service to all the surrounding former Kodak facilities.

The referral materials did not address traffic impacts as the applicant has noted that they anticipate generating approximately 212 daily trips. Mr. Ballstadt explained that the truck traffic would travel east of SH 257 on SH 392 and not west through Windsor. It was noted that the haul routes should be clarified and memorialized in the Traffic Impact Analysis and development agreements.

There are additional concerns with the impact of the rail on future construction of a large drainage channel identified in the Town's Drainage Master Plan.

The USR has been scheduled for consideration at the May 1, 2012 Weld County Planning Commission Meeting and the May 16, 2012 meeting of the Board of County Commissioners.

Town Manager Arnold asked Mr. Ballstadt that if he would be forwarding on the recommendation from the Planning Commission if the Town Board could add a referral as well. Mr. Ballstadt noted that the Town Board could send a referral based on discussions at the board meeting; the deadline for comments and recommendations is Friday. It was noted that parallel recommendations could be provided but in this instance, the Planning Commission wanted to assure the Town Board was aware of the process.

Board Member Adams stated the two concerns he found in the recommendation were the roads (transportation) and water (sanitary/sewer service and drainage).

Town Manager Arnold stated he and Town Attorney McCargar had met with the developer last Thursday and had discussed the outstanding issues related to the referral. At the conclusion of the meeting the points were discussed in depth, particularly the sanitary/sewer issue. The purpose of the meeting was an opportunity to discuss the referral as a formal issue and what could be done regardless of annexation. It was a discussion of what the landowner could commit to regarding the issue as opposed to what they believe the Town Board would want. They tried to drill down to a utility agreement with the property with the Town providing sewer.

Town Attorney McCargar stated that the Town does not need to serve outside its corporate limits. The developer wants Windsor to serve them with sanitary sewer and not have a temporary use. Mr. McCargar noted that we agreed to service Owens Illinois for five years

and they were outside of the corporate limits; the difference is that there was a plant onsite and an industry. Developers do not know what is happening to this site, don't want to commit to annex as they don't know what they will be doing with property, and don't know what we would do regarding land use regulations.

Town Board Member Thompson asked how payments would be addressed; Town Attorney McCargar stated they would be addressed through rates.

Clay Drake, owner/representative, stated the conversation with Town Manager Arnold and Town Attorney McCargar was not to pursue annexation as they don't have any plans in mind for the property. They have a temporary situation of a five year lease on a ten acre parcel.

Mayor Pro-Tem Melendez asked if the sewer/drainage issues have been resolved. Mr. McCargar stated that Town and owner representatives have discussed a stand-alone sanitary/sewer agreement without a specific annexation commitment.

Mayor Pro-Tem Melendez asked where they were with the transportation. Mr. Drake stated that he believes that Kodak Drive can be used as recommended. It is not direct and cannot commit to it; but can work with them to make the recommendation.

The Town Board discussed concerns regarding containment of the oil. It was noted there is a plan in place for employees working will be trained to work with any small spills; an emergency response team can be called in for any issued beyond an employee's control.

Mayor Vazquez recommended to tie the containment into the main containment so that any spills would go into the main containment area. He noted concerns of failure close to the Poudre River and stated they may want to invest in improvements. Mayor Vazquez requested there be continued dialogue regarding the secondary containment on the offloading and the barrel storage.

Mayor Vazquez stated he was comfortable with the sewer as long as we are not taking on any industrial waste. Small steps of prevention make up a lot of miles in safety.

Town Manager Arnold stated that if the Town Board is amenable to the direction the discussion is going, then there needs to be a discussion. The referral needs to stay in place as there is nothing in writing.

Mayor Vazquez requested there be continued dialogue regarding the secondary containment on the offloading and the barrel storage.

Town Board Member Adams motioned to support the recommendations of the Planning Commission's referral with the additional language that the Town Board is having ongoing discussions with the property owner and the applicant; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Melendez, Baker, Thompson, Adams, Vazquez

Nayes – Motion carried.

9. April 2012 Municipal Election Report

- Staff presentation: Patti Garcia, Town Clerk
Town Clerk Garcia reported the April 2012 election had gone smoothly and was under budget. Voter turnout was normal and Ms. Garcia recommended the continued use of mail ballot elections.

10. Financial Report

- Staff presentation: Dean Moyer, Director of Finance
Director of Finance Moyer provided an overview of the financial report included in the Town Board packet. It was noted that the Town had the highest first quarter in sales tax collection since we have been keeping records. He reported that 91 single family home permits were issued through the end of March. Construction use tax collections are ahead of schedule. If the Town continues on the same track it will generate \$5.7M in sales taxes in 2012.

D. COMMUNICATIONS

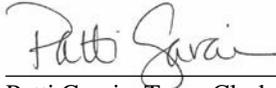
1. Communications from the Town Attorney - Town Attorney McCargar reported that in mid-November that Martin Lind had requested to extinguish some conservation easements; we agreed with the conditions. The agreement has been worked over by legal counsel and two of the easements will be extinguished and a third has another owner which will be dealt with at a later time.
2. Communications from Town Staff – Lindsey Blomberg, Management Intern, reported on information regarding strategic planning that was included in the Town Board packet.
3. Communications from the Town Manager – Town Manager Arnold reviewed the work session schedule and topics.
4. Communications from Town Board Members
Mayor Pro-Tem Melendez requested opportunity for the electronic message board policy to be addressed.
Board Member Adams thanked staff for the time spent during orientation.

E. ADJOURN

Board Member Adams motioned to adjourn; Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Melendez, Baker, Thompson, Adams, Vazquez

Nays – Motion carried.



Patti Garcia, Town Clerk