



KERN BOARD REGULAR MEETING
May 9, 2011
Immediately Preceding Regular Town Board Meeting
Town Board Chambers – 301 Walnut Street
Windsor, CO 80550

MINUTES

1. Call to Order

President Vazquez called the meeting to order at 6:00 p.m.

2. Roll Call of Directors Present

The following Board members were present:

President John Vazquez
Vice President Matthew O'Neill
Secretary Jon Slater
Robert Bishop-Cotner
Mike Carrigan
Kristie Melendez
Don Thompson

Others present:

Kelly Arnold, Town Manager
Ian McCargar, Town Attorney
Dean Moyer, Director of Finance
Patti Garcia, Town Clerk

3. Approval of Minutes from May 9, 2011 Board of Directors Meeting – P. Garcia

Secretary Slater motioned to approve the minutes as presented; Board Member Carrigan seconded the motion. Roll call on the vote resulted as follows:

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

4. Approval of Bills – D. Moyer

Finance Director Moyer reported on the bills included in the packet and noted the payment to J-2 Contracting which was for a project to upgrade the Town's SCADA system through our decree with the lake. The Town is approximately 99% done with the SCADA system installation. The rest of the bills are related to Clearwater Solutions and bills for legal counsel.

Secretary Slater motioned to approve the bills as presented; Board Member Thompson 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.

5. Lake Osterhaut briefing – K. Arnold

Town Manager Arnold reported on the Lake Osterhaut "mystery" and noted it started approximately 45 days ago with a phone to him from the Weld County Treasurer's office. They inquired if the Town of Windsor would like to own the rest of the Lake Osterhaut. Mr. Arnold was not aware that a portion of the lake was owned by the Town. Windsor Grasslands LLC who has owned a portion of the lake has gone bankrupt and was in default. Mr. Arnold provided an aerial view of the lake and noted the two parcels being discussed which includes the trail, shoreline and the retention basin for the development. The Treasurer noted the Grasslands HOA did not want to purchase it. Research of the Assessors records back to 1907 do not show Windsor as the owner; staff is now researching record of ownership and find out how it got subdivided and became part of the development.

Town Manager Arnold stated he is looking at the interest level of the Town owning the whole lake; and if it's a good thing or not. Staff has found a 1979 agreement between two parties for use of the water but does not believe it has anything to do with ownership. If the Board is interested it can probably be purchased fairly cheap. Additionally, counsel is researching who has the water rights.

Director of Engineering Wagner is researching the roadway that is now 257; it didn't always go through and the state highway department laid that line. That could possibly provide information as to who provided permission to cut across the area.

Mr. Arnold noted there is no action, this item is for discussion purposes.

Town Attorney McCargar stated that Stewart Title has offered to investigate the title to the lower third of the lake; the upper third there is no legal activity prior to 1907. If it can be tracked down we may be able to find out who owned the entire lake. The title company offered to research the issue on an hourly basis with a cap on fees which would be an action item by the Board if that is direction that is determined to go.

The Board determined they were comfortable with spending some money to research the issue further.

6. Communications

Town Attorney McCargar stated the opening briefs on the Weinmeister case are due in early June so the reply briefs will be due in July.

Mr. McCargar also noted a meeting had been held with the Kern Reservoir and Ditch Company previous legal counsel acknowledging their work and history on the Kern.

Mr. McCargar also noted the letter submitted in the packet from Brad Gasmick regarding the Front Range Energy water case.

7. Adjourn

Secretary Slater motioned to adjourn; 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.**


Patti Garcia, Town Clerk