

TOWN BOARD REGULAR MEETING

August 27, 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
Jeremy Rose
Robert Bishop-Cotner
Ivan Adams

Also present:	Town Manager	Kelly Arnold
	Town Attorney	Ian McCargar
	Town Clerk	Patti Garcia
	Management Assistant	Lindsey Blomberg
	Business Development Manager	Stacy Johnson
	Chief of Police	John Michaels
	Director of Planning	Joe Plummer
	Chief Planner	Scott Ballstadt
	Director of Engineering	Dennis Wagner
	Director of Human Resources	Mary Robins
	Director of Public Works	Terry Walker

2. Pledge of Allegiance

Town Board Member Adams 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 Manager Arnold requested the addition of Consideration of Waiver of Hydrant Water Limitations for the Windsor Readiness Center for Irrigation Use; Mayor Vazquez stated it would be added as action item #15.

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

Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez

Nays – None. Motion carried.

4. Board Liaison Reports

- Town Board Member Baker – Parks, Recreation and Culture Advisory Board; Cache La Poudre Trail Board Alternate
Town Board Member Baker reported the Parks, Recreation and Culture Advisory Board would be meeting on September 4, 2012.
- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Board
Town Board Member Thompson reported that the Tree Board would be meeting on Tuesday evening. The Great Western Trail Board is waiting on grant funds to come through which will delay trail upgrades; they are currently focused on the bike rodeo at Eaton Middle School on September 8.

Town Board agenda items C.4. through C.13. are the result of the past Planning Commission Meeting.

- Mayor Pro-Tem Melendez – Downtown Development Authority; Chamber of Commerce; North Front Range/MPO Alternate
Mayor Pro-Tem Melendez stated the Chamber of Commerce and the MPO would be meeting in September. The Downtown Development Authority met on August 15 to review the results of the parking study; information will be provided to the Town Board at their September 10 work session. The Beautification Committee is working on getting new benches and trash cans installed downtown along with the planting of trees. The Marketing Committee has created a bookmark that provides upcoming event schedules and contact information.
- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate
Town Board Member Rose noted the Windsor Housing Authority would be meeting September 18, 2012.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board
Town Board Member Bishop-Cotner reported that Clearview Library rolled out their strategic plan on August 14 and noted it was well received by the public. Their next meeting will be on Tuesday.
- Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)
Town Board Member Adams reported that the Cache La Poudre Tail Board would be meeting next Thursday and that SALT held an island party last week.
- Mayor Vazquez – North Front Range/MPO

5. Public Invited to be Heard

Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Town Board.

*Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three **(3) minutes**. Written comments are welcome and should be given to the Town Clerk prior to the start of the meeting.*

Bill Miller, Windsor resident, handed out photos of separators which are used in the oil and gas industry and also left safety data sheets that are to be distributed to the Town Board. Mr. Miller recommended that the Town look at the example from the Town of Erie which will considering an ordinance on the matter on tomorrow.

B. CONSENT CALENDAR

1. Minutes of the August 13, 2012 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – Senor Jalapeno, Tavern License – P. Garcia
3. Resolution 2012-58 - Accepting Trail Easement Deed from PVREA – I. McCargar
**Town Board Member Rose motioned to approve the Consent Calendar as presented; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:
Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion carried.**

C. BOARD ACTION

1. Outside agency Funding Request – Reflections for Youth
 - Staff presentation: Kelly Arnold, Town Manager

- Agency Request: Anna Waser, Reflections for Youth
Town Manager Arnold reported on the agenda item and noted the request for a reimbursement of \$400 for the disc golf tournament being held on September 15, 2012.

Representatives of Reflections for Youth addressed the Town Board noting it was requested of the participants to hold the event in Windsor. They stated it is a family-friendly event. There has been extra costs incurred related to working with the Town on the event which included providing their own sanitation and adding the Town of Windsor to their insurance as an additional insured. They have worked with Our Lady of the Valley Church to provide for grilling space.

Town Board Member Thompson inquired if they had worked with the Parks and Recreation Department on the event; the representative stated they had been working with the Town.

Town Board Member Adams stated the he believes it would be a good event for the kids and the community.

Town Board Member Rose requested to codify a plan on how the Town Board moves forward with these types of requests due to the number of requests that have been coming forward for consideration.

Mayor Pro-Tem Melendez stated that she would like to have more information on how the dollars are used, how many people are in the organization and how many are supported by the organization along with an operations budget. Ms. Melendez stated that Town funds should be going to those organizations that are smart with their dollars.

Mayor Vazquez that community dollars should be used to support activities that are used by Windsor residents. This is an event that supports kids in Northern Colorado and Windsor and Mayor Vazquez voiced his support of the request.

Town Board Member Adams motioned to approve the Outside Agency Funding Request for Reflections for Youth; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion carried.

2. Public Hearing – New Tavern Liquor License for Patti-Sox LLC dba Soxy's, 7900 Fairgrounds Avenue, Windsor, CO 80550. Applicants: Adam Visocky and Chris Patti

- Quasi-judicial action
- Staff presentation: Patti Garcia, Town Clerk; John Michaels, Chief of Police

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

Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion carried.

Town Clerk Garcia reported the application had been submitted on July 20, 2012 with the appropriate fees and documentation. In order to prove the reasonable requirements of the neighborhood would be met along with meeting the needs and desires of the adult community, the applicant submitted signed petitions with the application packet.

Police Chief Michaels reported the background check on the applicants came back satisfactory and that the premise diagram included in the packet was accurate.

The applicants, Adam Visocky and Chris Patti, addressed the Town Board and provided an overview of their operations stating their intent is to provide a higher level of service for the eating establishment and to provide a place for adults to have a drink, if desired. The tavern would be open on a regular basis, generally in the afternoon and evening and the applicants stated it could be open as early as 6:00 a.m.

Mayor Vazquez inquired what protocols were in place to assure there would not be any underage service. Chris Patti, applicant, reported there are two programs in place, one being a training program and the other being a testing of employees to assure they are requesting identification from anyone that appears under the age of 35.

The Mayor requested all application materials and public hearing record be part of the permanent record; the applicants concurred.

Mayor Vazquez opened the meeting for public comment.

Sally Hill, Arena Sports, operations manager for a licensed premise next door to the requested premise, addressed the Town Board with the following concerns: the population that would be serviced as she believes a large population of those that would be at Soxy's would be youth; with the times of operation noted by the applicant there would be alcohol available all the time; based on the diagram, the front entrance is located eight feet from the exit of her establishment; and concern with the possible use of using the space out the exit as a patio for smoking.

Mr. Patti responded that there are double doors that lead to the exit are a fire exit hooked to an alarm; if the doors open an alarm goes off and noted that there would not be any smoking allowed outside of the exit. Mr. Patti stated that they are a food-based tavern and the intent is to bring the service and food options up to where it should be and enhance that with alcohol service for the adult patrons. It was noted that if the alcohol service is for the patrons of the ice rink but it will be open for anyone who wants to come to Soxy's. Mr. Patti stated that it is very clear where the alcohol service is allowed and a partition is being built that shows the designated, responsible drinking areas in the building. The food menu will be available at all times and they are not focused on serving alcohol at 6:00 a.m. but it is not ruled out.

Town Attorney McCargar advised the Town Board that their responsibility is the consideration of the needs and desires of the neighborhood; the operations are the responsibility of liquor enforcement.

Town Board Member Bishop-Cotner motioned to close the Public Hearing; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez

Nays – None. Motion carried.

3. Consideration of a New Tavern Liquor License for Patti-Sox LLC dba Soxy's, 7900 Fairgrounds Avenue, Windsor, CO 80550. Applicants: Adam Visocky and Chris Patti

- Quasi-judicial action
- Staff presentation: Patti Garcia, Town Clerk; John Michaels, Chief of Police

Town Board Member Bishop-Cotner motioned to approve the Tavern Liquor License for Patti-Sox LLC dba Soxy's; Town Board Member Baker seconded the motion.

Mayor Vazquez stated the petition supports the criteria of meeting the needs and desires of the neighborhood. He additionally looks at the character of the applicant, particularly when there are children involved.

Town Board Member Bishop-Cotner voiced support of the application noting the community support indicated from the petition.

Town Board Member Thompson stated he appreciated the concerns brought forward by Ms. Hill.

Roll call on the vote resulted as follows:

Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez

Nays – None. Motion carried.

4. Public Hearing – Public Hearing and Ordinance Amending Chapter 16 of the Windsor Municipal Code Concerning Conditional Use Grants for E-1 zoned properties three (3) acres or greater in size

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

Mayor Pro-Tem Melendez motioned to open the Public Hearing; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion carried.**

Director of Planning Plummer reported the agenda item was pursuant to a citizen request to allow Conditional Use Grants (CUG) in E-1 zoned properties. Mr. Plummer reported the concept of amending the Municipal Code to permit property owners of E-1 zoned properties which are a minimum of three acres in size to apply for conditional use grants has been brought forward for consideration. The amendment would allow owners of large lots to apply for home businesses through the CUG process. There are currently 508 lots in the E-1 zoning district with 18 of the lots being three acres or more in size. The Code amendment would provide for the option for those who meet the conditions in the E-1 zone to go through the CUG process. Mr. Plummer noted that having it in the Code would not automatically approve any CUG application. The proposal was referred to the Planning Commission on August 15, 2012; the Planning Commission recommended approval as presented.

The Mayor opened the meeting for public comment, to which there was none.

Town Board Member Adams motioned to close the Public Hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion carried.**

5. Ordinance No. 2012-1436 - Amending Chapter 16 of the Windsor Municipal Code Concerning Conditional Use Grants for E-1 zoned properties three (3) acres or greater in size

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

Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2012-1436; Amending Chapter 16 of the Windsor Municipal Code Concerning Conditional Use Grants for E-1 zoned properties three (3) acres or greater in size; Town Board Member Thompson seconded the motion.

Director of Planning Plummer had no further comments and noted the Planning Commission recommended approval of the ordinance as presented and that staff concurred.

Roll call on the vote resulted as follows:

**Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion carried.**

6. Public Hearing – Conditional Use Grant for oil and gas well facilities in the Limited Industrial (I-L) zoning district – Diamond Valley Subdivision Fourth Filing, Lots 5 and 6 – Clayton Doke, Peterson Energy Management, Inc., applicant’s representative/Jerry Sommer, Tekton Windsor, LLC, applicant/Martin Lind, Diamond Valley, LLC, property owner

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

Mayor Pro-Tem Melendez motioned to open the Public Hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion carried.**

Associate Planner Fields reported the applicant, Mr. Clayton Doke, Peterson Energy Management, representing Jerry Sommer, Tekton Windsor and Martin Lind, Diamond Valley, is requesting conditional use grant approval to drill 12 oil and gas wells on Lots 5 and 6, Diamond Valley Subdivision Fourth Filing; storage tanks and equipment would be located in the vicinity of the well heads. Ms. Fields noted the Colorado Oil and Gas Conservation Commission (COGCC) has not approved the permits for the

wells and must be obtained before starting any drilling operations. The applicant held a neighborhood meeting on July 10 which meeting notes were included in the Town Board packet. Ms. Fields brought forward the following information to outline the intent of a CUG and consideration of uses such as oil and gas wells:

Section 16-7-10 of the Municipal Code outlines the intent of conditional use grants as follows: “The conditional use classification is intended to allow consideration of uses such as oil and gas wells, small group living facilities, etc., which are unique in nature and character, although not specifically included as uses by right in any specific zoning districts. Such types of uses may be appropriate to allow under the conditional uses section of specific zoning districts with conditions upon approval by the Town Board subsequent to a recommendation from the Planning Commission.”

In accordance with Section 16-7-60(a) of the Windsor Municipal Code, “Oil and gas facilities, as defined in this Chapter, shall be permitted as a conditional use in all zoning districts.” The subject parcel is zoned Limited Industrial (I-L).

In accordance with Section 16-7-60(b) of the Code, “Oil and gas facilities as conditional uses shall be subject to approval by the Town Board of the conditions hereinafter specifically set forth in lieu of those conditions applicable to conditional uses generally, as set forth in Section 16-7-50 of this Article.” The following is a listing of the criteria for conditional use grants for oil and gas facilities contained in Section 16-7-60 and the information received with the application.

According to Section 16-7-60(c), based upon specific site characteristics, which shall include but shall not be limited to: nature and proximity of adjacent development; prevailing weather patterns, including wind direction; vegetative cover on or adjacent to the site; and topography of the site, the Town Board may, as a condition of approval of any conditional use grant, require any or all of the following methods to mitigate adverse impacts on surrounding properties:

(1) Visual requirements. To the maximum extent practical, abatement of negative visual impacts of oil and gas facilities shall be addressed through one (1) or more of the following methods:

a. Use structures of minimal size to satisfy present and future functional requirements.

The applicant shall comply with this section of the Code in order to mitigate visual impacts. The proposed facilities had included twelve (12) wellheads to be served by six (6) low-profile (9-foot tall) steel oil tanks, two (2) low-profile water tanks and six (6) three-phase separators. The proposed conditions of approval will require that the tanks and separators be painted in a uniform, non-reflective, earth tone color.

b. The facilities shall be kept clean and otherwise properly maintained. The applicant shall comply with this section of the Code in order to mitigate visual impacts.

The application materials state that the mud and cuttings will be trucked offsite to an approved land farming or land spreading site per COGCC regulations.

Additionally, the applicant shall clean up all gravel, mud, dirt etc. that is on the streets due to the oil and gas well vehicles driving between the street and the unpaved drive within 48 hours in accordance with Section 7-2-30 of the Municipal Code which pertains to littering and states that: “No person shall throw, deposit, scatter or leave upon any sidewalk, alley, street or other public place or on any private property any loose paper, rags, rubbish, waste materials, refuse, garbage, trash, debris or any other foreign substances, nor shall any person owning or occupying any lot of ground allow or permit any such material which may be liable to be blown or scattered by the wind or otherwise to remain upon such lot or grounds.”

c. Construction of buildings or other enclosures may be required where facilities create visual impacts that cannot be mitigated because of proximity, density and/or intensity of adjacent residential land use. The subject property is zoned Limited Industrial (I-L) and is currently undeveloped land. The applicant is working with the property owner to minimize impacts of surface activities. The application materials state that an earth berm will be construction around the oil and

water tanks with a capacity that will contain 115% of the largest tank located within the berm with no more than two tanks located within any single berm. The applicant is also proposing to install a 6' high fence around the perimeter of the drilling operation, which shall conform to the Town of Windsor standards for fencing.

(2) Landscape requirements. Groundcover, shrubs and trees shall be established and maintained in order to adequately buffer the facility. The subject property is zoned Limited Industrial (I-L) and is currently undeveloped land. The property is surrounded by undeveloped and developed industrial land in addition to Diamond Valley Community Park, which is located to the northeast of the subject property. The applicant is proposing to surround the drilling operation with earth berms in addition to a 6' high fence. The Town's Park, Recreation & Culture Department commented that sound and visual screening should be provided in the form of berms, fences, drought tolerant plant species or use in any combination.

(3) Floodplain requirements. The oil and gas facilities shall comply with all applicable federal, state and local laws and regulations when located in a regulatory floodway or special flood hazard area. All equipment at oil and gas facilities located within a special flood hazard area shall be anchored as necessary to prevent flotation, lateral movement or collapse. Any activity or equipment at any oil and gas facility within a special flood hazard area shall comply with the Code of Federal Regulations (C.F.R.) for the National Flood Insurance Program (NFIP), 44 C.F.R. Parts 59, 60, 65 and 70, and shall not endanger the eligibility or residents of the Town to obtain federal flood insurance. The subject property is not located in a floodplain or floodway.

On August 15, 2012, the Planning Commission voted to recommend approval of the CUG to the Town Board, subject to the following conditions and staff concurs with the recommendation:

1. Prior to the commencement of drilling, the applicant shall submit comprehensive "Drilling and Site Improvement Plans" for review and approval by the Town. Such plans shall address initial drilling activities, initial installation of site improvements and details, and on-going perpetual maintenance of the subject site including, but not limited to, the following:
 - a. Site access plan. The Drilling and Site Improvement Plans and supplemental information shall address site access points and haul routes for review and approval.
 - b. Public street clean-up and tracking prevention. The Drilling and Site Improvement Plans and supplemental information shall include a tracking pad for review and approval.
 - c. Site grading. The Drilling and Site Improvement Plans and supplemental information shall address site grading, including any earth berms for emergency containment.
 - d. Site lighting. The Drilling and Site Improvement Plans and supplemental information shall include details regarding site lighting fixtures and locations. Security and other site lighting shall utilize full cutoff light fixtures to mitigate light pollution.
 - e. Temporary screening. The applicant shall install a buffer to screen the initial drilling activities and installation of site improvements from surrounding neighborhoods and streets.
 - f. Fencing. The Drilling and Site Improvement Plans shall depict fencing of the perimeter of the site. Fencing materials shall be reviewed for approval by the Town based upon the character of the surrounding neighborhood.
 - g. Oil and gas equipment.
 - (1) The applicant shall utilize electric motors in order to mitigate the noise impacts to the neighboring properties.
 - (2) The applicant shall ensure that the wells and tanks are of the minimum size required to satisfy present and future functional requirements to mitigate visual impacts.

- (3) Low profile tanks shall be utilized and shall be installed in the least visible manner possible.
 - (4) All tanks and equipment shall be painted to blend-in with the surrounding landscape.
- h. Air quality.
- (1) The applicant shall participate in any required Environmental Protection Agency (EPA) air quality monitoring and/or testing by allowing EPA to install equipment on site for said monitoring and testing.
 - (2) The applicant shall install and operate an emissions control device (ECD) capable of reducing Volatile Organic Compound (VOC) emissions on the subject oil and gas equipment in accordance with Colorado Oil and Gas Conservation Commission (COGCC) and/or the Colorado Department of Public Health and Environment (CDPHE) rules and regulations.
 - (3) The applicant shall submit to the Town copies of all air emissions reporting as required by the COGCC and/or the CDPHE's Air Pollution Control Division.
- i. Water quality.
- (1) The applicant shall ensure that any hydrocarbon discharges from the site comply with all state and federal water quality requirements.
 - (2) The applicant shall participate in the Colorado Oil and Gas Association (COGA) Baseline Groundwater Quality Sampling Program utilizing independent third party sampling and laboratories and shall provide to the Town test results obtained before and after drilling operations.
- j. Emergency containment. The secondary containment berm surrounding all storage vessels shall be designed and constructed to contain a minimum of 110% of the volume of the largest vessel located within the containment area or to State of Colorado standards, whichever requirements are more stringent.
- k. Waste disposal. The applicant shall submit to the Town copies of all waste management reports as required by the COGCC and/or the CDPHE rules and regulations.
- l. The following certification blocks shall be included on the Drilling and Site Improvement Plans:
- (1) A signed owner's acknowledgement certification block.
 - (2) A signed drilling operator's acknowledgement certification block.
- m. The following notes shall be included on the Drilling and Site Improvement Plans:
- (1) The applicant shall comply with all rules and regulations of the Colorado Oil and Gas Conservation Commission (COGCC).
 - (2) The applicant shall comply with all rules and regulations of the Colorado Department of Health and Environment (CDPHE).
 - (3) The applicant shall maintain on-going compliance with all conditions of the Town and Windsor-Severance Fire Rescue.
 - (4) The facilities shall be kept clean and otherwise properly maintained at all times.
 - (5) The existing access may be utilized for 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.

2. The applicant shall obtain all necessary approvals through the Colorado Oil and Gas Conservation Commission (COGCC) and Colorado Department of Public Health and Environment (CDPHE) prior to commencing drilling operations.
3. The applicant shall obtain any applicable building permits from the Town prior to constructing any improvements on the site.
4. The applicant shall address and comply with the conditions of Windsor-Severance Fire Rescue.
5. The applicant shall address all of the enclosed comments from the Town Engineering Department.

Mayor Vazquez requested staff to go through and explain each condition so that the public would understand what the Town Board was considering.

Chief Planner Ballstadt reviewed each condition noting they were taken directly from the most current conditions approved by the Town Board. All other conditions are similar to what the Town Board had seen in the past; some had been consolidated to get rid of any redundancy but they still address the same issues. Mr. Ballstadt noted that the air and water quality monitoring is a voluntary program but believes those requirements may have future monitoring requirements in the future.

The Town Board discussed the conditions; Town Board Member Baker inquired how the produced drilling fluids would be dispersed. The applicant responded that it is drilled using a closed loop system and fluids are taken to a reclamation plant with landowners consent.

Town Board Members Adams and Thompson stated the amount of information should be applauded and would like information for all CUG's for oil and gas wells to be provided at this level.

Town Board Member Rose inquired as to the location of the school to the well operations. The applicant stated their requirements are 1,300 feet from a school and 1,500 feet from a daycare. Mr. Rose asked what special protections are being put in place due to the location of a school and children. The applicant stated the maximum requirement in a high density area is 350 feet based on state requirements; they do their best to keep things under control in an industry that is in civilization.

The applicant stated they accept all conditions and accept all packet documents into the public record.

Mayor Vazquez opened the meeting for public comment to which there was none.

Town Board Member Adams motioned to close the Public Hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion carried.**

7. Conditional Use Grant for oil and gas well facilities in the Limited Industrial (I-L) zoning district – Diamond Valley Subdivision Fourth Filing, Lots 5 and 6 – Clayton Doke, Peterson Energy Management, Inc., applicant's representative/Jerry Sommer, Tekton Windsor, LLC, applicant/Martin Lind, Diamond Valley, LLC, property owner
 - Quasi-judicial action
 - Staff presentation: Elizabeth Fields, Associate Planner

Mayor Pro-Tem Melendez motioned to approve the Conditional Use Grant; Town Board Member Adams seconded the motion.

Associate Planner Fields stated at the August 15, 2012 Planning Commission meeting, the Conditional Use Grant was recommended for approval with the conditions listed.

Mayor Vazquez thanked the applicant for their time and information provided and commented that the Town Board has come a long way in educating themselves and co-existing with the industry. The plan of operation has been defined and the willingness to get information out to the community is appreciated.

Town Board Member Rose echoed the Mayor's remarks and stated the information provided in the packet was very helpful. He stated he personally has concerns regarding drilling.

Roll call on the vote resulted as follows:

Yeas – Thompson, Baker, Melendez, Bishop-Cotner, Adams, Vazquez

Nayes – Rose. Motion carried.

8. Public Hearing – Conditional Use Grant for oil and gas well facilities in the Residential Mixed Use (RMU) zoning district – Water Valley West Subdivision, Lots 4 and 5 – Raindance wells – Clayton Doke, Peterson Energy Management, Inc., applicant's representative/Jerry Sommer, Tekton Windsor, LLC, applicant/Martin Lind, Raindance Aquatic Investments, LLC, property owner

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Chief Planner

Mayor Pro-Tem Melendez motioned to open the Public Hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez

Nayes – None. Motion carried.

Chief Planner Ballstadt reported on the Conditional Use Grant (CUG) stating the operations will be located in a residential mixed use area ¾ mile west of 7th Street and New Liberty Road. The CUG request is to drill 12 oil and gas wells on Lots 4 and 5 of Water Valley West Subdivision and is referred as the Raindance Wells. The Colorado Oil and Gas Conservation Commission (COGCC) is reviewing the permits and approval must be obtained prior to any drilling operations. Mr. Ballstadt stated the conditions for approval are identical to the previous application.

Town Board Member Baker inquired if there had been any concerns from staff related to the location of wells to the water storage area. Mr. Ballstadt stated the application has been reviewed by the Engineering Department and it has been found that the final design does not impact the water storage area. Director of Engineering Wagner reported the proposed future water tank is west and north of the existing tank; as long as the tanks aren't in a temporary construction easement, they are good to go.

Mayor Vazquez opened the meeting for public comment, to which there was none.

Mayor Vazquez requested that all packet information and information be entered into the record and asked if the applicant accepted the conditions as provided. The applicant concurred.

Town Board Members Baker and Thompson brought forward concerns regarding the water supply. The Town Board discussed the location of the water tank in relation to the oil and gas operations with

staff stating that their information supports the safety of the water supply related to the well location. The applicant noted the topography of the grade would additionally protect the water.

Town Board Member Adams motioned to close the Public Hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion carried.**

9. Conditional Use Grant for oil and gas well facilities in the Residential Mixed Use (RMU) zoning district – Water Valley West Subdivision, Lots 4 and 5 - Raindance wells – Clayton Doke, Peterson Energy Management, Inc., applicant’s representative/Jerry Sommer, Tekton Windsor, LLC, applicant/Martin Lind, Raindance Aquatic Investments, LLC, property owner

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Chief Planner

Town Board Member Bishop-Cotner motioned to approve the Conditional Use Grant; Town Board Member Adams seconded the motion.

Chief Planner Ballstadt stated at their August 15, 2012 meeting, the Planning Commission voted to recommend approval of the Conditional Use Grant to the Town Board subject to the conditions as outlined in the packet.

Mayor Vazquez appreciated the concerns stated by the Town Board Member Thompson and stated that the drinking water supply is a valid concern.

Town Board Member Adams thanked staff for their comments related to the topic.

Roll call on the vote resulted as follows:

**Yeas – Thompson, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – Baker, Rose. Motion carried.**

10. Public Hearing – Conditional Use Grant for oil and gas well facilities in the High Density Multifamily Residential (MF-2) zoning district – Hilltop Estates Subdivision, Tract B - Hillside wells – Clayton Doke, Peterson Energy Management, Inc., applicant’s representative/Jerry Sommer, Tekton Windsor, LLC, applicant/Martin Lind, Pavistma, Inc., property owner

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Chief Planner

Town Board Member Bishop-Cotner motioned to open the Public Hearing; Mayor Pro-Tem Melendez seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion carried.**

Chief Planner Ballstadt reported on the Conditional Use Grant (CUG) and noted the location related to New Liberty Road. The application is for 18 oil and gas wells and is referenced as the Hillside Wells. The application is currently under review by the Colorado Oil and Gas Conservation Commission and approval must be obtained prior to drilling the wells. A neighborhood meeting was held by the applicant on June 5 and the notes from the meeting are included in the Town Board packet. Mr. Ballstadt noted the conditions of approval are identical to the two previous applications with the addition of the requirement to include temporary and permanent screening due to the close proximity to residential neighbors on all sides.

Mayor Vazquez requested that all packet information and information be entered into the record and asked if the applicant accepted the conditions as provided. The applicant concurred.

Mayor Vazquez opened the meeting for public comment, to which there was none.

Town Board Member Bishop-Cotner motioned to close the Public Hearing; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion carried.**

11. Conditional Use Grant for oil and gas well facilities in the High Density Multifamily Residential (MF-2) zoning district – Hilltop Estates Subdivision, Tract B - Hillside wells – Clayton Doke, Peterson Energy Management, Inc., applicant’s representative/Jerry Sommer, Tekton Windsor, LLC, applicant/Martin Lind, Pavistma, Inc., property owner

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Chief Planner

Town Board Member Bishop-Cotner motioned to approve the Conditional Use Grant; Town Board Member Adams seconded the motion.

Chief Planner Ballstadt stated at their August 15, 2012 meeting, the Planning Commission voted to recommend approval of the Conditional Use Grant to the Town Board subject to the conditions as outlined in the packet.

Roll call on the vote resulted as follows:

**Yeas – Thompson, Baker, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – Rose. Motion carried.**

12. Public Hearing – Conditional Use Grant for oil and gas well facilities in the Residential Mixed Use (RMU) zoning district – Water Valley South Subdivision, Twelfth Filing, Lot 2 - Centerpoint wells – Clayton Doke, Peterson Energy Management, Inc., applicant’s representative/Jerry Sommer, Tekton Windsor, LLC, applicant/Martin Lind, Trollco, Inc., property owner

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Chief Planner

Town Board Member Bishop-Cotner motioned to open the Public Hearing; Town Board Member Rose seconded the motion.

Chief Planner Ballstadt reported on the Conditional Use Grant for oil and gas wells noting they are referred to as the Centerpoint Wells and located approximately 2,500 feet west of 7th Street and 2,300 feet north of New Liberty Road. The application is for 13 oil and gas wells and approval from the Colorado Oil and Gas Conservation Commission is pending. A neighborhood meeting was held on June 5, 2012 and the notes from the meeting were included in the Town Board packet. The conditions for approval are identical to the first two Conditional Use Grants approved during the meeting.

Mayor Vazquez requested that all packet information and information be entered into the record and asked if the applicant accepted the conditions as provided. The applicant concurred.

Mayor Vazquez opened the meeting for public comment, to which there was none.

Town Board Member Adams motioned to close the Public Hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – None. Motion carried.**

13. Conditional Use Grant for oil and gas well facilities in the Residential Mixed Use (RMU) zoning district – Water Valley South Subdivision, Twelfth Filing, Lot 2 - Centerpoint wells – Clayton Doke, Peterson Energy Management, Inc., applicant’s representative/Jerry Sommer, Tekton Windsor, LLC, applicant/Martin Lind, Trollco, Inc., property owner

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Chief Planner

Town Board Member Bishop-Cotner motioned to approve the Conditional Use Grant; Town Board Member Adams seconded the motion.

Chief Planner Ballstadt stated at their August 15, 2012 meeting, the Planning Commission voted to recommend approval of the Conditional Use Grant to the Town Board subject to the conditions as outlined in the packet.

Roll call on the vote resulted as follows:

**Yeas – Thompson, Baker, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – Rose. Motion carried.**

14. Consideration of Colorado Mosquito Control Contract

- Legislative action
- Staff presentation: Terry Walker, Director of Public Works

Town Board Member Adams motioned to approve the Colorado Mosquito Control Contract; Town Board Member Bishop-Cotner seconded the motion.

Director of Public Works Walker reported on the contract noting the Town has contracted with Colorado Mosquito Control (CMC) for the past 11 or 12 years. Mr. Walker reviewed their current policies and noted that they spray before special events and in problematic areas; those costs are included in the contract amount. The contract provides for a rate increase of 2% annually which Mr. Walker believes is due to increased costs for fuel and water.

Town Board Member Rose voiced concern regarding the spraying of pesticides in Windsor and inquired if there were other options related to mosquito control.

Town Board Member Thompson requested that the topic be scheduled for a work session next spring.

Mayor Pro-Tem Melendez recommended approval of the contract.

Roll call on the vote resulted as follows:

**Yeas – Thompson, Baker, Melendez, Bishop-Cotner, Adams, Vazquez
Nays – Rose. Motion carried.**

15. Consideration of Waiver of Hydrant Water Limitations for the Windsor Readiness Center for Irrigation Use
Town Manager Arnold updated the Town Board on the request noting the Town Board recently passed an ordinance that limited the amount of water used by people renting hydrant meters to 64,000 gallons per month. The Windsor Readiness Center contacted staff last week requesting a waiver, which can only be provided by the Town Board.

Town Board Member Adams motioned to approve the Waiver; Town Board Member Bishop-Cotner seconded the motion.

Kevin Harrison, representing the Windsor Readiness Center, addressed the Town Board regarding a waiver for the amount of water used through hydrant meter rental for a temporary irrigation system. Due to the current drought, the seed that was planted in the spring has not been established. They are looking to use about 20,000 gallons of water per day for 1 ½ to 2 months. Once the seed is established, they will no longer need the water as it won't require irrigation.

Director of Engineering Wagner reported that the use should not adversely impact the Town's water supply availability.

Mayor Vazquez commented that the Town needs to be cognizant of any users that could put us into another tier and result in higher water costs. He would like to see the National Guard site look good as they have been a good addition to the community. Mr. Vazquez stated that if Mr. Wagner believes the request can be supported, he would concur.

Town Attorney McCargar voiced concern with overlooking the policy and code that has been adopted. He inquired if there were other ways to get the water and fulfill the need. Town Manager Arnold reported that the Code language did not provide an option for a variance.

The Town Board discussed the issue with Martin Lind, Water Valley, stating the Whitney Ditch runs past the property and the water could be available for purchase and subsequent use.

Town Board Member Adams recommended another type of seed be used that requires less water.

Pursuant to Town Board discussion and the offer by Mr. Lind, it was requested the motion to approve be withdrawn.

Town Board Member Adams motioned to withdraw the motion to approve the Waiver; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:

Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez

Nays – None. Motion carried.

16. Financial Report

- Staff presentation: Kelly Arnold, Town Manager
Town Manager Arnold reviewed the financial report noting that July year-to-date sales tax collection is up 8.26% over July 2011 and stated he expects the trend to continue this year. Mr. Arnold also noted two large tax refunds that were distributed; one to Universal Forest Products and the other to Poudre Valley REA. Building permits continue to be strong with 2012 being the highest year of permits since 2006.

D. COMMUNICATIONS

1. Communications from the Town Attorney
No communications.
2. Communications from Town Staff
 - Chief Planner Ballstadt reported staff is working on links to the Colorado Oil and Gas Conservancy Commission on the Town's website.
 - Police Chief Michaels stated the next National Drug Take Back Day will be held at the end of September.

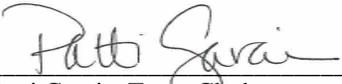
- Director of Planning Plummer reported that information related to an Intergovernmental Agreement with the fire district related to the collection of their fees will be included in a resolution at the next regular meeting; information was included under Communications in the Town Board packet. Mr. Plummer also unveiled the Welcome to Windsor signs.
3. Communications from the Town Manager
- Town Manager Arnold reported on the upcoming Town Board calendar and regular meeting dates that fall on a holiday. It was recommended that the meeting scheduled on Monday, November 12 be rescheduled for November 13, 2012 and that the December 24, 2012 meeting be cancelled.
 - Mr. Arnold reviewed concerns at Grandview Elementary School and the amount of traffic due to the 45 building permits generated this year. The south part of Windshire Drive is a dirt road that will not be constructed until the adjacent land is developed. Staff research has found that a temporary paved road that could be done in September. There are funds in reserves that could be used as the project was not budgeted this year. This would be an interim solution until the development is complete. The road would be snowplowed, which hasn't been done in the past. The Town Board concurred that public safety is one of their biggest concerns and that staff should move forward on the request. Mr. Arnold stated the information would be provided for Town Board consideration at the next regular meeting.
4. Communications from Town Board Members
- Town Board Member Rose stated he had met with concerned citizens a few weeks ago regarding the draft strategic plan; he stated he would get the report to staff and the Town Board members.
 - Mayor Vazquez reported on the past Coffee with the Mayor event and noted there was discussion regarding the construction on SH392, the recent remodeling of the Prayer House at Boardwalk Park and train noise.

E. ADJOURN

Town Board Member Bishop-Cotner motioned to adjourn; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

Yeas – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez

Nays – None. Motion carried.



Patti Garcia, Town Clerk