



## TOWN BOARD REGULAR MEETING

February 25, 2013 - 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.

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### AGENDA

#### **A. CALL TO ORDER**

1. Roll Call
2. 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
4. Board Liaison Reports
  - Town Board Member Baker – Parks, Recreation, and Culture Advisory Board; Cache La Poudre Trail Board Alternate
  - Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Authority
  - Mayor Pro-Tem Melendez – Downtown Development Authority; Chamber of Commerce; North Front Range/MPO Alternate
  - Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate
  - Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board
  - Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)
  - 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.*

#### **B. CONSENT CALENDAR**

1. Minutes of the February 11, 2013 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – American Legion Club, Tavern – P. Garcia
3. Liquor License Renewal – Hunan Taste Cuisine dba Asian Pearl Bistro, Hotel & Restaurant – P. Garcia

#### **C. BOARD ACTION**

1. Short Form Grant Application – Northern Colorado Energy Star Homes
  - Applicant presentation: Vicki Wagner

2. Ordinance No. 2013-1446 - An Ordinance Amending The Windsor Municipal Code To Establish New Policy And To Clarify Existing Policy With Respect To The Use Of Mobility Devices Within The Town Of Windsor, Colorado
  - Second reading
  - Legislative action
  - Staff presentation: Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture
3. Ordinance No. 2013-1447 - An Ordinance Approving an Intergovernmental Agreement Amending Certain Provisions of the First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange
  - First reading
  - Legislative action
  - Staff presentation: Ian McCargar/John Frey, Town Attorney
4. Ordinance No. 2013-1448 - An Ordinance Prohibiting the Operation of any Marijuana Business Enterprise Within the Meaning of Article XVIII, Section 16 of the Colorado Constitution Within the Town of Windsor, Colorado
  - First reading
  - Legislative action
  - Staff presentation: Ian McCargar, Town Attorney
5. Ordinance No. 2013-1449 - An Ordinance Prohibiting the Establishment and Operation of Private Marijuana Clubs Within the Town of Windsor, Colorado
  - First reading
  - Legislative action
  - Staff presentation: Ian McCargar, Town Attorney
6. Ordinance No. 2013-1450 - An Ordinance Prohibiting the Establishment and Operation of Certain Marijuana Cultivation Facilities Within the Town of Windsor, Colorado
  - First reading
  - Legislative action
  - Staff presentation: Ian McCargar, Town Attorney
7. Resolution 2013-13 - Introducing an ordinance calling for the adoption by reference of the International Building Code, 2012 Edition, the International Residential Code, 2012 Edition, the International Fuel Gas Code, 2012 Edition, the International Plumbing Code, 2012 Edition, the International Mechanical Code, 2012 Edition, the International Existing Building Code, 2012 Edition, the International Property Maintenance Code, 2012 Edition, and the International Energy Conservation Code, 2009 Edition promulgated by the International Code Council, Inc., as amended; and introducing an ordinance calling for the adoption by reference of the National Electrical Code, 2011 Edition, promulgated by the National Fire Protection Association, and setting a public hearing thereon
  - Legislative Action
  - Staff presentation: Joe Plummer, Director of Planning/Ian McCargar, Town Attorney
8. January Financial Report
  - Staff presentation: Dean Moyer

#### **D. COMMUNICATIONS**

1. Communications from the Town Attorney
2. Communications from Town Staff
3. Communications from the Town Manager
4. Communications from Town Board Members

**E. EXECUTIVE SESSION**

An executive session pursuant to § 24-6-402 (4) (e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators; water storage acquisition (Kelly Arnold)

**F. ADJOURN**



TOWN BOARD REGULAR MEETING

February 11, 2013 - 7:00 P.M.

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

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MINUTES

A. CALL TO ORDER

Mayor Vazquez called the regular meeting to order at 7:05 p.m.

1. Roll Call

Mayor John Vazquez
Mayor Pro-Tem Kristie Melendez
Don Thompson
Jeremy Rose
Robert Bishop-Cotner
Ivan Adams
Myles Baker

Absent:

Also present: Town Manager
Town Attorney
Town Clerk
Director of Finance
Director of Planning
Associate Planner
Director of Human Resources
Director of Engineering
Economic Development Manager
Absent: Chief of Police

Kelly Arnold Town
Ian McCargar
Patti Garcia
Dean Moyer
Joe Plummer
Brett Walker
Mary Robins
Dennis Wagner
Stacy Johnson
John Michaels

2. Pledge of Allegiance

Town Board Member Thompson led the Pledged 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 Rose motioned to amend the agenda and postpone Item C.1. , Ordinance No. 2013-1445 - An Emergency Ordinance Imposing a Temporary Moratorium on the Operation of any Private Marijuana Club Within the Reach of Article XVIII, Section 16 of the Colorado Constitution; Directing the Prompt Exploration of the Town's Regulatory Authority over such Activities; Declaring the Intention of the Town Board To Consider the Adoption of Appropriate Town Regulations With Respect to Such Activities, Including the Prohibition thereof; and Declaring an Emergency Pursuant to Section 4.11 of The Windsor Home Rule Charter until a date to be determined; Town Board Member Bishop-Cotner seconded the motion.

Town Board Member Rose stated the Town Board had postponed the agenda item at the January 28, 2013 Town Board to allow there to be a full board present; as Town Board Member Baker was not present at the current meeting Mr. Rose believed the agenda item should be postponed.

Roll call on the vote resulted as follows:

Yeas - Bishop-Cotner, Rose

Nays - Melendez, Thompson, Adams, Vazquez - Motion failed.

**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 – Bishop-Cotner, Rose, Melendez, Thompson, Adams, Vazquez  
Nays – None. Motion passed.**

4. Board Liaison Reports

- Town Board Member Baker – Parks, Recreation, and Culture Advisory Board; Cache La Poudre Trail Board Alternate  
No report.
- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Authority  
No report.
- Mayor Pro-Tem Melendez – Downtown Development Authority; Chamber of Commerce; North Front Range/MPO Alternate  
Mayor Pro-Tem Melendez reported the Downtown Development Authority would be meeting on Wednesday at 7:30 am at Town Hall. Ms. Melendez also noted that the Chamber of Commerce met last Wednesday at which the March 6 Annual Dinner at the Readiness Center was discussed. Ms. Melendez had nothing to report regarding the MPO.
- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate  
Town Board Member Rose stated the Water & Sewer Board would be meeting on Wednesday morning. Mr. Rose had no report on the Windsor Housing Authority and noted that their meetings are difficult to attend as they are in the middle of the day on weekday; Mr. Rose indicated he was interested in continuing as serving as liaison.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board  
Town Board Member Bishop-Cotner reported that the Historic Preservation Commission would be meeting on Wednesday evening. The Clearview Library Board will begin meeting on the last Tuesday of each month and recommended that people access their website at [www.clearviewlibrary.org](http://www.clearviewlibrary.org) to get caught up on events. Of particular note are Ebooks that are available and electronic magazines – the library is working to expand opportunities for the individual reader.
- Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)  
Town Board Member Adams reported the Cache La Poudre Trail Board met last Thursday and stated that the Poudre Corridor Initiative has been completed. They are working on 2013 events including the Poudre River Trailathon and the Poudre Trail Challenge. SALT will be working on cleaning up the Poudre Trail on March 14 and 19 and Mr. Adams stated that their tutoring efforts are going well.
- Mayor Vazquez – North Front Range/MPO  
Mayor Vazquez reported on items discussed at the MPO meeting; the pollution control divisions inspection program will be privatized and going out to bid along with changes in requirement being recommended, a regional bike plan was discussed and a small section of trail between Windsor and Timnath will need to be backfilled was noted, and the socio-economic forecasting that the MPO does was looked at along which will help identify where needs are in order to maximize funding.

5. Public Invited to be Heard

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*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.*

Ashley Keesis Wood, Beacon reporter, addressed the Town Board and stated that after six years serving the Beacon that she would be resigning. She noted she has been accepted at UNC as a graduate student and intends on pursuing a career in teaching English. The Town Board members thanked her for her work in Windsor over the years.

**B. CONSENT CALENDAR**

1. Minutes of the January 28, 2013 Regular Town Board Meeting – P. Garcia
2. Report of Bills – D. Moyer
3. Resolution No. 2013-09 – A Resolution Approving and Accepting a Deed of Dedication for Right-of-Way known as “Tract A” within the Great Western Industrial Park Subdivision Seventh Filing within the Town of Windsor, Colorado – I. McCargar
4. Resolution No. 2013-10 – A Resolution Approving and Accepting a Deed of Dedication for Access, Egress and Utilities Easement within a portion of Lot 2, Westwood Village Subdivision, Third Filing, in the Town of Windsor, Colorado – I. McCargar
5. Resolution No. 2013-11 – A Resolution Approving and Accepting a License Agreement for an Emergency Access Route Serving the Great Western Industrial Park within the Town of Windsor, Colorado – I. McCargar
6. Resolution No. 2013-12 – A Resolution Approving a Site Plan Development Agreement for a Portion of Lot 1 and Lot 2, Block 3, of the Great Western Industrial Park Subdivision, Fourth Filing, within the Town of Windsor, Colorado – I. McCargar

**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 – Bishop-Cotner, Rose, Melendez, Thompson, Adams, Vazquez  
Nayes – None. Motion passed.**

**C. BOARD ACTION**

1. Ordinance No. 2013-1445 - An Emergency Ordinance Imposing a Temporary Moratorium on the Operation of any Private Marijuana Club Within the Reach of Article XVIII, Section 16 of the Colorado Constitution; Directing the Prompt Exploration of the Town’s Regulatory Authority over such Activities; Declaring the Intention of the Town Board To Consider the Adoption of Appropriate Town Regulations With Respect to Such Activities, Including the Prohibition thereof; and Declaring an Emergency Pursuant to Section 4.11 of The Windsor Home Rule Charter
  - Legislative action
  - Staff presentation: Ian McCargar, Town Attorney

**Mayor Pro-Tem Melendez motioned to approve Ordinance No. 2013-1445, An Emergency Ordinance Imposing a Temporary Moratorium on the Operation of any Private Marijuana Club Within the Reach of Article XVIII, Section 16 of the Colorado Constitution; Directing the Prompt Exploration of the Town’s Regulatory Authority over such Activities; Declaring the Intention of the Town Board To Consider the Adoption of Appropriate Town Regulations With Respect to Such Activities, Including the Prohibition thereof; and Declaring an Emergency**

**Pursuant to Section 4.11 of The Windsor Home Rule Charter; Town Board Member Thompson seconded the motion.**

Town Attorney McCargar stated the ordinance follows the January 21, 2013 work session at which Amendment 64 was discussed. The business enterprises that go with Amendment 64 are yet to be regulated at the state level; they cannot open legally until they are licensed. The state has not yet established the licensure process which is anticipated to be in effect by July, 2013.

Mr. McCargar stated there is a grey area regarding the establishment of private marijuana clubs; the ordinance is intended to restrict the establishment of those clubs in commercial or industrial buildings. It is limited to assemblies for the purpose of consuming marijuana in commercial buildings; it does not infringe on the rights of adults who consume marijuana in the privacy of their home. The ordinance will send the message that these types of establishments are not to take hold until further decisions can be made by the Town Board. The period during the moratorium will give the Town Board opportunity to study the issue and craft policy that all the board members can be comfortable with in the long-term. Mr. McCargar noted he got the impression from the Town Board that this should be an emergency ordinance which requires a single reading and five affirmative votes for adoption.

Town Board Member Bishop-Cotner inquired if the task force was working on this issue to which it was confirmed by Mr. McCargar that they are but was unaware of the status.

Town Board Member Thompson stated that when Amendment 64 was discussed during the work session that it was fairly unanimous that the industry was not wanted in Windsor pursuant to the votes cast in the election.

Mayor Pro-Tem Melendez stated that the community has made it clear their feelings on the issue through the vote in November, 2012 and the previous election regarding medical marijuana businesses; the constituents don't want to go through the exercise again.

Town Board Member Adams reported that he is in favor of the ban and supports the direction of the moratorium.

Town Attorney McCargar stated the moratorium won't permit the establishment of the private marijuana clubs; it can be terminated once policy has been established by the Town Board.

Town Board Member Rose stated he has heard from individuals who do not support the moratorium as it is about what "might" happen. Mr. Rose did not see a purpose in segregating this out; there is no economic benefit for someone to open a club. He also noted that he does not believe there is a safety or security concern to Windsor residents and that there was no reason for an emergency ordinance – the agenda item should be a regular ordinance with two readings.

Mayor Vazquez stated he is an advocate of personal responsibility. Mr. Vazquez reviewed actions that were taken during the passage of the medical marijuana vote and stated that the Town Board found that feedback from the community was representative of the vote. He does not believe the town should hold another special election in order to find what the voters have already determined. The moratorium is temporary and would be voting in support of it. Mr. Vazquez also stated that he was unsure if two readings of the ordinance would have made a difference as there are people that want to take advantage of the opportunities the Amendment 64 has offered.

Mayor Pro-Tem Melendez stated the intent is to be proactive as opposed to reactive in addressing concerns regarding the establishment of private clubs for the use of marijuana.

Mayor Vazquez opened the meeting for public comment.

Francine Henderson voiced her support of the Town Board moving forward with passage of the ordinance.

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

**Yeas – Melendez, Thompson, Adams, Vazquez**

**Nays – Bishop-Cotner, Rose. Motion failed.**

2. Ordinance No. 2013-1446 - An Ordinance Amending The Windsor Municipal Code To Establish New Policy And To Clarify Existing Policy With Respect To The Use Of Mobility Devices Within The Town Of Windsor, Colorado

- Legislative Action
- First Reading
- Staff presentation: Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture

**Town Board Member Thompson motioned to approve Ordinance No. 2013-1446, An Ordinance Amending The Windsor Municipal Code To Establish New Policy And To Clarify Existing Policy With Respect To The Use Of Mobility Devices Within The Town Of Windsor, Colorado; Town Board Member Adams seconded the motion.**

Director of Parks, Recreation & Culture Chew reported on the ordinance noting that it is the last of the legal actions required as part of the ADA audit and process. The ordinance defines the mobility options that are allowed along with noting they are only permitted in the areas of the trails facilities where the public is allowed. The policy complies with the Poudre River Trail model; components of which have already been adopted by the other municipalities along the Poudre Trail. The policy is limited to people with mobility disabilities.

**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 – Bishop-Cotner, Rose, Melendez, Thompson, Adams, Vazquez**

**Nays – None. Motion passed.**

**D. COMMUNICATIONS**

1. Communications from the Town Attorney  
Following after joint meeting with sever – get in front of you in the next month or so.
2. Communications from Town Staff  
No communications.
3. Communications from the Town Manager  
No communications.
4. Communications from Town Board Members  
Town Board Member Bishop-Cotner reported that the Windsor High School wrestling team would be participating in the regional competition in Frederick over the weekend and is anticipating competing for their third state title.

Mayor Vazquez stated he and Town Board Member Adams spoke to a 2<sup>nd</sup> grade class regarding recycling.

**E. EXECUTIVE SESSION**

An executive session pursuant to § 24-6-402 (4) (b), C.R.S., to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions; enforcement of land use code, 675 Southwood Drive (Ian McCargar; Kelly Arnold), and an executive session pursuant to § 24-6-402 (4) (e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators; Greenspire Metropolitan District request for extension of payment obligations (Ian McCargar; Kelly Arnold)

**Town Board Member Rose motioned to go into executive session at 7:55 p.m. pursuant to § 24-6-402 (4) (b), C.R.S., to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions; enforcement of land use code, 675 Southwood Drive (Ian McCargar; Kelly Arnold), and an executive session pursuant to § 24-6-402 (4) (e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators; Greenspire Metropolitan District request for extension of payment obligations (Ian McCargar; Kelly Arnold); Mayor Pro-Tem Melendez seconded the motion. Roll call on the vote resulted as follows:**

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

The meeting moved to Executive Session at 8:04 p.m.

**Upon a motion duly made at 8:47 p.m., the Executive Session was closed and the Town Board returned to the Regular Meeting.**

Upon returning to the regular meeting, Mayor Vazquez advised that if any participants in the Executive Session believed the session contained any substantial discussion of any matters not included in the motion to convene the Executive Session, or believed any improper action occurred during the Session in violation of the Open Meetings Law, such concerns should now be stated. Hearing none, the Regular Meeting resumed.

**F. ADJOURN**

**Town Board Member Thompson motioned to adjourn at 8:48 p.m.; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

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



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## MEMORANDUM

**Date:** February 25, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk  
**Re:** Liquor License Renewal – American Legion Club dba American Legion Post 109/Tavern License  
**Item #:** B.2.

**Background / Discussion:**

American Legion Club dba American Legion Post 109, has submitted a Tavern liquor license renewal application. The current license has an expiration date of April 7, 2013 and the application was received by the Town of Windsor prior to the expiration date. The application has been reviewed by the Town Clerk's office and the respective license fees have been submitted.

The application was turned over to the Windsor Police Department for investigation. The Department's review did not find any issues that would affect the consideration of the renewal.

The application was also provided to the Finance Department. The Department's review did not present any unfavorable information which would affect the status of the license.

**Financial Impact:**

None

**Relationship to Strategic Plan (optional):**

Develop, grow, and strengthen the local retail and industrial economy.

**Recommendation:**

Staff recommends approval of the liquor license renewal.

**Attachments:**

None.



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## MEMORANDUM

**Date:** February 25, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk  
**Re:** Liquor License Renewal – Hunan Taste Cuisine dba Asian Pearl Bistro/Hotel & Restaurant  
**Item #:** B.3.

### **Background / Discussion:**

Hunan Taste Cuisine dba Asian Pearl Bistro, has submitted a Hotel/Restaurant liquor license renewal application. The current license has an expiration date of January 20, 2013 and the application was received by the Town of Windsor prior to the expiration date. The application has been reviewed by the Town Clerk's office and the respective license fees have been submitted.

The application was turned over to the Windsor Police Department for investigation. The Department's review did not find any issues that would affect the consideration of the renewal.

The application was also provided to the Finance Department. The Department's review did not present any unfavorable information which would affect the status of the license.

### **Financial Impact:**

None

### **Relationship to Strategic Plan (optional):**

Develop, grow, and strengthen the local retail and industrial economy.

### **Recommendation:**

Staff recommends approval of the liquor license renewal.

### **Attachments:**

None.



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## MEMORANDUM

**Date:** February 25, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk  
**Re:** Short Form Grant Application – Northern Colorado Energy Star Homes  
**Item #:** C.1.

### **Background / Discussion:**

Vicki Wagner, NoCo Energy Star Homes, has submitted the attached short form grant application and letter of request. The short form application requires the applicant to complete and turn in the application, submit a cover letter providing a brief overview of the organization, identify the goals and objectives, and justify the request explaining the financial need.

The \$1,000 request would be used “. . . to continue the transformation of the new home market in Northern Colorado to high performance construction using the EPA’s Energy Star program as an above code program. The goal is to support those builders that have committed to build ES homes through education, training, and marketing support.”

2013 funding commitments for NoCo Energy Star Homes include the City of Fort Collins (\$15,000), Longmont Power (\$6,000), Platte River Group (\$10,000), Poudre Valley REA (\$10,000), City of Loveland (\$5,000), and builders (\$3,360).

The Town Board has a 2013 budget of \$61,449 for outside agency funding with a current balance of \$60,449.

### **Relationship to Strategic Plan:**

Goal 1.G.

### **Recommendation:**

For Town Board consideration.

### **Attachments:**

Short form application and cover letter





Short Form Grant Application

ORGANIZATION NAME: Northern Colorado Energy Star Homes
MAILING ADDRESS: P.O. Box 669 Windsor, CO 80550
PHYSICAL ADDRESS: 1204 W. Ash Unit F
ORGANIZATION DIRECTOR/PRESIDENT: Vicki Wagner/Director Mark Daily Board Chairman Poudre Valley REA
GRANT CONTACT: Vicki Wagner
DAYTIME PHONE: 970-222-3794 CELL PHONE: same
FAX: EMAIL: Vicki.EShomes@hotmail.com
WEBSITE ADDRESS: nocoenergystarhomes.org
FEDERAL IDENTIFICATION NUMBER: 45-2383867
IS THE ORGANIZATION TAX EXEMPT UNDER THE PROVISIONS OF SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE? Yes

PURPOSE OF GRANT:

- Agency Support as a whole
Marketing Support
Special Program or Projects
Capital Expenditure
Seed, start-up or development costs
Technical assistance

TYPE OF AGENCY:

- Arts & Culture
Health & Human Services
Education
Environment
Sports/Recreation
Other:

AMOUNT OF REQUEST: \$ 1,000.00 FISCAL YEAR END: 2013

BRIEF DESCRIPTION OF REQUEST:

The funds will be used to continue the transformation of the new home market in Northern Colorado to high performance construction using the EPA's Energy Star program as an above code program. The goal is to support those builders that have committed to build ES homes through education, training and marketing support.

2012 Actual Revenues: \$47,465.00
2013 Budgeted Revenues: \$75,650.00

\* 2012 Actual Expenses: \$60,256.00
2013 Budgeted Expenses: \$74,148.00

Vicki Wagner
Signature, Director/President

2-14-2013
Date

\* Funds were carried forward from 2011 that came from the Governor's Energy Office and the contributing member sponsor's

## Town of Windsor

Northern Colorado Energy Star Homes program was formed to help transform the new home market in Northern Colorado to high performance construction, working in cooperation with the national Environmental Protection Agency's ENERGY STAR® program. NoCO Energy Star Homes is committed to supporting builders that look to deliver a home that is more energy efficiency, increased durability, better vitalization providing improved air quality, HVAC systems that are installed properly, perform correctly and provide better comfort for the home owner.

The support of this program has come from The City of Fort Collins, Platt River Power Authority, Poudre Valley REA, The City of Loveland, The Town of Windsor and Longmont Power & Communications. The other sponsors have committed to continue with the program and we would request that Windsor consider continuing their support. We are continuing to reach out to other municipalities and utilities in support of the program.

The funds will be used to educate consumers on the value of purchasing an ENERGY STAR home that deliver energy efficiency savings of up to 30% when compared to typical new homes.

Training and out reach to builders about the benefits of building an ENERGY STAR home is a focal point of the program. With 2012 being a transition year to ES Version 3.0 many builders used caution to implement Version 3.0 into their program. With ES Version 3.0 being fully implemented and revisions made the goal is to bring builders back into the program.

One of the key components of the Version 3.0 program is that HVAC Contractors have to be commissioned by an approved entity of the EPA. They are responsible for Quality Control Quality Assurance and training for HVAC Contractors installing HVAC systems in ENERGY STAR homes.

In 2012 we focused on becoming one of the few non-profits in the United States to be approved by the EPA under a separate 501 (c) (3) Energy Select Contractors as an "H-QUITO" (HVAC Quality Installation Training and Oversight Organization). This allows a more hands on approach with the local HVAC Contractors with the goal to improve the quality of installations and performance not only in Energy Star homes but in all new home construction.

The other key is co-marketing with the Energy Star builders driving traffic to their homes, supporting the sales staff through training and sponsorship of branding events.

NoCO ENERGY STAR Homes and the contributing sponsors hope that you will continue your support of this program as we work to transform the new home market in Northern Colorado to high performance construction using the EPA's ENERGY STAR Homes program.



## MEMORANDUM

**Date:** February 25, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture  
**Re:** Ordinance 2013-1446 Defining Use of EPAMD's  
**Item #:** C.2.

### **Background / Discussion:**

This item is prepared for Second Reading, having passed First Reading on February 11, 2013.

As part of the ADA audit and process, the Town is required to define and establish a policy for the utilization of Electronic Personal Assistance Mobility Devices (EPAMD's) within parks, on trails and other public areas. As a previous definition for EPAMD's existed in the code but was unrelated to the ADA, Ordinance 2013-1446 accomplishes several things:

- Creates a new Article VII in Chapter 8, Vehicles and Traffic.
- Eliminates potentially-conflicting defined terms, defining an EPAMD in Section 8-7-10.
- Incorporates all of the regulations that were in the former Resolution, assigning them distinct sections within the Code.
- Amends existing Code Section 8-1-80 to change "EPAMD" to "SBMD" (Self-Balancing Mobility Device), to eliminate conflicting definitions in the Code.

Staff worked with legal counsel to develop this Ordinance, and the definitions and restrictions parallel those adopted by the Poudre River Trail Authority for the Poudre River Trail, as well as Ft. Collins, Greeley, and Larimer County. These same definitions and restrictions apply to all Windsor trails consistently.

### **Financial Impact:**

N/A

### **Relationship to Strategic Plan:**

Goal 1.A., 1.E., 4.B.

### **Recommendation:**

**Move to approve Ordinance 2013-1446, Amending the Windsor Municipal Code to Establish New Policy and to Clarify Existing Policy with Respect to the Use of Mobility Devices within the Town of Windsor, Colorado**

### **Attachments:**

b. Ordinance 2013-1446

TOWN OF WINDSOR

ORDINANCE NO. 2013-1446

AN ORDINANCE AMENDING THE WINDSOR MUNICIPAL CODE TO ESTABLISH NEW POLICY AND TO CLARIFY EXISTING POLICY WITH RESPECT TO THE USE OF MOBILITY DEVICES WITHIN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor (hereinafter, "Town") is a Colorado home rule municipality, with all powers and authority attendant thereto; and

WHEREAS, the Town is responsible for the operation, management and oversight of various recreational areas and trails for the benefit of the public; and

WHEREAS, the Town encourages the use of its recreational areas and trails by persons of all abilities; and

WHEREAS, pursuant to the requirements of federal law and wise public stewardship, the Town provides reasonable accommodation of individuals with mobility disabilities; and

WHEREAS, such accommodation must be done in a way that does not negatively impact the natural habitat and historical amenities located along and within the Town's trails system; and

WHEREAS, such accommodation must be done in a way that does not negatively impact the natural habitat and historical amenities located within the Town's recreational areas; and

WHEREAS, such accommodation must be done in a way that does not jeopardize the safety of persons using the Town's trails and recreation facilities, including those with mobility disabilities; and

WHEREAS, the Windsor Town Board ("Town Board") has determined that the use of certain classes of power-driven mobility devices creates a substantial risk of harm to the immediate environment, natural and cultural resources, and jeopardizes the safety of users of the Town's trails and recreation facilities; and

WHEREAS, the Town Board has specifically determined that All Terrain Vehicles (ATVs), snowmobiles, Off-Road Vehicles (ORVs) and other similar devices are incompatible with public safety, environmental quality and wildlife preservation; and

WHEREAS, based upon these determinations the Town Board finds that ATVs, snow mobiles, ORVs and other similar devices that may meet the legal definition of "other power-driven mobility devices," are not appropriate for use on or within the Town's trail system or recreation facilities; and

WHEREAS, the use of electric motor-driven devices of a certain classification, legally defined as “Electronic Personal Assistance Mobility Devices”, does not carry the environmental impacts recited above with respect to ORV’s, snow mobiles and ATV’s, and such use should be permitted as a means of accommodating persons with mobility disabilities; and

WHEREAS, as a result of these findings by the Town Board, the Town Board has determined that adoption of regulations related to the use of Electronic Personal Assistance Mobility Devices is required for the promotion of public health, safety and welfare; and

WHEREAS, by Ordinance No. 2006-1238, codified at *Windsor Municipal Code* Section 8-1-80, the Town Board previously enacted regulations for the use of a particular type of electronic mobility device, commonly known by its manufacturer-specific name, “Segway”; and

WHEREAS, the definition used in Ordinance No. 2006-1238 to identify the “Segway”-type device was “EPAMD” which, given the terms defined within the Americans With Disability Act is now in conflict, and may create confusion; and

WHEREAS, in order to avoid confusion and misuse of defined terms contained herein, the Town Board has determined that the former usage of the term, “EPAMD”, in Ordinance No. 2006-1238 should be amended for clarity; and

WHEREAS, the within amendments to existing *Windsor Municipal Code* language promotes the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

**Section 1.** Chapter 8 of the *Windsor Municipal Code* shall be amended by the addition of a new Article VII, which shall read as follows:

## **ARTICLE VII**

### **Electronic Personal Assistance Mobility Devices**

#### **Sec. 8-7-10. Definitions.**

As used in this Article, the following terms shall have the following defined meaning:

*Electronic Personal Assistance Mobility Device (EPAMD)* means a device used by a person with a mobility disability. This definition excludes gasoline-powered devices or vehicles, Segway® PT devices, any mobility device designed to operate in areas without defined pedestrian routes, golf cars, and riding lawn mowers. This definition is restricted to a device with the following additional specifications:

- (a) must not exceed one-half the width of any part of the trail, path or sidewalk upon which the device is being operated; and
- (b) must weigh no more than 500 pounds; and
- (c) must be designed to travel on two or more low-pressure tires; and
- (d) must operate by electric-powered engine with a maximum decibel level of 55 or less when measured at a distance of 25 feet from the device.

*Wheelchair* means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

**Sec. 8-7-20. Scope and Authorization.**

(1) The following regulations shall apply to the use of EPAMD within Town-owned, operated and/or maintained trails, and on all associated lands and facilities, including but not limited to all facilities related to the operation of the Poudre Trail, and further including but not limited to associated parking lots, restroom facilities, benches, etc. (collectively referred to as the “Trail Facilities”).

(2) The Town Board affirms and authorizes that persons with mobility impairments may use wheelchairs and manually-powered mobility aids (e.g. walkers, crutches, canes, braces or similar devices designed for use by individuals with mobility disabilities) within the Trail Facilities.

(3) The Town Board further authorizes persons with mobility impairments to use EPAMD’s within the Trail Facilities, subject to the following restrictions:

- (a) The operator of the EPAMD must be a person with a mobility impairment. Credible assurance of such impairment may be requested by Town personnel in accordance with Americans with Disabilities Act (ADA) regulations. Credible assurance of such impairment may include:
  - i. A valid State-issued disability parking placard or card or other State-issued proof of disability; or
  - ii. In lieu of a valid State-issued disability parking placard or card or other State-issued proof of disability, a verbal representation, not contradicted by observable fact, that the Mobility Device is being used for a mobility disability.
- (b) The EPAMD is only permitted in areas of the Trail Facilities in which the general public is allowed.

- (c) The EPAMD operator must not use or operate the EPAMD within the Trail Facilities if such use causes damage to real or personal property.
- (d) Operating an EPAMD within any Trail Facility while impaired by the consumption of alcohol or drugs is prohibited.
- (e) The EPAMD shall not be operated between dusk and dawn.
- (f) The EPAMD shall not be operated within wet or ecologically-sensitive or hazardous areas posted as prohibited access areas by the Town or any authority having jurisdiction over the area in question.
- (g) The EPAMD shall not be used to transport anyone other than a single mobility-impaired operator.
- (h) The EPAMD shall not be operated in a careless or reckless manner, or at speeds that unreasonably jeopardize the safety of the operator or any other person.

**Sec. 8-7-30. No authorization for other power-driven mobility devices.**

The Town Board does not authorize the use of other power-driven mobility devices which are excluded from the definition of an EPAMD pursuant to this Policy.

**Sec. 8-7-40. Mobility-impaired operators only.**

An individual without a mobility disability is prohibited from using an EPAMD within the Town's Trail Facilities under this policy, regardless of whether or not he or she is accompanying an individual with a mobility disability who is using an EPAMD.

**Sec. 8-7-50. Storage.**

The Town shall not be responsible for the storage of any EPAMD.

**Sec. 8-7-60. Town not liable.**

The Town shall not be liable for damage to any EPAMD, or injury to any person, regardless of the source or cause, or any circumstance involving the use, transportation or storage of any EPAMD within Town Trail Facilities.

**Sec. 8-7-70. Limitation or suspension of use.**

The Town Board reserves the right to suspend and/or limit EPAMD use within Trail Facilities, if deemed necessary to protect the public interest or public safety.

**Sec. 8-7-80. Right to modify.**

The Town Board reserves the right to change, modify, revise or amend the regulations applicable to the operation of EPAMD's at any time.

**Section 2.** Section 8-1-80 of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

**Sec. 8-1-80. Self-balancing Mobility Devices.**

(a) **Defined.** A Self-balancing Mobility Device (SBMD) is defined as a self-balancing, two-nontandem-wheeled device, designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to twelve and one-half (12.5) miles per hour or less.

(b) **Operation authorized.** Except as otherwise provided by the terms of this Section, the operation of SBMDs in the Town shall be exempt from the Model Traffic Code, as adopted by the Town, and such other Town ordinances that regulate motorized vehicles in the Town.

(c) **Regulations.** For the purposes of operation, parking and equipment, and subject to the additional regulations set forth in this Section, SBMDs shall be considered bicycles and shall be subject to the provisions and regulations concerning bicycles contained in the Model Traffic Code, as adopted by the Town.

(d) **Minimum age.** Operation of SBMDs shall be limited to persons sixteen (16) years of age or older.

(e) **Operation on state highways prohibited.** It shall be unlawful to operate SBMDs on state highways other than for the purpose of crossing such highways.

(f) **Operation on Poudre River Trail.** Consistent with the rules and regulations of the Poudre River Trail, it shall be unlawful to operate SBMDs on those portions of the Poudre River Trail located within the boundaries of the Town.

(g) **Violations.** Violations of this Section shall be punishable in accordance with the properly adopted penalty provisions as set forth in this Code.

Introduced, passed on first reading, and ordered published this 11<sup>th</sup> day of February, 2013.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 25<sup>th</sup> day of February, 2013.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

## I-25 EXCHANGE – 3 YEAR SALES TAX REVENUE COLLECTION

	<b>Westgate</b>	<b>Ptarmigan</b>	<b>TOTAL PER YEAR</b>
2010 =	\$187,102.36	\$29,505.32	\$216,607.68
2011 =	\$169,627.30	\$30,011.06	\$199,638.36
2012 =	\$146,641.84	\$39,950.34	<u>\$186,592.18</u>
 3-YEAR TOTAL COMBINED REVENUE			 \$602,838.22

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>TOTAL PER RETAIL AREA</u>
<b>Westgate</b>	\$187,102.36	\$169,627.30	\$146,641.84	\$503,371.50
<b>Ptarmigan</b>	\$ 29,505.32	\$ 30,011.06	\$ 39,950.34	\$ 99,466.72

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013(to-date)</u>
Active Retail Licenses				
Westgate	10	11	9	6
Ptarmigan	2	2	2	2



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## MEMORANDUM

**Date:** February 25, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** John Frey and Ian McCargar, Town Attorneys  
**Re:** First Reading of Ordinance Approving Amendments to First Amended Intergovernmental Agreement ("IGA") with the City of Fort Collins regarding the development of Interstate 25 and State Highway 392 Interchange.  
**Item #:** C.3.

### **Summary:**

This ordinance approves an Intergovernmental Agreement with Fort Collins further amending the First Amended IGA approved by the Board in November, 2012.

The First Amended IGA became effective on or about November 27, 2012. The IGA provides that Windsor and Fort Collins will annually share property and sales tax revenue generated in the area surrounding the I-25/ SH 392 Interchange ("the CAC"). The amount to be shared is the amount of increased taxes in the CAC beyond the amount collected in the base year. The IGA provided that the base year would be the revenues collected in the year 2012, the year the IGA became effective.

In discussions with the City of Fort Collins, we concluded that it would be more equitable if the base year for the increment calculation was 2010 rather than 2012. The tax revenues were reduced by as much as 25% in 2011 and 2012, since construction of the interchange was on-going during that year. 2010 was the last year of tax revenues before construction began and as such, would be a more accurate reflection of tax revenues for the purpose of determining increased increments to be divided.

Accordingly, the new IGA amends the First Amended IGA at sections 1.14, 1.16 and 5.1.4 to provide that the base year for the calculation of sales and property tax sharing shall be 2010.

### **Fiscal Impact:**

The approval of the amendments in this IGA will increase the amount of revenue Windsor will retain annually from CAC tax revenues before revenue sharing, by establishing the base year for the revenue share calculation at the amount of revenue collected in 2010. That amount exceeded the amounts collected in either 2011 or 2012.

**Recommendation:**

Town Staff recommends the adoption of both of the proposed Ordinance.

**Attachments:**

- IGA Amending the First Amended IGA between Windsor and Fort Collins.
- Ordinance adopting the IGA.
- Sales tax revenue chart.

TOWN OF WINDSOR

ORDINANCE NO. 2013-1447

AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT AMENDING CERTAIN PROVISIONS OF THE FIRST AMENDED INTERGOVERNMENTAL AGREEMENT PERTAINING TO THE DEVELOPMENT OF THE INTERSTATE 25/STATE HIGHWAY 392 INTERCHANGE

WHEREAS, on or about November 27, 2012, the City of Fort Collins ("City") and the Town of Windsor ("Town") entered into the First Amended Intergovernmental Agreement ("First Amended IGA") setting forth certain understandings between the City and the Town with regard to the development of the Interstate 25/State Highway 392 Interchange; and

WHEREAS, pursuant to the provisions of the First Amended IGA, representatives of the City and the Town recently met to establish procedures for the implementation of the provisions of the First Amended IGA; and

WHEREAS, as a result of the meeting between the representatives of the City and the Town it became apparent that further amendments to the First Amended IGA were required to fully implement the intention of the parties as set forth therein; and

WHEREAS, an Intergovernmental Agreement reciting those amendments and providing for the amendment of the First Amended IGA has been prepared and is attached to this Ordinance; and

WHEREAS, the Town Board believes that approval of the changes recommended by staff are in the best interests of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO AS FOLLOWS:

1. The attached Intergovernmental Agreement Amending Certain Provisions of First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange is hereby approved.
2. The Mayor is hereby authorized to execute the same on behalf of the Town.

Introduced, passed on first reading, and ordered published this 25<sup>th</sup> day of February, 2013.

TOWN OF WINDSOR, COLORADO

\_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 25<sup>th</sup> day of March, 2013.

TOWN OF WINDSOR, COLORADO

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John S. Vazquez, Mayor

ATTEST:

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Patti Garcia, Town Clerk



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## MEMORANDUM

**Date:** February 25, 2013  
**To:** Mayor and Town Board  
**Via:** Regular meeting packets  
**From:** Ian D. McCargar, Town Attorney  
**Re:** Marijuana clubs, marijuana business enterprises, and related code revisions  
**Item #:** C.4., C.5., C.6.

### **Background / Discussion:**

At the conclusion of the work session held on February 18, 2013, I was instructed to prepare an ordinance, the effect of which would be the prohibition of marijuana business enterprises and private marijuana clubs. Attached are three separate ordinances, captioned as follows:

- An Ordinance Prohibiting the Operation of any Marijuana Business Enterprise Within the Meaning of Article XVIII, Section 16 of the Colorado Constitution Within the Town of Windsor, Colorado;
- An Ordinance Prohibiting the Establishment and Operation of Private Marijuana Clubs Within the Town of Windsor, Colorado;
- An Ordinance Prohibiting the Establishment and Operation of Certain Marijuana Cultivation Facilities Within the Town of Windsor, Colorado

The first of the ordinances listed above follows the discussions held over the last month or so regarding the Town's desire to exercise its land use and police powers with respect to the business enterprises contemplated under Amendment 64. This Ordinance is squarely within the powers of local governments granted under Amendment 64.

The second of the ordinances listed above also follows our discussions regarding the Town's desire to prohibit the establishment of private marijuana clubs. This Ordinance is not expressly authorized under Amendment 64, but is presented as an exercise of the Town's land use and police powers. This Ordinance is drafted narrowly by targeting the use of commercial and industrial structures in which more than one person may assemble, and in which the consumption of marijuana is taking place, either as a primary purpose or an incidental purpose. This Ordinance does not reach into residential uses, as the intention is to steer clear of non-public use in the privacy of a person's home.

The third ordinance listed above is really a clean-up measure, which uses parallel language to an existing Code prohibition on larger marijuana cultivation sites. The

existing Code language is, however, specific to *medical marijuana* cultivation sites. In order to avoid a loophole for non-medical marijuana cultivation sites, I have prepared the attached Code amendment to make clear that, when read together with the existing Code language, *all* marijuana cultivation facilities exceeding the stated size or numerical limitations are prohibited within the Town's corporate limits. When we drafted the medical marijuana cultivation facility limits, we did not anticipate non-medical grow facilities that could proliferate under Amendment 64.

Each of these Ordinances contains similar recitals and findings of fact to support the action taken. As I have said in the past, the prohibition on private marijuana clubs is the subject of divergent schools of thought in the municipal bar, as some might read it as invading otherwise-permitted activity. However, my instructions were to prepare the Ordinance and defend it if challenged, given the strong historical local resistance to any relaxation of marijuana laws.

**Financial Impact:** None.

**Relationship to Strategic Plan:** Residents feeling safe and secure; quality development through managed growth.

**Recommendation:** Adopt attached Ordinances on first reading (four affirmative votes required).

**Attachments:**

An Ordinance Prohibiting the Operation of any Marijuana Business Enterprise Within the Meaning of Article XVIII, Section 16 of the Colorado Constitution Within the Town of Windsor, Colorado;

An Ordinance Prohibiting the Establishment and Operation of Private Marijuana Clubs Within the Town of Windsor, Colorado;

An Ordinance Prohibiting the Establishment and Operation of Certain Marijuana Cultivation Facilities Within the Town of Windsor, Colorado

TOWN OF WINDSOR

ORDINANCE NO. 2013-1448

AN ORDINANCE PROHIBITING THE OPERATION OF ANY MARIJUANA BUSINESS ENTERPRISE WITHIN THE MEANING OF ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION WITHIN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality with all powers and authority vested under Colorado law; and

WHEREAS, on November 6, 2012, Colorado voters approved the adoption of “Amendment 64”, which has since been codified at Article XVIII, Section 16 of the Colorado Constitution (“Amendment 64”); and

WHEREAS, Amendment 64 decriminalizes certain activity with respect to the use, possession, cultivation, transportation and distribution of marijuana, and contains requirements for the Colorado Department of Revenue (“DOR”) to formulate policy for the regulation of business enterprises authorized under Amendment 64; and

WHEREAS, Amendment 64 requires that the DOR approve its policies by July 1, 2013, and further calls for the issuance of state-level licenses to qualifying marijuana business enterprises on and after October 1, 2013; and

WHEREAS, Amendment 64 expressly grants the Town the authority to establish its own regulatory regimen, and further expressly grants the Town the authority to prohibit the operation of marijuana business enterprises by resolution or ordinance; and

WHEREAS, the Town Board is aware that the use, possession, transportation, cultivation and distribution of marijuana remains criminal under federal law, such that the Town’s legal authority to permit regulated marijuana business enterprises is in question; and

WHEREAS, the Town Board believes that the establishment marijuana business enterprises carries the potential for abuse, financial mismanagement, regulatory complications not yet entirely clear, injury to the public health, and damage to the Town’s reputation; and

WHEREAS, on at least three specific occasions, the Town’s voters have expressed their overwhelming opposition to both the establishment and operation of marijuana enterprises within the Town’s corporate limits and to the relaxation of Colorado law with respect to the use, possession, cultivation, distribution and transportation of marijuana; and

WHEREAS, the Town Board has concluded that a clear and firm policy prohibiting the establishment and operation of marijuana enterprises is necessary to assure the preservation of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, as follows:

**Section 1.** The foregoing recitals are hereby adopted by the Town Board as findings in support of the adoption of this Ordinance. The Town Board expressly finds that the within Ordinance is within its powers under the following authority: Article XX of the Colorado Constitution; the Town’s Home Rule Charter; the Local Land Use Enabling Act; Part Three of Article 23 of Title 31, C.R.S.; Section 31-15-103, C.R.S.; Section 31-14-401, C.R.S., and Section 31-15-501, C.R.S.

**Section 2.** Chapter 10 of the Windsor Municipal Code is hereby amended by the addition of a new Article VIII, which shall read as follows:

**ARTICLE VIII  
MARIJUANA ENTERPRISES**

**Sec. 10-8-10. Marijuana Enterprises Prohibited.**

- (a) It shall be unlawful for any person to establish or operate the following business enterprises:
  - 1. A retail marijuana store, as defined in Article XVIII, Section 16 of the Colorado Constitution;
  - 2. A marijuana cultivation facility, as defined in Article XVIII, Section 16 of the Colorado Constitution;
  - 3. A marijuana product manufacturing facility, as defined in Article XVIII, Section 16 of the Colorado Constitution; and
  - 4. A marijuana testing facility, as defined in Article XVIII, Section 16 of the Colorado Constitution.
- (b) Any person found to be in violation of this Article shall, upon conviction, be fined up to the maximum penalty permitted for municipal courts of record. Each day such violation continues shall be considered a separate offense.

**Sec. 10-8-20. Liberal Construction.**

The within Article shall be liberally construed to prevent and prohibit the establishment, operation and continuation of any activity identified in Section 10-8-10 (a) above.

**Sec. 10-8-30. Town Civil Remedies**

The establishment, operation and continuation of any activity in violation of the terms of this Article is specifically determined to constitute a public nuisance, may be abated by the Town as

a nuisance and may be enjoined by the Town in an action brought in a court of competent jurisdiction in the county in which such activity occurs. The provisions of Chapter 7, Article I of this Code shall apply to any nuisance declared pursuant to this Article and shall entitle the Town to any rights, remedies and powers provided therein with respect to the abatement of nuisances declared under this Article. The remedies set forth in this Section shall not be exclusive, shall be cumulative and shall be in addition to any other remedy available at law or in equity.

**Section 3.** Nothing herein shall be construed as promoting, encouraging, facilitating or condoning any violation of federal law with respect to the use, possession, cultivation, transportation or distribution of marijuana.

Introduced, passed on first reading, and ordered published this 25th day of February, 2013.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 25th day of March, 2013.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

TOWN OF WINDSOR

ORDINANCE NO. 2013-1449

AN ORDINANCE PROHIBITING THE ESTABLISHMENT AND OPERATION OF PRIVATE MARIJUANA CLUBS WITHIN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality with all powers and authority vested under Colorado law; and

WHEREAS, on November 6, 2012, Colorado voters approved the adoption of “Amendment 64”, which has since been codified at Article XVIII, Section 16 of the Colorado Constitution (“Amendment 64”); and

WHEREAS, Amendment 64 decriminalizes certain activity with respect to the use, possession, cultivation, transportation and distribution of marijuana; and

WHEREAS, Amendment 64 contains requirements for the Colorado Department of Revenue (“DOR”) to formulate policy for the regulation of business enterprises authorized under Amendment 64; and

WHEREAS, Amendment 64 requires that the DOR approve its policies by July 1, 2013, and further calls for the issuance of state-level licenses to qualifying marijuana business enterprises on and after October 1, 2013; and

WHEREAS, Amendment 64 expressly grants the Town the authority to establish its own regulatory regimen, and further expressly grants the Town the authority to prohibit the operation of marijuana business enterprises by resolution or ordinance; and

WHEREAS, Amendment 64 does not clearly instruct DOR to adopt regulations pertaining to the establishment and operation of what have been referred to in the media as “private marijuana clubs”; and

WHEREAS, the establishment and operation of private marijuana clubs, although superficially “private”, involves the consumption of marijuana by assemblies of persons which by its very nature diminishes its character as non-public activity; and

WHEREAS, to the extent a private marijuana club involves activity that generates profit or pecuniary gain to its members or management, the private marijuana club is an unregulated class of business enterprise;

WHEREAS, the establishment of private marijuana clubs presents a situation where the use of marijuana by an assembly of persons could take place in commercial and industrial structures within the Town, but not be subject to reasonable land use and police powers regulation; and

WHEREAS, the Town Board believes that the establishment of private marijuana clubs carries the potential for abuse, financial mismanagement, regulatory complications not yet entirely clear, injury to the public health, underutilization of commercial and industrial building space, uses inconsistent with existing surrounding uses, and damage to the Town's reputation; and

WHEREAS, the Town Board is aware that the use, possession, transportation, cultivation and distribution of marijuana remains criminal under federal law, such that the Town's legal authority to condone, permit or even regulate private marijuana clubs is in question; and

WHEREAS, the Town Board has concluded that the establishment of private marijuana clubs within the Town represents a circumstance requiring clear and firm action to assure preservation of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, as follows:

**Section 1.** The foregoing recitals are hereby adopted by the Town Board as findings in support of the adoption of this Ordinance. The Town Board expressly finds that the within Ordinance is within its powers under the following authority: Article XX of the Colorado Constitution; the Town's Home Rule Charter; the Local Land Use Enabling Act; Part Three of Article 23 of Title 31, C.R.S.; Section 31-15-103, C.R.S.; Section 31-14-401, C.R.S., and Section 31-15-501, C.R.S.

**Section 2.** Chapter 10, Article IV of the Windsor Municipal Code is hereby amended by the addition of a new Section 10-4-210, which shall read as follows:

**Sec. 10-4-210. Private Marijuana Clubs Prohibited.**

(a) It shall be unlawful for any person or association of persons to operate any private marijuana club, which shall for purposes of this Ordinance be defined as follows:

The consumption of marijuana by persons assembled within a commercial or industrial structure, where such consumption is permitted, encouraged, promoted, enabled, or condoned by persons assembled therein, whether such consumption is the primary intended purpose or an intended purpose incidental to other reasons for assembly therein.

(b) For purposes of this Ordinance, "marijuana" shall have the same meaning as defined in Article XVIII, Section 16, sub-section (2) (f) of the Colorado Constitution.

(c) The within ordinance shall be liberally construed to prevent and prohibit the establishment, operation and continuation of any activity identified in Section

(a) above, but shall not be construed to criminalize lawful activity under Article XVIII, Section 16 of the Colorado Constitution.

(d) The establishment, operation and continuation of any activity in violation of the terms of this Section is specifically determined to constitute a public nuisance, may be abated by the Town as a nuisance and may be enjoined by the Town in an action brought in a court of competent jurisdiction in the county in which such activity occurs. The provisions of Chapter 7, Article I of this Code shall apply to any nuisance declared pursuant to this Section and shall entitle the Town to any rights, remedies and powers provided therein with respect to the abatement of nuisances declared under this Section. The remedies set forth in this Section shall not be exclusive, shall be cumulative and shall be in addition to any other remedy available at law or in equity.

**Section 3.** Nothing herein shall be construed as promoting, encouraging, facilitating or condoning any violation of federal law with respect to the use, possession, cultivation, transportation or distribution of marijuana.

Introduced, passed on first reading, and ordered published this 25<sup>th</sup> day of February, 2013.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 25<sup>th</sup> day of March, 2013.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

TOWN OF WINDSOR

ORDINANCE NO. 2013-1350

AN ORDINANCE PROHIBITING THE ESTABLISHMENT AND OPERATION OF CERTAIN MARIJUANA CULTIVATION FACILITIES WITHIN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality with all powers and authority vested under Colorado law; and

WHEREAS, on November 6, 2012, Colorado voters approved the adoption of “Amendment 64”, which has since been codified at Article XVIII, Section 16 of the Colorado Constitution (“Amendment 64”); and

WHEREAS, Amendment 64 decriminalizes certain activity with respect to the use, possession, cultivation, transportation and distribution of marijuana; and

WHEREAS, Amendment 64 contains requirements for the Colorado Department of Revenue (“DOR”) to formulate policy for the regulation of business enterprises authorized under Amendment 64; and

WHEREAS, Amendment 64 requires that the DOR approve its policies by July 1, 2013, and further calls for the issuance of state-level licenses to qualifying marijuana business enterprises on and after October 1, 2013; and

WHEREAS, Amendment 64 expressly grants the Town the authority to establish its own regulatory regimen, and further expressly grants the Town the authority to prohibit the operation of marijuana business enterprises by resolution or ordinance; and

WHEREAS, Amendment 64 does not clearly instruct DOR to adopt regulations pertaining to the establishment and operation of marijuana cultivation sites, although Amendment 64 requires that any non-commercial cultivation of marijuana must take place in an “...enclosed, locked space, ... not conducted openly or publicly, and ... not made available for sale”; and

WHEREAS, while the establishment and operation of non-commercial marijuana cultivation sites is not prohibited under Amendment 64, the Town Board believes that reasonable regulations addressing the size of any such cultivation sites falls within the Town’s land use and police powers authority; and

WHEREAS, to the extent a non-commercial marijuana cultivation facility exceeds certain size limitations, the Town Board believes such a facility raises the risk of fire, electrical system malfunction, mold and fungal health risks, and the risk of criminal activity; and

WHEREAS, the Town Board has previously regulated the size of medical marijuana cultivation facilities, codified in *Windsor Municipal Code* Chapter 6, Article IV, for reasons similar to those set forth herein; and

WHEREAS, the Town Board desires to respect the intent and privileges expressed in Amendment 64, while preserving the public health, safety and welfare; and

WHEREAS, the Town Board has concluded that regulation of non-commercial marijuana cultivation facilities requires clear and firm action to assure preservation of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, as follows:

**Section 1.** The foregoing recitals are hereby adopted by the Town Board as findings in support of the adoption of this Ordinance. The Town Board expressly finds that the within Ordinance is within its powers under the following authority: Article XX of the Colorado Constitution; the Town’s Home Rule Charter; the Local Land Use Enabling Act; Part Three of Article 23 of Title 31, C.R.S.; Section 31-15-103, C.R.S.; Section 31-14-401, C.R.S., and Section 31-15-501, C.R.S.

**Section 2.** Chapter 10, Article IV of the Windsor Municipal Code is hereby amended by the addition of a new Section 10-4-220, which shall read as follows:

**Sec. 10-4-220. Large Non-commercial Marijuana Cultivation Facilities Prohibited.**

(a) It shall be unlawful for any person or association of persons to operate any large marijuana cultivation facility, which shall for purposes of this Section be defined as follows:

Any location wherein more than four-hundred (400) cubic feet of space is devoted to the growing or marijuana plants at any time, or where more than twenty-four (24) mature marijuana plants are found within a single address at any time.

(b) For purposes of this Section, “marijuana” shall have the same meaning as defined in Article XVIII, Section 16, sub-section (2) (f) of the Colorado Constitution.

(c) This Section shall be liberally construed to prevent and prohibit the establishment, operation and continuation of any activity identified in sub-section (a) above, but shall not be construed to criminalize lawful activity under Article XVIII, Section 16 of the Colorado Constitution.

(d) Nothing in this Section shall affect the limitations and regulations found in Chapter 6, Article IV of the *Windsor Municipal Code* with respect to medical marijuana cultivation facilities, as defined therein.

(e) The establishment, operation and continuation of any activity in violation of the terms of this Section is specifically determined to constitute a public nuisance, may be abated by the Town as a nuisance and may be enjoined by the Town in an action brought in a court of competent jurisdiction in the county in which such activity occurs. The provisions of Chapter 7, Article I of this Code shall apply to any nuisance declared pursuant to this Section and shall entitle the Town to any rights, remedies and powers provided therein with respect to the abatement of nuisances declared under this Section. The remedies set forth in this Section shall not be exclusive, shall be cumulative and shall be in addition to any other remedy available at law or in equity.

**Section 3.** Nothing herein shall be construed as promoting, encouraging, facilitating or condoning any violation of federal law with respect to the use, possession, cultivation, transportation or distribution of marijuana.

Introduced, passed on first reading, and ordered published this 25<sup>th</sup> day of February, 2013.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 25th day of March, 2013.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk



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## MEMORANDUM

**Date:** February 25, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Joseph P. Plummer, AICP, Director of Planning  
**Re:** Resolution 2013-13 – Introducing an Ordinance Calling for Adoption by Reference the 2012 International Building Codes; 2009 International Energy Conservation Code; and the 2011 National Electrical Code and Setting a Public Hearing on the Adoption of these Codes  
**Item #:** C-7

**Background / Discussion:**

From time to time building codes are updated. These updates provide governmental agencies which have previously adopted building codes an opportunity to review any such codes that have been updated to determine whether they would like to adopt the updated codes.

At the present time and for the past four years, Windsor has been using the 2006 International Building Code Series (IBC) and the 2008 National Electrical Code (NEC) for all construction within the Town. Since the 2006 Codes were enacted, the International Code Council has published both the 2009 IBC and the 2012 IBC. Upon a review of the 2009 IBC and in consultation with Mr. Russ Weber, Building Official for the Town's contract inspection agency Safebuilt Colorado, staff determined that there were not a significant number of changes between the 2006 IBC and the 2009 IBC to warrant adoption of the 2009 IBC.

However, and also in consultation with Mr. Weber, staff has determined that the contents and updates in the 2012 IBC make it feasible and prudent to adopt this series of building codes, with amendments that best suit Windsor's needs. Likewise, since the State has adopted the 2011 NEC and all jurisdictions within the State must also use the most recent State-adopted electrical code, staff will also be proposing adoption of the 2011 NEC.

Lastly, in order to adopt a series of building codes, the Town must first adopt a resolution which both introduces an ordinance calling for the adoption all of these codes by reference and also establishes a public hearing date at which the Town Board will hear testimony on the adoption of the codes. In this instance, Resolution No. 2013-13 states that this public hearing has been scheduled for March 25, 2013.

**Recommendation:** Approval of Resolution No. 2013-13 as presented.

**Attachment:** Resolution No. 2013-13

pc: Russ Weber, Building Official, Safebuilt Colorado

TOWN OF WINDSOR

RESOLUTION NO. 2013-13

BEING A RESOLUTION INTRODUCING AN ORDINANCE CALLING FOR THE ADOPTION BY REFERENCE OF THE INTERNATIONAL BUILDING CODE, 2012 EDITION, THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, THE INTERNATIONAL FUEL GAS CODE, 2012 EDITION, THE INTERNATIONAL PLUMBING CODE, 2012 EDITION, THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION, THE INTERNATIONAL EXISTING BUILDING CODE, 2012 EDITION, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, AND THE INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION PROMULGATED BY THE INTERNATIONAL CODE COUNCIL, INC., AS AMENDED; AND INTRODUCING AN ORDINANCE CALLING FOR THE ADOPTION BY REFERENCE OF THE NATIONAL ELECTRICAL CODE, 2011 EDITION, PROMULGATED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, AND SETTING A PUBLIC HEARING THEREON

WHEREAS, the Town of Windsor's Home Rule Charter authorizes the Town to adopt any code by reference as provided by applicable Colorado statutes; and

WHEREAS, the Town of Windsor has previously adopted by reference prior versions of appropriate uniform and international building codes with appropriate amendments; and

WHEREAS, the previously-adopted uniform and international building codes have undergone significant revisions of form and substance since the Town's earlier adoption of them; and

WHEREAS, the Town's staff and building inspector have reviewed the updated versions of the applicable international building codes, and have recommended amendments to them where appropriate to preserve the health, safety and welfare of the Town's citizens; and

WHEREAS, the Town's staff and building inspector have circulated, publicized and presented the updated and amended versions of the building codes for the benefit of all interested parties; and

WHEREAS, the Town's Planning Commission has reviewed and recommended adoption of the above-titled International Codes; and

WHEREAS, the applicable Colorado statutes require that introduction of and a public hearing upon any Ordinance calling for adoption of the above-titled International Codes take place before consideration of said Ordinance.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

1. The Ordinance adopting by reference the International Building Code, 2012 Edition, the International Residential Code, 2012 Edition, the International Fuel Gas Code, 2012 Edition, the International Plumbing Code, 2012 Edition, the International Mechanical Code, 2012 Edition, the International Existing Building Code, 2012 Edition, the International Property Maintenance Code, 2012 Edition, and the International Energy Conservation Code, 2009 Edition, promulgated by the International Code Council, Inc., as amended, is hereby formally introduced for consideration by the Town Board.
2. The Ordinance adopting by reference the National Electrical Code, 2011 Edition, promulgated by the National Fire Protection Association, as amended, is hereby formally introduced for consideration by the Town Board.
3. The Town Board hereby sets a public hearing for Monday, March 25, 2013, at 7:00 p.m. in the Town Board Room located at 301 Walnut Street, Windsor, Colorado, at which the Town Board will consider the Ordinance adopting by reference the above-titled International Codes, as amended and the above-titled National Electrical Code, as amended.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 25<sup>th</sup> day of February, 2013.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

**2013 MONTHLY FINANCIAL REPORT**

**Special points of interest:**

- Single Family Residential (SFR) building permits total 35 through the end of January.
- Highest January tax collection on record at \$751,167.

**Highlights and Comments**

- \* We recorded our highest gross sales tax collection for the single month of January.
- \* January 2013 year-to-date gross sales tax increased 12.93% over January 2012.
- \* Construction use tax up 91.46% over 2012.
- \* Expenditure charts reflect January figures tracking as expected.
- \* Year-to-date December revenue total exceeded expenditures by roughly \$868K.



Dennis Wagner  
Director of Engineering



**Interchange Project Recognized**

The Colorado Chapter of the American Public Works Association (APWA) recognized the Windsor interchange at I-25 and Highway 392 in the category "Engineering/Construction Management" for its implementation of an accelerated design process (90 percent design in only 6 months) and fast-track construction methods. The fast-track was only possible through the close cooperation between three governments - CDOT and the City of Fort Collins and the Town of Windsor. Windsor's share of the cost was \$2.3 million.

**Inside this issue:**

Sales, Use and Property Tax	2
Year-to-Date Sales Tax	4
Monthly Sales Tax	5
All Fund Expenditures	6
General Fund Expenditures	7

**Items of Interest**

- Construction nearly complete on WWTP Head Works Project.
- Northern Lights Park construction is under way.
- Visit us at the improved [www.windsorgov.com](http://www.windsorgov.com) and look for live streaming of Town Board and Planning Commission meetings.

## Sales, Use and Property Tax Update

January 2013

Benchmark = 8%	Sales Tax	Construction Use Tax	Property Tax	Combined
Budget 2013	\$5,502,998	\$1,316,618	\$4,096,598	\$10,916,214
Actual 2013	\$751,167	\$169,235	\$390	\$920,792
% of Budget	13.65%	12.85%	0.01%	8.44%
Actual Through January 2012	\$665,155	\$88,393	\$291	\$753,839
Change From Prior Year	12.93%	91.46%	34.07%	22.15%

Ideally through the first month of the year you would like to see at least 8% collection rate on your annual budget number. We have reached that benchmark in all but one tax category.

At this point last year we had collected \$291 in property taxes. The dollar amount will be less this year due to lower assessed value, but we are where we need to be at this point in the year.

### Building Permit Chart

January 2013

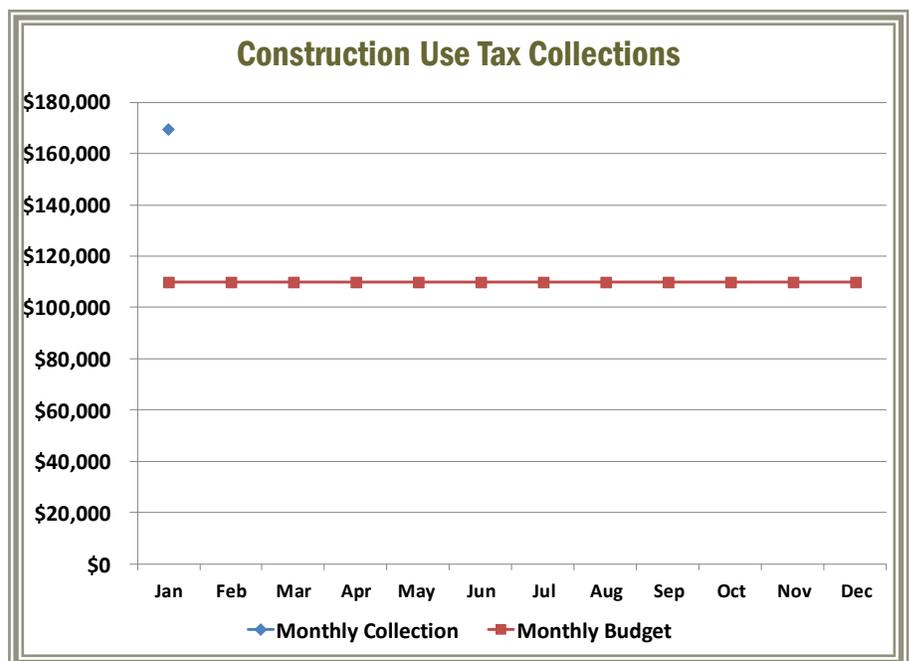
	SFR	Commercial	Industrial	Total
Through January 2013	35	0	0	35
Through January 2012	18	0	0	18
% change from prior year				94.44%
2013 Budget Permit Total				305
% of 2013 Budget				11.48%

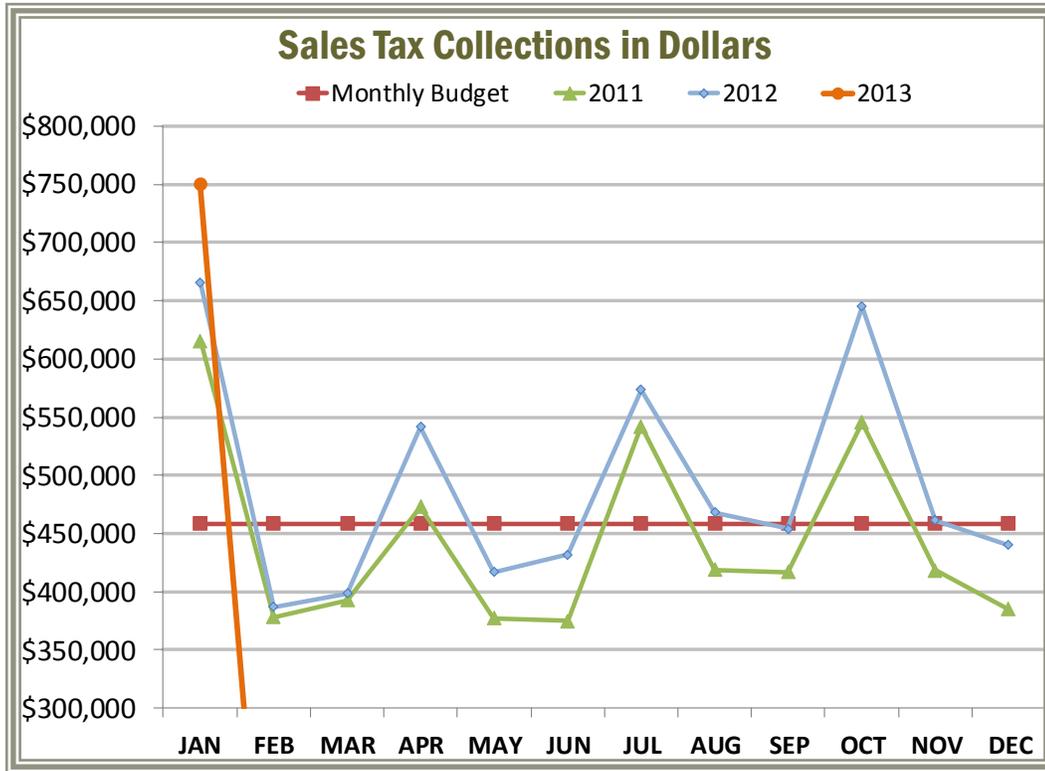
### Building Permits and Construction Use Tax

We are showing a 94.44% increase in number of permits as compared to January 2012.

Construction use tax is well ahead of last year and easily cleared the 8% collection benchmark. This revenue is a key factor in funding our Capital Improvement Plan (CIP).

Issuing 35 SFR permits in the month of January marks the highest permit total for the month of January in Windsor history.





*Gross Sales tax collections for January 2013 were approximately \$86,000 higher than January 2012.*

### January Facts

January is a “quarterly and annual collection” month, meaning that the collections are for sales made in December for monthly filers, October through December for quarterly filers and for the entire year for annual filers. January is historically our largest collection month and January 2013 did not disappoint, producing roughly \$86,000 more in collections over January 2012.

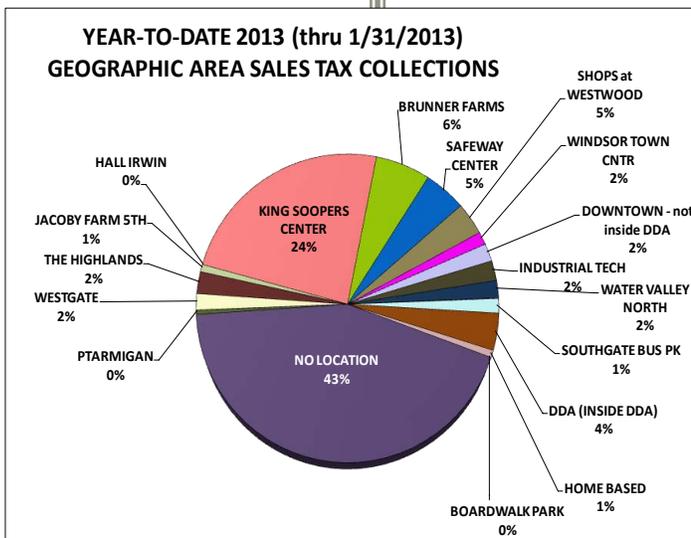
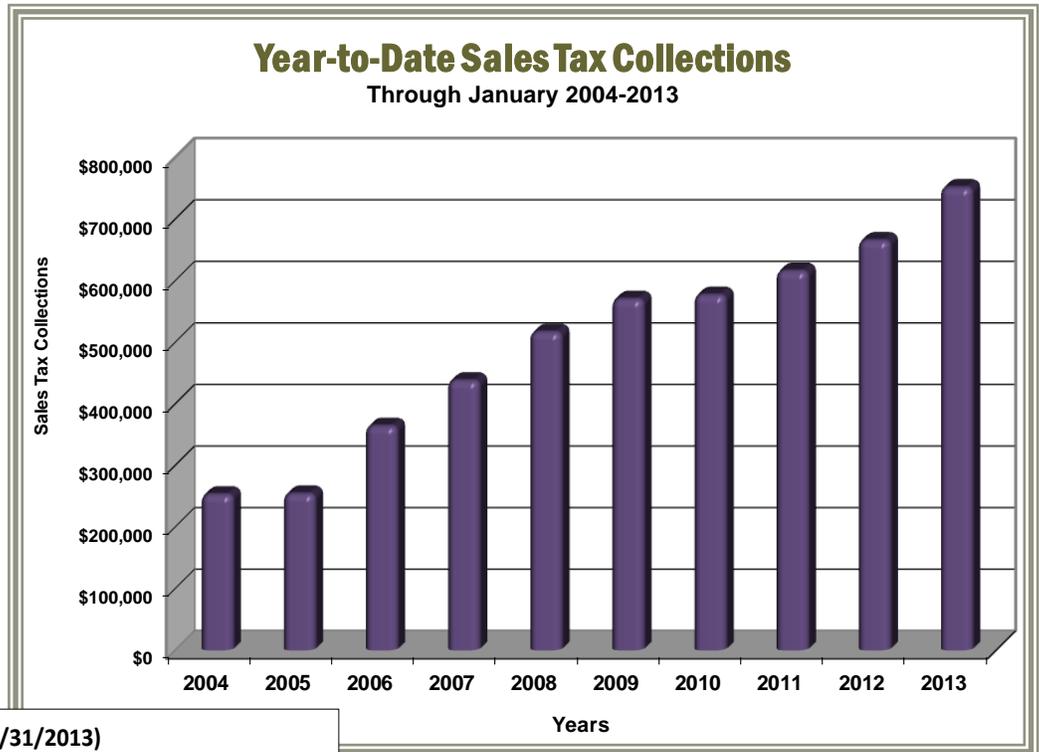
The numbers shown in the graphs reflect the gross collections for the month. We did not have any refunds in January. The gross monthly collection for January \$751,167.

### Looking Forward

We budgeted \$5.5 M in sales tax for 2013, making our average monthly collection requirement \$458,000. There were six months in 2012 that collections were less than \$458,000. We need slightly stronger collections in our weaker months to hit our 2013 budget number.

As big a month as January might be, February and March will set the tone for the rest of the year. Historically these two months are the weakest months of the year. Ideally they will come in above our monthly budget line but that seems unlikely. If collections land above last year’s but below the budget line, we should be in good shape for the rest of the year. If the next two months come in below last year, we need to plan corrective budgetary actions for later in the year.

*Most all of our categories were up in January collections.*

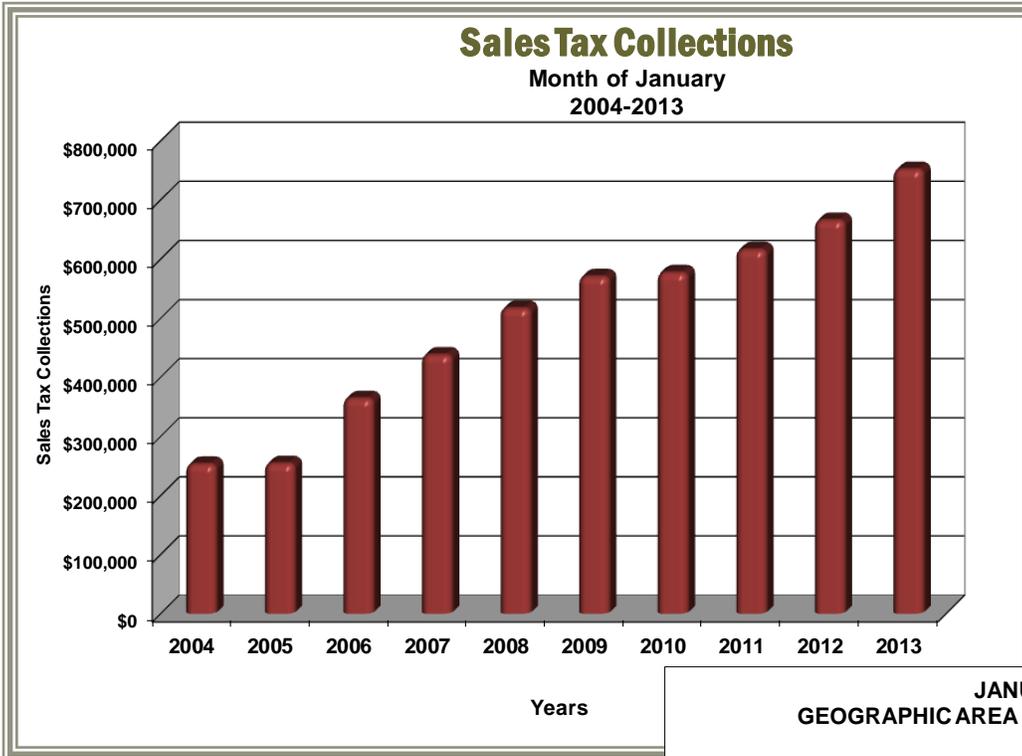


*Our sales tax base is still anchored through groceries and utilities.*

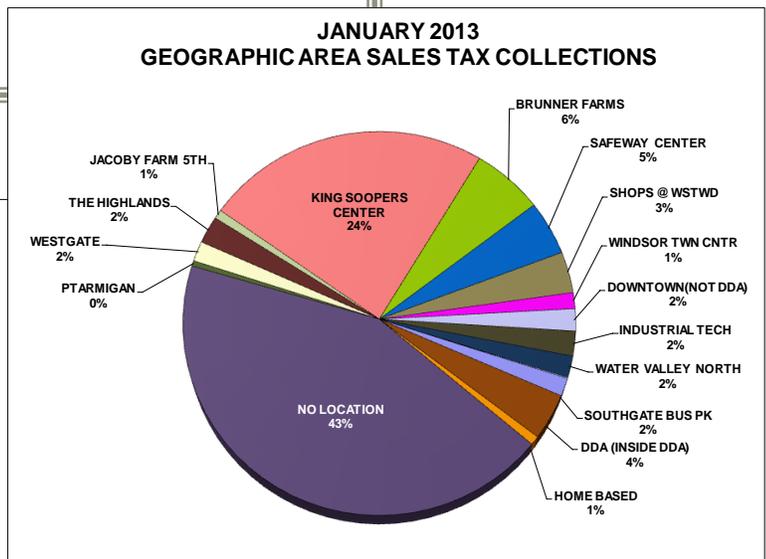
## Year-to-Date Sales Tax

Our sales tax base has not changed a great deal over the past decade, with groceries and utilities leading our industry sectors in sales tax collection. Some of this increase can be attributed to an overall increase in prices and cost of living. Our existing base continues to generate increased 2013 year-to-date sales tax collections by 12.93% over January 2012 year-to-date collections described as follows.

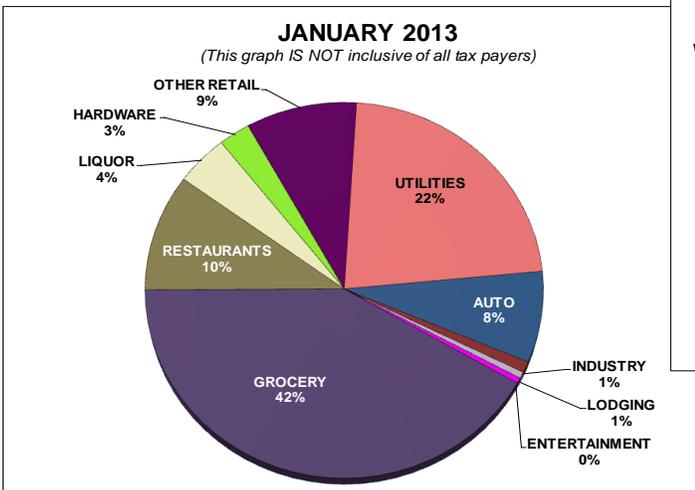
- Restaurants, groceries, liquor, hardware, general retail and auto parts sales and repair all increased collections over January 2012.
- Out of town vendors making sales in Windsor (mostly utility and telecom) represent the largest geographic sales base while the King Soopers Center represents the largest portion of collections with a physical presence in Town.



*In January 2013, we have collected \$751,167 in sales tax.*



*Geographic area chart now shows a breakdown between the DDA and the rest of the Downtown*



## Monthly Sales Tax

- January 2013 gross collections of \$751,167 were 12.93% higher than January 2012 collections of \$665,155.
- January 2013 was the highest January gross sales collection on record.

## All Funds Expense Chart

January 2013

Benchmark = 8%

<u>General Government</u>	<u>Current Month</u>	<u>YTD Actual</u>	<u>2013 Budget</u>	<u>% of Budget</u>
General Fund	\$1,004,408	\$1,004,408	\$12,338,917	8%
Special Revenue	\$71,001	\$71,001	\$2,753,029	3%
Internal Service	\$162,346	\$162,346	\$2,355,908	7%
Other Entities(WBA)	\$12,095	\$12,095	\$145,080	8%
Sub Total Gen Govt Operations	\$1,249,850	\$1,249,850	\$17,592,934	7%
<b><u>Enterprise Funds</u></b>				
Water-Operations	\$112,729	\$112,729	\$2,700,133	4%
Sewer-Operations	\$194,000	\$194,000	\$1,238,601	16%
Drainage-Operations	\$36,620	\$36,620	\$406,995	9%
Non-Potable Operations	\$4,707	\$4,707	\$387,780	1%
Sub Total Enterprise Operations	\$348,056	\$348,056	\$4,733,509	7%
<b>Operations Total</b>	<b>\$1,597,906</b>	<b>\$1,597,906</b>	<b>\$22,326,443</b>	<b>7%</b>

*plus transfers to CIF and Non-Potable for loan*

*Operations expenditures are tracking as expected in the first month of the year.*

<u>General Govt Capital</u>	<u>Current Month</u>	<u>YTD Actual</u>	<u>2013 Budget</u>	<u>% of Budget</u>
Capital Improvement Fund	\$21,056	\$21,056	\$5,080,214	0%
<b><u>Enterprise Fund Capital</u></b>				
Water	\$82,500	\$82,500	\$2,673,542	3%
Sewer	\$20,325	\$20,325	\$787,250	3%
Drainage	\$0	\$0	\$856,000	0%
Non-Potable	\$0	\$0	\$380,700	0%
Sub Total Enterprise Capital	\$102,825	\$102,825	\$4,697,492	2%
<b>Capital Total</b>	<b>\$123,881</b>	<b>\$123,881</b>	<b>\$9,777,706</b>	<b>1%</b>
<i>plus transfer to Non-Potable for loan</i>				
<b>Total Budget</b>	<b>\$1,721,787</b>	<b>\$1,721,787</b>	<b>\$32,104,149</b>	<b>5%</b>

## All Funds Expenditures

As a tracking tool, we would expend no more than 8% of our annual budgeted expenditures through the month of January. The sewer fund operations are higher than this benchmark due to a loan payment we made in January.

The second and third quarters are usually highest in operations as we gear up for the summer and the addition of seasonal help and more operational costs. The third and fourth quarters usually show the highest capital expenditure cost, as we pay for projects as they are completed.

### General Fund Expense Chart

	Department	Current Month	YTD Actual	2013	
				Budget	% of Budget
410	Town Clerk/Customer Service	\$45,147	\$45,147	\$527,426	8.6%
411	Mayor & Board	\$47,233	\$47,233	\$470,308	10.0%
412	Municipal Court	\$132	\$132	\$19,659	0.7%
413	Town Manager	\$23,065	\$23,065	\$277,826	8.3%
415	Finance	\$38,573	\$38,573	\$579,638	6.7%
416	Human Resources	\$20,264	\$20,264	\$345,699	5.9%
418	Legal Services	\$24,000	\$24,000	\$370,000	6.5%
419	Planning & Zoning	\$40,081	\$40,081	\$809,677	5.0%
420	Economic Development	\$22,469	\$22,469	\$182,527	12.3%
421	Police	\$281,841	\$281,841	\$2,685,654	10.5%
428	Recycling	\$1,237	\$1,237	\$41,470	3.0%
429	Streets	\$40,945	\$40,945	\$949,735	4.3%
430	Public Works	\$39,250	\$39,250	\$424,111	9.3%
431	Engineering	\$50,601	\$50,601	\$600,833	8.4%
432	Cemetery	\$11,386	\$11,386	\$112,878	10.1%
433	Community Events	\$2,048	\$2,048	\$106,411	1.9%
450	Forestry	\$29,408	\$29,408	\$309,139	9.5%
451	Recreation Programs	\$123,552	\$123,552	\$1,668,558	7.4%
452	Pool/Aquatics	\$15,580	\$15,580	\$189,884	8.2%
454	Parks	\$96,350	\$96,350	\$1,178,951	8.2%
455	Safety/Loss Control	\$0	\$0	\$15,510	0.0%
456	Art & Heritage	\$24,904	\$24,904	\$253,595	9.8%
457	Town Hall	\$26,342	\$26,342	\$219,429	12.0%
<b>Total General Fund Operations</b>		<b>\$1,004,408</b>	<b>\$1,004,408</b>	<b>\$12,338,917</b>	<b>8.1%</b>

### General Fund Expenditures

The General Fund represents the bulk of our daily operations budget. Again judging by the first month 8% rule of thumb, expenditures are in line with where they should be after one month.

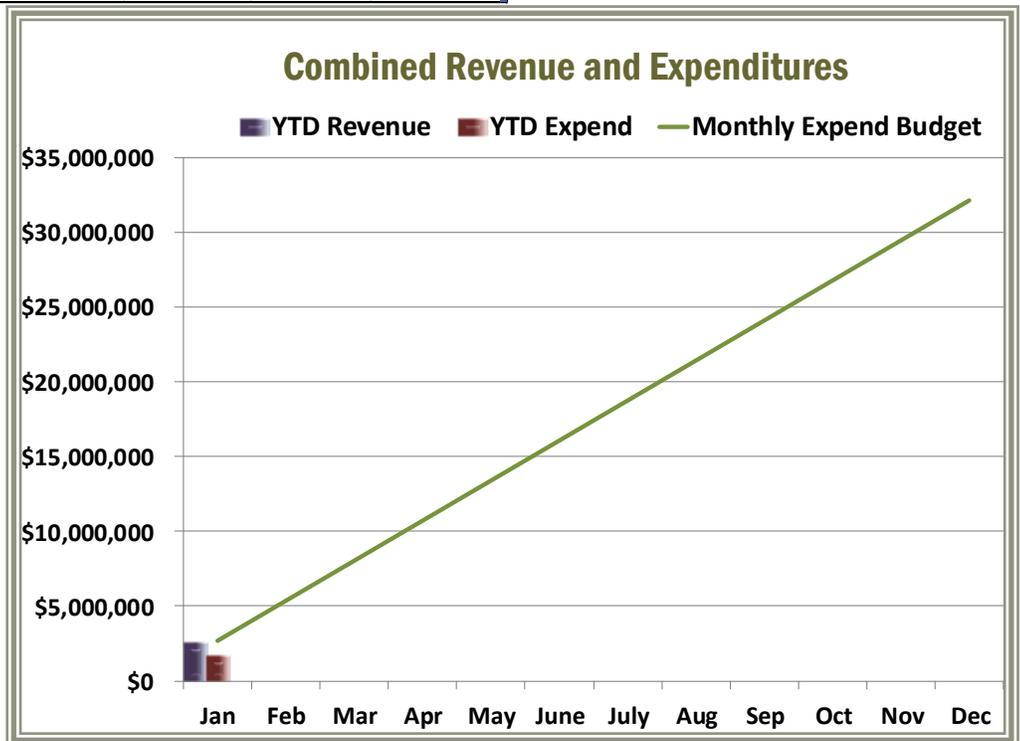
Some departments are slightly ahead of the 8% benchmark due mostly to the payment of our annual insurance premium being made entirely in January. The combined liability and workers comp premiums totaled \$350,829.

Also contributing to expenditures surpassing the monthly benchmark are annual dues paid entirely in January.

### Revenue and Expenditure Compared to Budget

The chart on the right shows monthly revenue compared to monthly expenditure as well as a trend line showing the total 2013 budget expended equally over twelve months.

January YTD revenue total exceeded expenditures by roughly \$868,000. Monthly expenditures spread evenly over 12 months equals \$2,675,346 per month. Our total revenue for January was \$2,589,827.



## Our Vision:

WINDSOR'S hometown feel fosters an energetic COMMUNITY SPIRIT AND PRIDE that makes our town a special place in Northern Colorado.

WINDSOR has a VIBRANT DOWNTOWN AND LAKE which is a community focal point and destination.

WINDSOR has a STRONG LOCAL ECONOMY with diverse business sectors that provide jobs and services for residents.

WINDSOR promotes quality development through MANAGED GROWTH.

WINDSOR residents enjoy a friendly community with HOUSING OPPORTUNITIES, CHOICES for LEISURE, CULTURAL ACTIVITIES, and RECREATION, and MOBILITY for all.

WINDSOR is a GOOD ENVIRONMENTAL STEWARD.



### 2013 Monthly Financial Report

Town of Windsor  
301 Walnut Street  
Windsor, CO 80550  
Phone: 970-674-2400  
Fax: 970-674-2456

*The Town of WINDSOR strengthens community through the fiscally responsible and equitable delivery of services, support of hometown pride, and encourages resident involvement.*

The key categories coming forth from the recommended 2012 Budget are:

COMPLETING STARTED OR PROMISED PROJECTS

STEWARDSHIP OF THE COMMUNITY ASSETS

CONTINUING TO PREPARE FOR THE FUTURE

MAINTAINING A MOTIVATED (PRIDE) EMPLOYEE GROUP

**We're on the Web**

[www.windsorgov.com](http://www.windsorgov.com)