



TOWN BOARD REGULAR MEETING

March 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.

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 25, 2013 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – Angkor Liquors, Inc. dba Angkor Liquors, Retail Liquor License – P. Garcia
3. Liquor License Renewal – Picasso and Wine, Inc. dba Picasso and Wine, Beer & Wine License – P. Garcia
4. Liquor License Renewal – Windsor Concepts, LLC, dba Stuff a Burger Bar, Hotel & Restaurant License – P. Garcia
5. Liquor License Renewal – Vanmoo Co dba Sala Thai Restaurant, Beer & Wine License – P. Garcia
6. Advisory Board Appointments – P. Garcia
7. Resolution No. 2013-14 - A Resolution Approving and Accepting an Easement for Access, Egress and Utilities within the Great Western Industrial Park Subdivision, Fourth Filing, Lot 1, Block 3 – I. McCargar
8. Resolution No. 2013-15 - A Resolution Reappointing Kimberly A. Emil as Windsor Town Prosecutor, Appointing Scott Patton as Deputy Town Prosecutor, extending the Professional Services Agreement between the Town of Windsor and Kimberly A. Emil, Attorney at Law – I. McCargar
9. Cancellation of May 27, 2013 Town Board meeting – P. Garcia
10. Report of Bills, February 2013 – D. Moyer

C. BOARD ACTION

1. Short Form Grant Application – Northern Colorado Energy Star Homes
 - Applicant presentation: Vicki Wagner
2. Short Form Grant Application – Relay for Life (American Cancer Society)
 - Applicant presentation: Megan Clarkson, Relay for Life Chairperson
3. Long Form Grant Application – Harvest Fest
 - Applicant presentation: Casey Johnson, Harvest Festival Chairman
4. Special Event Partnership Request – Windsor Severance Library Foundation Board - Clearview Library District
 - Applicant presentation: Carol Heinkel, Library Book Sale Chair
5. 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
 - Second reading
 - Legislative action
 - Staff presentation: Ian McCargar/John Frey, Town Attorney
6. Resolution No. 2013-16 - A Resolution Adopting the Town of Windsor 2012 Parks and Open Space Regulations with Respect to The Conduct of Persons Within Town-Owned Recreational Facilities
 - Legislative action
 - Staff presentation: Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture and John Michaels, Chief of Police
7. Ordinance No. 2013-1451 - An Ordinance Amending Chapters 10 and 11 of the Windsor Municipal Code with Respect to Regulations Applicable to the Conduct of Persons Within Town-Owned Parks and Open Space Areas
 - First reading
 - Legislative action
 - Staff presentation: Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture and John Michaels, Chief of Police
8. Public Hearing – Ordinance Adopting by Reference the 2012 International Building Code; 2012 International Existing Building Code; 2012 International Residential Code; 2012 International Mechanical Code; 2012 International Plumbing Code; 2012 International Fuel Gas Code; 2012 International Property Maintenance Code; 2009 International Energy Conservation Code, as Amended by the Town of Windsor, Colorado; and the 2011 National Electrical Code, as Amended by the Town of Windsor, Colorado
 - Legislative action
 - Staff presentation: Joe Plummer, Director of Planning
9. Ordinance No. 2013-1452 - An Ordinance Adopting by Reference the 2012 International Building Code; 2012 International Existing Building Code; 2012 International Residential Code; 2012 International Mechanical Code; 2012 International Plumbing Code; 2012 International Fuel Gas Code; 2012 International Property Maintenance Code; 2009 International Energy Conservation Code, as Amended by the Town of Windsor, Colorado; and the 2011 National Electrical Code, as Amended by the Town of Windsor, Colorado
 - First Reading
 - Legislative action
 - Staff presentation: Joe Plummer, Director of Planning

10. Resolution No. 2013-17 - A Resolution Approving the First Amendment to the Windsor Highlands Ninth Annexation Agreement, and Authorizing the Mayor to Execute the same on behalf of the Town of Windsor
 - Legislative action
 - Staff presentation: Scott Ballstadt, Chief Planner

11. Resolution 2013-18 - Approving an Intergovernmental Agreement Between the Town of Severance, Colorado and the Town of Windsor, Colorado, with Respect to Land Use Cooperation in the Vicinity of the Intersection of Colorado State Highway 257 and Weld County Road 74, and Authorizing the Mayor to Execute Same
 - Legislative action
 - Staff presentation: Joe Plummer, Director of Planning/Ian McCargar, Town Attorney

12. February Financial Report
 - Staff Presentation: Kelly Arnold, Town Manager

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. ADJOURN



TOWN BOARD REGULAR MEETING

February 25, 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
Myles Baker
Don Thompson
Jeremy Rose
Robert Bishop-Cotner
Ivan Adams

Also present: Town Manager, Town Attorney, Town Clerk, Director of Finance, Director of Planning, Director of Human Resources, Director of Engineering, Director of Public Works, Director of Parks, Recreation & Culture, Economic Development Manager, Chief of Police, Kelly Arnold, Ian McCargar, Patti Garcia, Dean Moyer, Joe Plummer, Mary Robins, Dennis Wagner, Terry Walker, Melissa Chew, Stacy Johnson, John Michaels

2. Pledge of Allegiance

Town Board Member Rose led the Pledge of Allegiance.

3. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board

Town Board Member Baker motioned to table Item C.1., Short Form Grant Application – Northern Colorado Energy Star Homes, to a date to be determined; Town Board Member Thompson seconded the motion.

Town Board Member Bishop-Cotner requested to move forward with keeping the item on the agenda as the application was included in the Town Board packet; Town Board Member Adams advised that the applicant was ill and had requested the presentation be postponed they could address the Town Board.

Roll call on the vote resulted as follows:

Yeas – Baker, 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 (PReCAB); Cache La Poudre Trail Board Alternate
Town Board Member Baker stated that PReCAB had met on February 5, 2013 at which the Poudre Trail initiative grant and MPO bike plan was reviewed and the potential CRC expansion was discussed.

- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Authority
Town Board Member Thompson reported that the Planning Commission reviewed the proposed building code update at their last meeting. The Great Western Trail met last week and reviewed estimates for upgrading the trails; the budget is over the grant amount and they are working on options. There was no report from the Tree Board.
- Mayor Pro-Tem Melendez – Downtown Development Authority; Chamber of Commerce; North Front Range/MPO Alternate
Mayor Pro-Tem Melendez had nothing new to report but reminded everyone that the Windsor Chamber Annual Dinner would be held on March 6 from 5-8 pm at the Readiness Center.
- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate
Town Board Member Rose stated the Windsor Housing Authority had met last week and they finalized plans on the Windshire Meadows groundbreaking which will be held on March 18; invitations have been sent to the Town Board members. The Windsor Housing Authority voiced appreciation of the Town Board's help and consideration of the project. The next meeting will be held on March 19 at 3 p.m.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board
Town Board Member Bishop-Cotner stated that the Clearview Library Board has changed their meetings from Tuesday to the last Thursday of each month.
- 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 would meet the first Thursday of March. Members of SALT were present and provided an update regarding their events include the teen flashlight easter egg hunt, teen night on February 8 and the various volunteer activities they are participating in such as the Poudre Trail clean up and 2nd grade tutoring program. They also thanked the Town Board members for attending the dinner that they hosted.
- Mayor Vazquez – North Front Range/MPO
Mayor Vazquez reported the next meeting of the MPO would be next Thursday.

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.*

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

Mayor Vazquez noted that public comment is generally only taken on second reading of ordinances and that it appeared there were many in audience who may want the opportunity to comment on ordinances that were scheduled for first reading. The Town Board discussed the option of allowing public comment on Ordinance 2013-1448, Ordinance 2013-1449, and Ordinance 2013-1550 as there were members of the community in attendance who may want to be heard. There was consensus that comments would be taken on first reading of the three ordinances.

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
**Town Board Member Thompson motioned to approve the Consent Calendar as presented; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:
Yeas – Baker, Bishop-Cotner, Rose, Melendez, Thompson, Adams, Vazquez
Nays – None. Motion passed.**

C. BOARD ACTION

1. Short Form Grant Application – Northern Colorado Energy Star Homes
 - Applicant presentation: Vicki Wagner
Postponed.
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
Mayor Pro-Tem Melendez motioned to approve Ordinance No. 2013-1446, 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 on Second Reading; Town Board Member Adams seconded the motion.

Director of Parks, Recreation & Culture Chew reported on the ordinance stating that first reading was held on February 11, 2013. The ordinance clearly defines what an Electric Personal Assistance Mobility Device (EPAMD) is for ADA purposes, where they can be used and provides general definition of what types of devices are allowed. The ordinance additionally cleans up previous definitions of segways which are now referred to as Self Balancing Mobility Device (SBMD). The same definitions apply to all Windsor trails and parallel those definitions and restrictions adopted by the Poudre River Trail Authority for the Poudre River Trail.

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

Roll call on the vote resulted as follows:

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

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
Mayor Pro-Tem Melendez motioned to approve 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 on First Reading; Town Board Member Thompson seconded the motion.

Town Attorney McCargar reported on the ordinance stating that the ordinance approves an Intergovernmental Agreement (IGA) with Fort Collins further amending the First Amended IGA approved by the Town Board in November, 2012. Under the terms of the former agreement, the base for property tax

and sales tax increment that would be shared with Fort Collins going forward was set in years when the corridor activity center were reduced due to construction in 2011 and 2012. The ordinance sets the base at 2010 which provide a more accurate reflection of tax revenues.

Town Attorney McCargar noted that the amendment would not negatively impact any business or property owners in the corridor activity center.

Roll call on the vote resulted as follows:

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

Nayes – None. Motion passed.

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

Town Board Member Adams motioned to approve 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 on First Reading; Town Board Member Thompson seconded the motion.

Town Attorney McCargar stated that he would speak to Ordinance No.'s 2013-1448, 2013-1449, and 2013-1550 at one time. Amendment 64 gives local government the opportunity to prohibit the operation of business enterprises that were authorized under Amendment; retail stores, grow operations, cultivation facilities, processing facilities and testing facilities all can be prohibited at the local level.

Mr. McCargar reported that Ordinance No. 2013-1448 is a prohibition ordinance within the Town of Windsor for the four types of business entities and is under the authority given to local governments granted under Amendment 64.

Ordinance No. 2013-1449 prohibits the establishment and operation of private marijuana clubs. Mr. McCargar stated it is not clearly granted under the authority of Amendment 64 but does speak to sensibilities of community as requested by the Town Board. The ordinance does not reach into residential uses. Mr. McCargar indicated that he is unsure how defensible the ordinance is but is presented as an exercise of the Town's land use and police powers.

Ordinance No. 2013-1450 closes the loophole that was developed after the Town Code was amended prohibiting marijuana grows. The existing Code is specific to medical marijuana cultivation sites. The ordinance provides that all marijuana cultivation facilities exceeding the stated size or numerical limitations are prohibited within the Town's corporate limits.

Mayor Vazquez requested assurance that the Town was not creating anything that would infringe on the rights of an individual in the privacy of their own home. Mr. McCargar confirmed that the ordinances as written to not reach into the privacy of someone's home.

Town Board Member Thompson voiced support of the Ordinance No. 2013-1448.

Town Board Member Baker stated that in looking at past medical marijuana election results along with the Amendment 64 election results from Weld and Larimer County make him believe that Windsor residents are not ready for retail establishments and supports the opportunity for the in home option.

Town Board Member Rose stated he wants to make sure that the Town Board does not over-step their bounds on the rights of citizens.

Mayor Pro-Tem Melendez voiced support of the ordinances just as she had supported the medical marijuana ordinances.

Mayor Vazquez stated he supports the ordinances as it appears to be the wishes of the community.

Mayor Vazquez opened the meeting for public comment and noted the input at the meeting would be part of the public record.

David Ellingson, 621 Blue Mountain Court, 30 year resident of Windsor, voiced support on the passage of the ordinances stating it would make the community a safer place. Mr. Ellingson has been active as a soccer coach, in boy scouts and local schools and is interested in the safety of the children and the community.

Town Board Member Rose addressed a concern regarding a "Whereas" in the ordinance which states "The Town is aware that the use, possession, transportation, cultivation and distribution . . . permit regulated marijuana business enterprises is in question . . ." Mr. Rose inquired why it was included in the ordinances for consideration. Town Attorney McCargar stated is an expression for the concern for an unregulated business environment. Mr. McCargar understands the state intends to regulate this environment but no one knows what might happen. Concerns regarding abuse and financial mismanagement are due to the banking industry not being confident that it can support this type of business. Most of the transactions at these businesses may take form as cash and may be difficult to monitor.

Mayor Vazquez inquired if removal of the specific preamble being referenced would weaken the ordinance. Mr. McCargar stated contains a recital of fact on which the Town Board is relying. If the Town Board is comfortable with not relying on that particular recital a motion could be made to amend the ordinance. Mr. McCargar noted the ordinance will not stand or fall based on this particular preamble.

Roll call on the vote resulted as follows:

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

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

Town Board Member Thompson motioned to approve Ordinance No. 2013-1449; An Ordinance Prohibiting the Establishment and Operation of Private Marijuana Clubs within the Town of Windsor, Colorado; Town Board Member Melendez seconded the motion.

Town Attorney McCargar had no additional information to add; it is not squarely within the authority given to local governments under Amendment 64 and is not sure how entirely defensible it is. Mr. McCargar is uncertain that the ordinance does not step on some of the privileges guaranteed under the Amendment but has understood from the Town Board that this is what was asked to be presented.

Mayor Vazquez stated the community is willing to back the effort; he does not believe that it is frivolous, arbitrary, or capricious. Mayor Pro-Tem Melendez noted that she had attended the Colorado Municipal League's Legislative Workshop last week and after hearing discussion in that venue feels confident that the Town Board has the right to exercise this option.

Town Board Member Baker voiced that he was not comfortable with regulating the peaceful assembly of persons in a private setting.

The Town Board discussed concerns regarding the private setting to which Mr. McCargar reported the ordinance language recommendation for Section 10-4-210 that it is unlawful for anyone to operate a

marijuana club which has the purpose of “the consumption of marijuana by persons assembled within a commercial or industrial structure, . . . or an intended purpose incidental to other reasons for assembly therein.” The concern is that it is no different than having a group in their private home.

Town Board Member Rose voiced concern with definitions for example infringing on personal business owners rights during business after hours.

The Town Board discussed the ordinance at length including the specific language that was used and the intent of the issue. Discussions included the definition of a business, concern with overstepping the constitutional rights of residents along with the possibility for loopholes in the ordinance.

Lara Holt, Windsor resident, recommended passage of all three ordinances on first and second reading and believes that would be the wishes of the community.

Francine Henderson voiced support of the ordinances particularly where youth are concerned.

Sean Murray, Windsor resident, stated he had researched where to open his orthodontic business and landed in Windsor due to its perceived healthy environment. He stated that his personal rights would be infringed upon if marijuana clubs are allowed; he would not be given the opportunity to raise his children in a wholesome environment. He supported passage of all three ordinances.

Ty Chadwick, Windsor resident, also addressed the board and stated he moved from Fort Collins to Windsor for safety reasons. He noted concerns regarding how the marijuana will affect business owners and their employees. He supported passage of all three ordinances.

Aaron Lore, Windsor resident, recommended strengthening the ban by zoning it out of town.

Roll call on the vote resulted as follows:

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

Nays – Baker, Rose. Motion passed.

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

Mayor Pro-Tem Melendez motioned to approve Ordinance No. 2013-1450, An Ordinance Prohibiting the Establishment and Operation of Certain Marijuana Cultivation Facilities Within the Town of Windsor, Colorado; Town Board Member Adams seconded the motion.

Town Attorney McCargar stated the ordinance would establish the same limitations that are in effect on medical marijuana grows.

The Town Board discussed the ordinance and consensus was passage of it would keep the requirements consistent.

Roll call on the vote resulted as follows:

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

Nays – None. Motion passed.

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

Town Board Member Thompson motioned to approve Resolution No. 2013-13; Town Board member Adams seconded the motion.

Director of Planning Plummer provided an overview of the building code adoption process; the building codes will be adopted by reference. The Town must first adopt a resolution that both introduces the ordinance calling for the adoption of the codes by reference and also establishes a public hearing date at which the Town Board has opportunity to hear testimony on the adoption of the codes. The public hearing has been set for March 25. A work session will be held on March 18 at which the updated building codes will be reviewed. It was noted that, as allowed, the Town is exempting out of items that would create hardships to builders.

Roll call on the vote resulted as follows:

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

8. January Financial Report

- Staff presentation: Dean Moyer

Director of Finance Moyer provided an overview of the financial report and noted that a record was set in January for the collection of sales tax with an increase of 12.93% over January 2012. January also held the record for the number of building permits issued at 35; 18 were issued in January 2012. Mr. Moyer noted that the next two months are generally the lowest months.

D. COMMUNICATIONS

1. Communications from the Town Attorney
None.
2. Communications from Town Staff
Director of Planning Plummer reported he had been invited to speak to the Rangeview Elementary School third grade class.
3. Communications from the Town Manager
Town Manager Arnold reported the next work session topics included a discussion regarding residential speed limits and summer operations at Boardwalk Park.
4. Communications from Town Board Members
Mayor Vazquez stated he has been approached by oil and gas operations asking if the Town would be interested in pipeline infrastructure as opposed to tanks. Mr. Vazquez will coordinate any discussions with Town Manager Arnold and will advise Town Board members of any meetings.

Town Board Member Bishop-Cotner congratulated the Windsor wrestling team on their success as the state wrestling tournament.

Town Board Member Rose inquired about the fracking fluid leak that had been reported and requested opportunity to have a conversation so he could understand the response, affects., etc. Mayor Vazquez stated that he had access to all the reports and provided an overview of the process that is required when there is a leak.

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)

Town Board Member Rose motioned to go into Executive Session at 9:27 p.m. 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; Mayor Pro-Tem Melendez seconded the motion. Roll call on the vote resulted as follows:

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

The meeting moved to Executive Session at 9:27 p.m.

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

Mayor Pro-Tem Melendez motioned to adjourn at 10:13 p.m.; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:

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



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Patti Garcia, Town Clerk
Re: Liquor License Renewal – Angkor Liquors Inc, Retail Liquor Store License
Item #: B.2.

Background / Discussion:

Angkor Liquors has submitted a retail liquor license renewal application. The current license has an expiration date of February 10, 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):

3.A.

Recommendation:

Staff recommends approval of the liquor license renewal.

Attachments:

None.



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Patti Garcia, Town Clerk
Re: Liquor License Renewal – Picasso and Wine, Wine & Beer license
Item #: B.3.

Background / Discussion:

Picasso and Wine has submitted a beer and wine liquor license renewal application. The current license has an expiration date of April 1, 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):

3.A.TG

Recommendation:

Staff recommends approval of the liquor license renewal.

Attachments:

None.



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Patti Garcia, Town Clerk
Re: Liquor License Renewal – Windsor Concepts LLC dba Stuff a Burger Bar, Hotel & Restaurant license
Item #: B.4.

Background / Discussion:

Stuff a Burger Bar has submitted a hotel & restaurant liquor license renewal application. The current license has an expiration date of March 24, 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):

3.A.

Recommendation:

Staff recommends approval of the liquor license renewal.

Attachments:

None.



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Patti Garcia, Town Clerk
Re: Liquor License Renewal – Vanmoo Co dba Sala Thai Restaurant, Beer & Wine license
Item #: B.5.

Background / Discussion:

Sala Thai Restaurant has submitted a beer and wine 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):

3.A.

Recommendation:

Staff recommends approval of the liquor license renewal.

Attachments:

None.



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Patti Garcia, Town Clerk
Re: Advisory Board Appointments
Item #: B.6.

Background / Discussion:

Town Board Members conducted advisory board interviews on Wednesday, March 6, 2013 and provided a recommendation of the following appointments:

Board of Adjustment

Jose Valdes – Full member term expiring September 2016

Planning Commission

Victor Tallon – Full member four year term expiring March, 2017

Mike Burns – Alternate member term expiring March, 2016

Steve Scheffel – Alternate member term expiring March, 2015

The following appointments are being recommended as there were no more applications received than there were vacancies, additionally all applications were received from incumbents in good standing on their respective advisory boards:

Downtown Development Authority

Bob Winter – Four year term expiring April, 2017

Historic Preservation Commission

Anita Drake – Four year term expiring March, 2017

Ann Lynn McAbee – Four year term expiring March, 2017

Water & Sewer Board

Dan Evans – Four year term expiring March, 2017

Financial Impact:

None.

Relationship to Strategic Plan:

1.C.

Recommendation:

Approve the recommended appointments.

Attachments:

Applications of all applicants being recommended for appointment.



11/13

Advisory Board/Commission Application

To be considered a candidate for a board or commission, please complete this application and return it to the Town Clerk's Office, 301 Walnut Street, Windsor, CO 80550, fax to (970) 686-7180 or email to pgarcia@windsorgov.com. Application deadlines vary. Late applications will be kept on file for one year for future vacancies.

Qualifications: All positions require residency within the Town of Windsor and some positions require a particular area of experience or vocation.

Additional information can be found on the Town's website under Boards and Commissions or contact the Town Clerk's office at (970) 674-2400.

Candidates will be invited to an interview with the Town Board and appointments are made by the Town Board as a whole.

Name of Board or Commission: Board of Adjustments / Appeals
Name: Jose J. Valdes
Address: 3250 North Shoreline Ct Windsor, CO 80550
Day Phone: 970-686-7500 Night Phone: _____
E-Mail Address: jvaldes@msn.com

How long have you been a resident in Windsor? 14 yrs
Current Occupation: Faculty Employer: Colorado Christian University

Do you currently serve, or have you served previously, on a board or commission? If so, which one(s)?

Planning Commission, Windsor Election Districting Committee

Why do you want to become a member of this particular board or commission? This board influences the character and aesthetics of the community.

Briefly explain what you believe are the two most important issues facing this board or commission, and how do you believe this board or commission should address each issue?

- 1) This board must adhere and consider the unique elements that maintains the quality of living that Windsor is known to possess. Applying critically and fairly the guidelines provided in the zoning regulations ^{and} soliciting professional town's staff, citizen, and business input.
- 2) Windsor continues to grow and attract people and business, which is desirable. However, in order to continue that trend and preserving its municipal character, it is crucial that the board is aware of the desires and views of the citizens.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

Our family has made a commitment to remain in the Town of Windsor. Therefore, I have an interest to meet my civic duty by engaging in town governance. I believe that my critical thinking ^{skills} and work ethic will serve the board well.

Please specify any activities which might create a conflict of interest that would prevent you from official action if you should be appointed to this board or commission:

None

Have you attended a meeting of the board or commission you are applying to or talked to anyone currently on the board? Yes No

Comments:

If not appointed at this time, would you be interested in serving on any other advisory boards or commissions at the Town of Windsor? If so, please list any preferences:

Parks, Recreation, and Cultural Board, Windsor Housing Authority, Water & Sewer Board

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying.

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 for assistance.

I certify that all statements on this form are true and complete. I further understand that false statements shall be sufficient cause for rejection of this application or for grounds to apply the penalty provisions of the Code of Ethics.

Signature: *Joe Valdes* Date: *1/17/2013*

2/8/13



Advisory Board/Commission Application

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Candidates will be invited to an interview with the Town Board and appointments are made by the Town Board as a whole.

Name of Board or Commission: PLANNING COMMISSION

Name: VICTOR TALLON

Address: 608 CORNERSTONE DR.

Day Phone: 970 381 4493 Night Phone: SAME

E-Mail Address: VTALLON@TALLONSERVICES.COM

How long have you been a resident in Windsor? 16+

Current Occupation: Self Employer: TALLON SERVICES.

Do you currently serve, or have you served previously, on a board or commission? If so, which one(s)?
PLANNING COMMISSION

Why do you want to become a member of this particular board or commission? TO CONTINUE SERVING THE COMMUNITY

Briefly explain what you believe are the two most important issues facing this board or commission, and how do you believe this board or commission should address each issue?

1) EDUCATION OF COMMISSIONERS WITH BOTH ONGOING STATE AND NATIONAL TRAINING

ALLOW THE COMMISSIONERS TO ATTEND NATIONAL CONVENTIONS TO SEE WHAT IS HAPPENING THROUGH THE US.

2) CONTINUE TO WORK WITH STAFF TO TRAIN THEM
SEE CHANCES THAT WILL OCCUR AND OUR ABILITY TO ADAPT.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

Degree in Business Education, Business owner.
Under standing of Town Government, land uses.
having application

Please specify any activities which might create a conflict of interest that would prevent you from official action if you should be appointed to this board or commission:

None

Have you attended a meeting of the board or commission you are applying to or talked to anyone currently on the board? Yes No

Comments:

First Thursday and ~~second~~ third Wednesday
Every month

If not appointed at this time, would you be interested in serving on any other advisory boards or commissions at the Town of Windsor? If so, please list any preferences: No

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying.

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 for assistance.

I certify that all statements on this form are true and complete. I further understand that false statements shall be sufficient cause for rejection of this application or for grounds to apply the penalty provisions of the Code of Ethics.

Signature: Vicor Taron Date: 2/5/13



E-MAILED FEB 04 2013

Advisory Board/Commission Application

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Qualifications: All positions require residency within the Town of Windsor and some positions require a particular area of experience or vocation.

Additional information can be found on the Town's website under Boards and Commissions or contact the Town Clerk's office at (970) 674-2400.

Candidates will be invited to an interview with the Town Board and appointments are made by the Town Board as a whole.

Name of Board or Commission: Planning Commission

Name: Mike Burns

Address: 33924 Winter Way

Day Phone: 970-402-0935 Night Phone: Same

E-Mail Address: mikeburns@ritecorp.com

How long have you been a resident in Windsor? 20 Years Plus

Current Occupation: Owner (RITECorp) Employer: RITECorp Environmental Property Solutions

Do you currently serve, or have you served previously, on a board or commission? If so, which one(s)?
No

Why do you want to become a member of this particular board or commission? I have been part of the Community for many years and would like to learn and serve more in the community.

Briefly explain what you believe are the two most important issues facing this board or commission, and how do you believe this board or commission should address each issue?

1) Attracting Multi-Unit Housing Projects.

Without giving up revenue I believe the town could put together a package that would make it attractive to a developer to want to invest in our community. Form small committees to work with outside parties to discover what would attract them in the current economic era.

2) Fracking in Windsor- Fracking is a highly emotional debate for most involved. I observe that the key to moving forward could be to develop community stainability groups which could objectively review the research on both sides of the argument and develop safe, sustainable approaches to concerned.
research on both sides of the argument and develop safe, sustainable approaches to concerned.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

I have owned a growing business in Colorado for more than 20 years. I am licensed in the State of CO for our business for that same time. We have grown from 2 employees to 28. I am objective and slow to come to conclusion, willing to take into account all aspects of situations and voice creative ideas.

Please specify any activities which might create a conflict of interest that would prevent you from official action if you should be appointed to this board or commission:

None

Have you attended a meeting of the board or commission you are applying to or talked to anyone currently on the board? Yes No

Comments: I have from time to time attended board meetings as a citizen observer, as a scout master and observed the processes involved. It peaked my interest on how the processes worked.

If not appointed at this time, would you be interested in serving on any other advisory boards or commissions at the Town of Windsor? If so, please list any preferences: Yes, Any

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying.

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 for assistance.

I certify that all statements on this form are true and complete. I further understand that false statements shall be sufficient cause for rejection of this application or for grounds to apply the penalty provisions of the Code of Ethics.

Signature:

M. Mike Burns

Date: 02/04/2013



Rec'd
2/15/13

Advisory Board/Commission Application

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Qualifications: All positions require residency within the Town of Windsor and some positions require a particular area of experience or vocation.

Additional information can be found on the Town's website under Boards and Commissions or contact the Town Clerk's office at (970) 674-2400.

Candidates will be invited to an interview with the Town Board and appointments are made by the Town Board as a whole.

Name of Board or Commission: Planning Commission

Name: Steve Scheffel

Address: 507 Ventura Way

Day Phone: 513 659 5052 Night Phone: Same

E-Mail Address: Scheffel Steve @ Gmail.com

How long have you been a resident in Windsor? 9 mos

Current Occupation: Business Owner Employer: Self

Do you currently serve, or have you served previously, on a board or commission? If so, which one(s)?

in Sharonville Ohio, on the Architectural Review Board, chaired by Planning Dir

Why do you want to become a member of this particular board or commission?

Briefly explain what you believe are the two most important issues facing this board or commission, and how do you believe this board or commission should address each issue?

- 1) controlled growth/expansion. Windsor is a very attractive locale for companies + new residents, challenge is to promote growth, remain attractive to outside entities or people wishing to relocate BUT maintain unique town culture via progressive zoning + planning
- 2) Competing Interests. In the short time I've been in town there has been a proliferation of drilling. A comprehensive plan to coordinate efforts creating a win win between govt, business + property owners is key.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

Prior volunteer work w/ Architectural Review Board, Small Business owner, knowledge of planning, budgets, group process/decision making

Please specify any activities which might create a conflict of interest that would prevent you from official action if you should be appointed to this board or commission:

None

Have you attended a meeting of the board or commission you are applying to or talked to anyone currently on the board? Yes No

Comments:

If not appointed at this time, would you be interested in serving on any other advisory boards or commissions at the Town of Windsor? If so, please list any preferences: VA

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying.

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 for assistance.

I certify that all statements on this form are true and complete. I further understand that false statements shall be sufficient cause for rejection of this application or for grounds to apply the penalty provisions of the Code of Ethics.

Signature:

Sten Schupel

Date:

2/15/13

RECEIVED MAR 07 2013



Downtown Development Authority Board Application

To be considered a candidate for the Downtown Development Authority (DDA) Board, please complete this application and return it to the Town Clerk's Office, 301 Walnut Street, Windsor, CO 80550, fax to (970) 686-7180 or email to pgarcia@windsorgov.com. Application deadlines vary. Late applications will be kept on file for one year for future vacancies.

Qualifications:

- 1) Applicants must reside, be a business lessee or own real property in the DDA district. An officer or director of a corporation having its place of business in the district is eligible to apply.

Candidates will be invited to an interview with the Town Board and appointments are made by the Town Board as a whole.

Name of Board or Commission: Windsor DDA

Name: Bob Winter

Address: 39828 HillTop Circle Ault CO. 80610

Day Phone: 970-686-2037 Night Phone: 970-304-4453

E-Mail Address: Winterfarm@aol.com

How long have you been in the in Windsor DDA district? beginning

Current Occupation: Retired Employer: self-

Please list your work experience, community involvement and other interests which apply to the DDA Board (please include your personal history or involvement in downtown Windsor):

I am the current Chairman of the DDA Bd. I served as chairman of the Steering Committee

Briefly describe the reasons for your interest in serving on the DDA Board:

We (the DDA) have come a long way since its inception. I would like to continue to serve.

Briefly explain what you believe are the two most important issues facing the DDA Board and how do you believe this board should address each issue?

- 1) One of the issues is the continued cooperation between the Town of Windsor and the DDA Board on projects to improve the down town along with signage for the available parking + other events.

2) Another concern I have is the under
grounding of utilities behind businesses
between 4th & 5th St. in the alley near
Boardwalk Park.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board:

I have been chairman of several organizations
& worked with many different concerns
and working to resolve the issues.

Please specify any activities which might create a conflict of interest that would prevent you from official action if you should be appointed to this board:

Have you attended a meeting of the DDA Board or talked to anyone currently on the board? Yes No

Comments: I have attended most of the meetings
and the parking committee, marketing committee
& beautification committee.

If not appointed at this time, would you be interested in serving on any other advisory boards or commissions at the Town of Windsor? If so, please list any preferences: _____

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying.

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 for assistance.

I certify that all statements on this form are true and complete. I further understand that false statements shall be sufficient cause for rejection of this application or for grounds to apply the penalty provisions of the Code of Ethics.

Signature: Bob Winter Date: 3-5-13

Application for Historic Preservation Commission Membership

Rec'd 2/27/13

The Historic Preservation Commission will meet monthly. Commission members will be asked to attend training and educational workshops occasionally throughout the year which may require travel to Denver and nearby communities.

Qualifications:

- 1. Applicant must be a resident of the Town of Windsor
- 2. Applicant shall have demonstrated interest, knowledge or training in fields closely related to historic preservation. Preservation related disciplines include, but are not limited to, history, architecture, planning and archaeology.

Name ANITA T. DRAKE

Mailing Address 1900 E. Seadrift Dr. #C
WINDSOR, CO 80550

Residence Address SAME

Phone Home _____ Work Cell 9702175628

Email Address anita.drake11@gmail.com

How long have you lived in Windsor? 19+

Occupation SELF EMPLOYED

Employer COMPLETE WIRELESS TECHNOLOGIES
WINDSOR

Volunteer, Board, and Committee Affiliations, past and present, including Town of Windsor Boards:

- WINDSOR- SEVERANCE LIBRARY BOARD
- POORE TRAIL ADVISORY BOARD
- UNION COLONY CIVIC CENTER ADVISORY BOARD
- VOLUNTEER WITH WINDSOR SCHOOL DISTRICT

Application for Historic Preservation Commission Membership (2)

Please list any licenses, certificates, education, specialized training, abilities and/or skills that may be applicable to this Commission:

I DON'T HAVE SPECIALIZED TRAINING IN HISTORIC PRESERVATION.

RECEIVED B.S. DEGREE IN LANDSCAPE HORTICULTURE, COLORADO STATE UNIVERSITY

Why are you interested in serving on the Historic Preservation Commission?

I BELIEVE THAT HISTORIC PRESERVATION IS AN ASSET TO CREATING CONNECTEDNESS IN A COMMUNITY.

IT ILLUSTRATES RESPECT FOR THE PAST AND IT SHOWS SUPPORT WITHIN THAT COMMUNITY. IT OPENS POSSIBILITIES TO REVITALIZE A COMMUNITY AS WELL PARK BUILDING COMES TO MIND

Are you available and committed to attending meetings?

YES.

Please specify any activities which might create a serious conflict of interest if you are appointed to the Historic Preservation Commission.

0

Signature: Anna Drl

Date 2/27/13

Thank you for your interest in the Historic Preservation Commission!

2/15/13

Town of Windsor, Colorado
Application for Historic Preservation Commission Membership

The Historic Preservation Commission will meet monthly. Commission members will be asked to attend training and educational workshops occasionally throughout the year which may require travel to Denver and nearby communities.

Qualifications:

1. Applicant must be a resident of the Town of Windsor
2. Applicant shall have demonstrated interest, knowledge or training in fields closely related to historic preservation. Preservation related disciplines include, but are not limited to, history, architecture, planning and archaeology.

Name Ann M. Lynn-McAbee

Mailing Address 1931 Kaplan Drive
Windsor, CO 80550

Residence Address same

Phone Home (970) 460-0170 Work --- Cell (240) 678-8944

Email Address alynn616@msn.com

How long have you lived in Windsor? 3 years

Occupation Admin. Assistant & Database Replicator

Employer KeyPoint Government Solutions

Volunteer, Board, and Committee Affiliations, past and present, including Town of Windsor Boards:

Historic Preservation Commission Oct 2010 - Present

Town of Windsor, Colorado
Application for Historic Preservation Commission Membership (2)

Please list any licenses, certificates, education, specialized training, abilities and/or skills that may be applicable to this Commission:

Bachelor of Arts in Art History, Archaeology
 from the University of Maryland, College Park

Why are you interested in serving on the Historic Preservation Commission?
 I would like to continue serving on the
 Historic Preservation Commission. I want
 to ~~promote~~ promote and preserve Windsor's
 unique historic buildings, and educate
 the public.

Are you available and committed to attending meetings?
 yes

Please specify any activities which might create a serious conflict of interest if you are appointed to the Historic Preservation Commission.

Signature Aun Lynn-McAbee Date 2/14/13

Thank you for your interest in the Historic Preservation Commission!



Rec'd 8/7/13

Advisory Board/Commission Application

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Qualifications: All positions require residency within the Town of Windsor and some positions require a particular area of experience or vocation.

Additional information can be found on the Town's website under Boards and Commissions or contact the Town Clerk's office at (970) 674-2400.

Candidates will be invited to an interview with the Town Board and appointments are made by the Town Board as a whole.

Name of Board or Commission: Water; Sewer

Name: DAN EVANS

Address: 1207 Fairfield Ave

Day Phone: (970) 420-1134 Night Phone: (970) 686-1246

E-Mail Address: Dan.evans@Tetratex.com

How long have you been a resident in Windsor? 13 yrs

Current Occupation: Civil Engineer Employer: Tetratex

Do you currently serve, or have you served previously, on a board or commission? If so, which one(s)?
currently on Water; Sewer Board also Planning Commis

Why do you want to become a member of this particular board or commission? I enjoy serving the community in my field of expertise - water

Briefly explain what you believe are the two most important issues facing this board or commission, and how do you believe this board or commission should address each issue?

1) NISP - This is the most important project in terms of water of the Town. We need to figure out how to finance this project

2) Drought - with the potential for another drought this year we need to determine a water conservation plan to reduce water use.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

I have a masters degree in
Civil Engineering w/ an emphasis in water resources from CSU.
I have my Professional Eng. License and a Certified Applic. manager.

Please specify any activities which might create a conflict of interest that would prevent you from official action if you should be appointed to this board or commission:

My consulting company occasionally does work for developers in Windsor.

Have you attended a meeting of the board or commission you are applying to or talked to anyone currently on the board? Yes No

Comments: I am currently on the board.

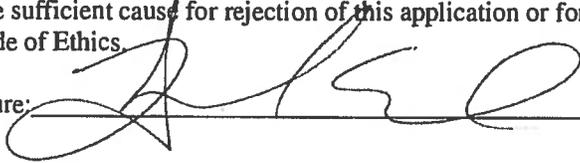
If not appointed at this time, would you be interested in serving on any other advisory boards or commissions at the Town of Windsor? If so, please list any preferences:

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I certify that all statements on this form are true and complete. I further understand that false statements shall be sufficient cause for rejection of this application or for grounds to apply the penalty provisions of the Code of Ethics.

Signature:



Date:

7 March 13



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
Via: Regular meeting packets
From: Ian D. McCargar, Town Attorney
Re: Access, egress and utilities easement (Blue Water Resources site)
Item #: B.7.

Background / Discussion:

Whenever land development takes place in Windsor, the Town generally requires developers to dedicate easements for public infrastructure purposes. Attached is an Easement for Access, Egress and Utilities which assures the Town the ability to enter and occupy a small portion of the Blue Water Resources site in the Great Western Industrial Park for utility purposes. The developer has executed the attached Easement, and official action is needed to formally accept it.

Financial Impact: None.

Relationship to Strategic Plan: Quality development through managed growth

Recommendation: Adopt attached Resolution Approving and Accepting an Easement for Access, Egress and Utilities Within The Great Western Industrial Park Subdivision, Fourth Filing, Lot 1, Block 3; simple majority required.

Attachments: Easement for Access, Egress and Utilities; Resolution Approving and Accepting an Easement for Access, Egress and Utilities Within The Great Western Industrial Park Subdivision, Fourth Filing, Lot 1, Block 3

TOWN OF WINDSOR, COLORADO

RESOLUTION 2013-14

A RESOLUTION APPROVING AND ACCEPTING AN EASEMENT FOR ACCESS, EGRESS AND UTILITIES WITHIN THE GREAT WESTERN INDUSTRIAL PARK SUBDIVISION, FOURTH FILING, LOT 1, BLOCK 3

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

WHEREAS, the Town is responsible for a system of utilities, public access and public egress routes within its corporate limits; and

WHEREAS, in keeping with sound land use practices, the Town requires the dedication of easements and similar legal interests for such public purposes in conjunction with the development of land within the Town; and

WHEREAS, in conjunction with the Town’s approval of the Great Western Industrial Park Subdivision, Fourth Filing (“Subdivision”), the Town required the developer to dedicate an easement for access, egress and utilities to serve development within Lot 1, Block 3 of the Subdivision; and

WHEREAS, the dedication of the above-referenced easement is intended to facilitate public safety, convenience and utility service within this growing industrial area; and

WHEREAS, the developer has tendered an Easement for Access, Egress and Utilities (“Easement”), a copy of which is attached hereto and incorporated herein by this reference as if set forth fully; and

WHEREAS, the Town Board has reviewed the Easement and has concluded that its approval and acceptance is in the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD FOR THE TOWN OF WINDSOR, COLORADO:

Section 1. The attached Easement is hereby approved and accepted.

Section 2. The Mayor is hereby authorized to execute the Acceptance section of the attached Easement on behalf of the Town.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 25th day of March, 2013.

TOWN OF WINDSOR, COLORADO

By: _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

EASEMENT FOR ACCESS, EGRESS AND UTILITIES

KNOW ALL MEN BY THESE PRESENTS:

For and in consideration of the covenants and agreements herein set forth, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, BROE LAND ACQUISITIONS 10, LLC, a limited liability company organized under the laws of the State of Colorado (“Grantor”), does hereby grant, transfer and convey to the TOWN OF WINDSOR, COLORADO, a Colorado home rule municipal corporation (“Grantee”), a perpetual non-exclusive utilities easement (the “Easement”) for public and municipal purposes on, over, across, under, along and within the real property located in Weld County, Colorado (“County”) as described in the legal description and sketch depiction attached hereto as Exhibit A (the “Easement Area”), which is incorporated herein by this reference as if set forth fully, together with all appurtenances thereto.

Grantor hereby grants to Grantee, its successors and assigns, the permanent right to enter, re-enter, occupy and use the Easement Area to construct, maintain, repair, replace, enlarge and operate public and municipal utility facilities over, across, under and upon the Easement Area.

Grantor further grants to Grantee:

1. The right of ingress to and egress from the Easement Area over and across said lands of the Grantor by means of roads and lanes thereon; provided, however, that if any portion of said land is or shall be subdivided, and dedicated roads or highways on such portion shall extend to the Easement Area, then said right of ingress and egress on said portion shall be confined to such dedicated roads and highways.
2. With the prior approval of Grantor, which shall not be unreasonably withheld or delayed, the right from time to time to enlarge, improve, reconstruct, relocate, and replace any public or municipal utility facilities, or other structures constructed hereunder, either in the original location or at any alternate locations within the Easement Area.
3. The right to install, maintain and use gates in all fences which now cross or shall hereafter cross the Easement Area.
4. The right to mark the location of the Easement Area by suitable markers set in the ground, provided that said markers shall be placed in locations which shall not interfere with any reasonable use Grantor shall make of the Easement Area.

Grantor reserves the right to use the Easement Area for any and all purposes which will not unreasonably interfere with Grantee’s full employment of the rights granted hereby.

Grantor agrees not to take any of the following actions within the Easement Area unless, in each case, otherwise agreed to in writing by Grantee (i) erect or construct any building or other structure; (ii) drill or operate any well; (iii) construct any reservoir or other obstruction; (iv) add more than 3 feet to or remove more than 1/2 foot from the ground level; or (v) grant any other easements or right of ways for utilities within the Easement Area to any party other than the Town of Windsor if such utility lines will interfere with the public or municipal utility facilities

to be located within the Easement Area. Notwithstanding the foregoing, the restriction on Grantor's use of the Property set forth in subsection (v) above shall not prohibit Grantor from granting any easement or right of way for utilities to a third party; provided that such utility line does not compromise the Grantee's public or municipal utility facilities located within the Easement Area (for example, a utility line may cross the Easement Area in a perpendicular fashion).

Grantee shall not deposit, or permit or allow to be deposited any rubbish or debris within the Easement Area.

Grantee is hereby given the right to install and maintain public and municipal utility facilities within the Property.

Whenever used herein, the singular number shall include the plural and the plural the singular. The use of any gender shall be applicable to all genders.

The terms, conditions, covenants and agreements of this Easement shall be construed as covenants touching and concerning, running with and appurtenant to the Easement Area. All of the covenants contained herein shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, personal representatives, successors, and assigns.

Acceptance of this Easement by Grantee shall not impose upon Grantee any obligation for installation, improvement or maintenance of the Easement Area, which obligation shall arise, if at all, by separate action of the Town Board of Grantee.

DATED this 4 day of March, 2013.

[Remainder of this page left intentionally blank - - signatures follow]

BROE LAND ACQUISITIONS 10, LLC

Alex Yeros

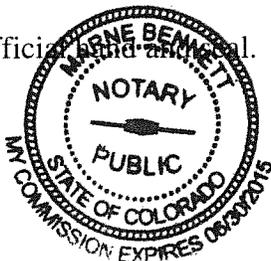
By: Alex Yeros, Manager

NOTARY ACKNOWLEDGEMENT

STATE OF COLORADO)
CITY/COUNTY OF DENVER) ss:

The foregoing instrument was acknowledged before me this 4th day of March, 2013, by Alex Yeros, in his capacity as Manager of BROE LAND ACQUISITIONS 10, LLC.

Witness my official hand and seal. My commission expires 6-30-2015.



Margie Bennett

Notary Public

ACCEPTANCE

The Town of Windsor hereby accepts the above Easement for Access, Egress and Utilities for municipal purposes as defined herein.

Dated this ____ day of _____, 2013.

TOWN OF WINDSOR, COLORADO

John S. Vazquez, Mayor

Patti Garcia, Town Clerk

APPROVED AS TO FORM:

Ian D. McCargar, Town Attorney

EXHIBIT A

Legal Description of Easement Area

[See attached]

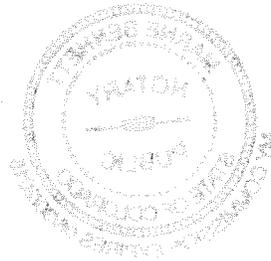


EXHIBIT A

PROPERTY DESCRIPTION

Utility Easement

A parcel of land for easement purposes, being a portion of Lot 1, Block 3 of the Great Western Industrial Park Subdivision Fourth Filing, recorded December 3, 2008 as Reception No. 3592743 of the Records of Weld County, situate within the Northeast Quarter of Section Twenty-six (26), Township Six North (T.6N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), Town of Windsor, County of Weld, State of Colorado, and more particularly described as follows:

COMMENCING at the Southwest corner of Lot 1, Block 3 and assuming the West line of said Lot 1 as bearing North 00°22'26" West a distance of 1051.13 feet with all bearings contained herein relative thereto;

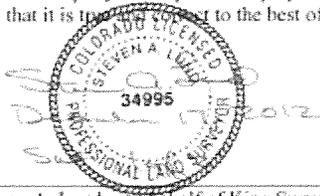
THENCE North 89°37'34" East along the South line of said Lot 1, Block 3 a distance of 32.00 feet to the Easterly line of an existing 16 foot wide utility easement;
THENCE North 00°22'26" West along said Easterly line a distance of 273.31 feet to the South line of an existing utility easement;
THENCE South 89°37'34" West along said South line a distance of 33.04 feet to the **POINT OF BEGINNING**.

THENCE North 00°22'26" West along the Easterly line of an existing utility easement a distance of 40.00 feet;
THENCE North 89°37'34" East a distance of 242.00 feet;
THENCE South 00°22'26" East a distance of 40.00 feet;
THENCE South 89°37'34" West a distance of 242.00 feet to the **POINT OF BEGINNING**.

Said described parcels contain 9,680 sq. ft. or 0.222 acre, more or less.

SURVEYOR'S CERTIFICATE

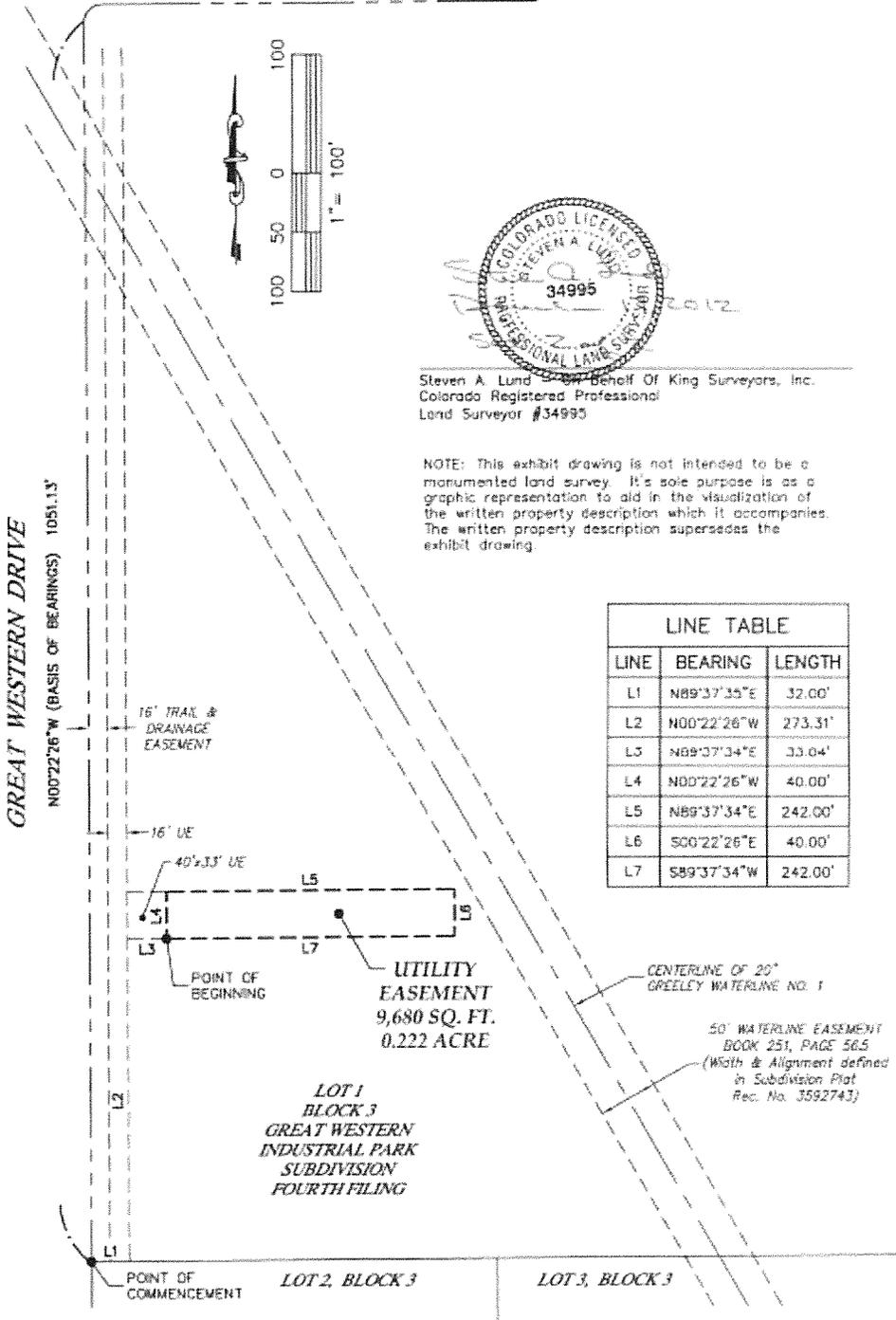
I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Steven A. Lund – on behalf of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #34995

KING SURVEYORS, INC.
650 Garden Drive
Windsor, Colorado 80550
(970) 686-5011

EASTMAN PARK DRIVE



KING SURVEYORS, INC.
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821
www.kingsurveyors.com

PROJECT NO: 2012594
DATE: 12/12/2012
CLIENT: GREAT WESTERN
DWG: 2012594EXH-2
DRAWN: CSK CHECKED: SAL



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
Via: Regular meeting packets
From: Ian D. McCargar, Town Attorney
Re: Resolution re-appointing Municipal Prosecutor
Item #: B.8.

Background / Discussion:

Each year, the Charter requires appointment of the Municipal Prosecutor for the coming year. The attached Resolution, if approved, will re-appoint Kimberly Emil to this office by approving the Professional Services Agreement with Ms. Emil. The Professional Services Agreement is identical to the one approved last year.

One change is worth noting for the coming year. In consultation with Ms. Emil, the Assistant Town Prosecutor slot has been set aside for Scott Patton. Mr. Patton's experience is summarized in the attached resume. I am personally familiar with Mr. Patton, and believe he will be a good choice to fill in for Ms. Emil in the rare instance where she needs back-up.

Financial Impact: None other than previously budgeted for 2013.

Relationship to Strategic Plan: Residents Feeling Safe and Secure Throughout Windsor

Recommendation: Adopt attached Resolution Reappointing Kimberly A. Emil as Windsor Town Prosecutor, Appointing Scott Patton as Deputy Town Prosecutor, Extending the Professional Services Agreement Between the Town of Windsor and Kimberly A. Emil, Attorney At Law. Simple majority required.

Attachments:

Resolution Reappointing Kimberly A. Emil as Windsor Town Prosecutor, Appointing Scott Patton as Deputy Town Prosecutor, Extending the Professional Services Agreement Between the Town of Windsor and Kimberly A. Emil, Attorney At Law

Professional Services Agreement (Kimberly A. Emil)

Resume, Scott Patton

TOWN OF WINDSOR

RESOLUTION NO. 2013-15

A RESOLUTION REAPPOINTING KIMBERLY A. EMIL AS WINDSOR TOWN PROSECUTOR, APPOINTING SCOTT PATTON AS DEPUTY TOWN PROSECUTOR, EXTENDING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF WINDSOR AND KIMBERLY A. EMIL, ATTORNEY AT LAW.

WHEREAS, under the Town of Windsor Home Rule Charter, Section 1.47, the Town Prosecutor shall be an attorney at law admitted to practice in the State of Colorado who is appointed by the Town Board to appear on behalf of the Town before the Municipal Court, to enforce violations of the Code of Ethics, and (3) to perform such other duties as prescribed by the Town Board.

WHEREAS, in April, 2008, the Town and Kimberly A. Emil entered into a Professional Services Agreement appointing Kimberly A. Emil as Windsor Town Prosecutor; and

WHEREAS, the Town and Ms. Emil have each year renewed and reaffirmed the professional relationship between the Town and Ms. Emil, the most-recent being a Professional Services Agreement for the previous year; and

WHEREAS, the aforesaid Professional Services Agreement provides for its continuation for one-year periods; and

WHEREAS, the Town and Ms. Emil have negotiated an extension of the Professional Services Agreement, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, the Town has each year determined that Ms. Emil continues to deliver quality and competent legal services to the Town; and

WHEREAS, the Town Board has customarily appointed an Deputy Town Prosecutor to serve in Ms. Emil's absence or inability to serve; and

WHEREAS, the Town Board has reviewed the qualifications of Scott Patton, and has determined that Mr. Patton is a suitable candidate for appointment as Deputy Town Prosecutor; and

WHEREAS, by the terms of this Resolution, the Town Board desires to again reappoint Ms. Emil to her position as Town Prosecutor, and to appoint Mr. Patton as Deputy Town Prosecutor, for a period of one year from the date of this Resolution.

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

1. Kimberly A. Emil is hereby reappointed as Town Prosecutor for a period of one year from the

date of this Resolution.

2. Scott Patton is hereby appointed to serve as Deputy Town Prosecutor for a period of one year from the date of this Resolution.

3. The attached Professional Services Agreement between Kimberly A. Emil, Attorney at Law, and the Town is hereby approved for a one-year period.

4. The Mayor is hereby authorized to execute the attached Professional Services Agreement on behalf of the Town.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 25th day of March, 2013.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this 25th day of March, 2013, by and between the TOWN OF WINDSOR, COLORADO, a Colorado home-rule municipality (hereinafter, "Town") and KIMBERLY A. EMIL, attorney at law (hereinafter, "Emil").

WITNESSETH:

WHEREAS, the Town's Home Rule Charter provides for the appointment of a town prosecutor to appear on behalf of the Town before the Municipal Court, to prosecute violations of the Code of Ethics, and to perform such other duties as may be prescribed by the Town Board; and

WHEREAS, Emil has been serving the Town of Windsor as Town Prosecutor since April 8, 2004; and

WHEREAS, the Town Board has selected Emil to continue to serve as Town Prosecutor; and

WHEREAS, by the recitals contained in this Agreement, the parties desire to set forth the terms and conditions of Emil's appointment;

NOW, THEREFORE, in consideration of the mutual covenants and obligations hereinafter set forth, it is agreed between the parties as follows:

1. Preamble. The parties acknowledge that the recitals set forth above are true and correct, and those recitals are incorporated into the body of this Agreement.
2. Professional Services. Emil agrees to provide professional services to the Town as Town Prosecutor. Such services shall include the specific responsibilities of the Town Prosecutor under the Town of Windsor Home Rule Charter and such other duties as may be prescribed by the Town Board. Emil agrees to perform the duties of Town Prosecutor in a competent and professional manner.
3. Liability Insurance. Emil shall at all times maintain professional liability insurance in an amount satisfactory to the Town. Such coverage shall specifically identify the services provided to the Town by Emil as Town Prosecutor. Emil shall immediately notify the Town in the event her professional liability insurance is canceled, lapses or is otherwise terminated. In such event, Emil shall be afforded a reasonable time to obtain replacement coverage.
4. Term. This Agreement shall commence upon Emil's appointment by the Town Board and

shall continue for one (1) year thereafter unless sooner terminated as provided herein. The Town Board shall annually evaluate Emil's performance, and this Agreement may be extended for additional one (1) year periods by agreement between the parties.

5. Termination. The foregoing time period notwithstanding, the Town may terminate this Agreement at anytime without cause by providing written notice of termination to Emil. In the event of termination, Emil shall be paid for services rendered prior to the date of termination subject only to the satisfactory performance of her obligations under this Agreement. Such payment shall be Emil's sole right and remedy for such termination.
6. Compensation. In consideration of the services to be performed pursuant to this Agreement, the Town agrees to pay Emil the sum of One Hundred Fifty Dollars (\$150) per hour. Emil shall bill the Town on a monthly basis by itemized statements acceptable to the Town.

It is understood and agreed that compensation under this Agreement shall be limited to thirty (30) hours per month, subject to the authority of the Town Board to pay such additional amounts to Emil as may be appropriate for additional services provided. Justification for additional payment shall be presented to the Town Board in writing with appropriate documentation upon request of the Town Manager.

7. Office and Support Services. The Town shall not be obligated to provide any office or support services for Emil. Emil shall maintain an office with adequate support services to perform the duties of Town Prosecutor, including a mailing address and communications availability by telephone, facsimile and electronic mail.
8. Independent Contractor. The services to be performed by Emil are those of an independent contractor and not of an employee of the Town. The Town shall not be responsible for withholding any portion of Emil's compensation hereunder for the payment of FICA, Workers' Compensation, or other taxes or benefits, or for any other purpose.
9. Personal Services. It is understood that the Town enters into this Agreement based upon the special abilities of Emil, and that this Agreement shall be considered as an agreement for personal services. Accordingly, Emil shall neither assign any responsibilities nor delegate any duties arising under this Agreement without the prior written consent of the Town.
10. Notices. Any notice, request or other communication to either party by the other party concerning the terms and conditions of this Agreement shall be in writing and shall be deemed given only (1) when actually received by the addressees, or (2) when sent postage prepaid by certified United States mail, return receipt requested, addressed as follows:

TOWN:

Copy to:

EMIL:

Town of Windsor
301 Walnut Street
Windsor, CO 80550

Ian D. McCargar, Town Attorney
131 Lincoln Ave., Suite 100
Fort Collins, CO 80524

Kimberly A. Emil
P.O. Box 354
Windsor, CO 80550

- 11. Entire Agreement. This Agreement constitutes the entire agreement between the parties concerning the services to be rendered by Emil to the Town. Neither Emil nor the Town is bound by any representation not stated in this Agreement. This Agreement supercedes any prior agreements between the parties unless stated herein.
- 12. Governing Law. The laws of the State of Colorado shall govern validity, interpretation, performance and enforcement of this Agreement.
- 13. Binding Effect. The terms of this Agreement shall inure to the benefit of the parties, including their successors and permissible assigns, if any.

IN WITNESS WHEREOF, the undersigned parties have caused this Agreement to be executed on the day and year first written above.

TOWN OF WINDSOR, COLORADO

By: _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Kimberly A. Emil, Attorney at Law

Scott Patton
P.O. Box 7534
Loveland, Colorado 80537
970.962.2237 (wk) **719.433.8675** (cell)
Email: Flyacee@yahoo.com

EDUCATION

University of Colorado School of Law, Boulder, Colorado

Juris Doctor May 2002 **Admitted** October 2002

- Served upon Dean's Selection Committee for Director of the Natural Resources Law Center

State University of New York, College at Fredonia, Fredonia, New York
Bachelor of Science, Finance, May 1998

Thesis: *A Case Analysis of Southwest Airlines: Strategic Comparisons Between AMR, UAL and LUV*

- Elected Student Marshall for the graduating class of 1998
- GPA 3.7

EXPERIENCE

February 09 – Present

City Attorney's Office, Loveland, Colorado

Assistant City Attorney (Municipal Prosecutor)

Prosecution of all municipal court matters: traffic infractions, traffic offenses and municipal misdemeanors. Work with various divisions within the city in municipal code enforcement. Significant trial experience.

July 08 – Fall 2008

District Attorney, 14th Judicial District, Steamboat Springs, Colorado

Deputy DA

Handle all criminal matters, particularly felony issues within the jurisdiction, from origination of charges, filing decisions, bond hearing to motions hearings and trial. Designated juvenile prosecutor, working with juvenile petitions and the 14th JD diversion program.

April 04 – July 08

City Attorney, Prosecution Division, City of Colorado Springs

Municipal Prosecutor; City Attorney, Litigation Division, City of Colorado Springs Litigation Staff Attorney (April 2004 – July 2008)

Prosecute all municipal cases ranging from liquor violations to criminal misdemeanors. Represented the City as respondent's counsel for all compensation and subrogation matters. Workers Compensation litigation. Draft ordinances and advise CSPD on legal issues. Significant bench and jury trial experience.

July 03 – April 04

Ralph A. Cantafio P.C., Steamboat Springs, Colorado

Private Practice. Represent private clients in various legal matters ranging from felony criminal prosecution to domestic disputes and civil litigation.

December 02 – June 03

District Attorney, 11th Judicial District, Salida, Colorado

Deputy DA

County Court Prosecutor for Chaffee and Custer Counties handling all aspects of prosecution, ranging from initial filing of charges to verdict at trial.

January 02 – June 02

Boulder City Attorney's Office (Prosecution Division)

Law Clerk

Prosecute municipal ordinance violations; Conduct plea negotiations; Represent the city in numerous trials; Perform legal research on criminal matters; Conduct investigations including interviewing witnesses, officers and victims.

June 01 – January 02

Boulder City Attorney's Office (Prosecution Division)

Legal Intern

(see above description of duties)

PUBLICATION

“A Case Analysis of Southwest Airlines – Kelleher Kan Kost-effectively, Konstantly Krush Kompetition” Strategos: Business Policy, Dr. C. Telly, 1998.

ACTIVITIES & INTERESTS

Instrument Rated Private Pilot, Certified Mountain Pilot, Computer software and web page design, AD-2 Wildland Fire Fighter (rated with Larimer and Boulder County Sheriff's Dept.) Hot Air Balloonist (Long time crew member), Llama packing, Hiking, Camping, Fishing and Acoustic guitar enthusiast



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Patti Garcia, Town Clerk
Re: Cancellation of May 27, 2013 Town Board Meeting
Item #: B.9.

Background / Discussion:

The Town Board discussed the May 27, 2013 meeting as it falls on Memorial Day. Pursuant to those discussions, the Town Board has recommended that the May 27, 2013 regular meeting be cancelled.

TOWN OF WINDSOR

REPORT OF BILLS

February 2013

*At the regular meeting of the Town Board of the Town of Windsor,
Colorado, held in the Town Hall Board Room on March 25, 2013
the following claims were presented, examined, and approved by the Windsor Town Board.*

VENDOR	DESCRIPTION	FUND	AMOUNT
1st Bank of Northern Colorado	bi-weekly employee payroll deductions	GF	8,311.28
1st Bank of Northern Colorado	bi-weekly employee payroll deductions	HIF	0.00
1st Bank of Northern Colorado	payroll deductions-correction to 1/18/13 payroll	GF	3,611.40
1st Bank of Northern Colorado	payroll deductions	GF	7,298.80
1st Bank of Northern Colorado	correction to 1/18/13 payroll deductions	HIF	0.00
1st Bank of Northern Colorado	bi-weekly employee payroll deductions	HIF	0.00
A.L.E.R.T./S.A.M.	2013 membership dues	GF	80.00
Accutest Mountain States	water testing	WF	864.00
Adams, Charles	Storm drain refund 2012	SDF	7.66
Adolphson & Peterson Construction	Meter rental deposit refund	WF	2,100.00
Adolphson & Peterson Construction	Meter rental deposit refund	WF	2,100.00
Advantage Bank	Water Refund 2012	WF	15.01
Advantage Bank	Sewer refund 2012	SF	20.00
Advantage Bank	Storm drain refund 2012	SDF	5.82
AECOM Technical	392/I-25 interchange Nov-Jan	CIF	863.27
AFLAC	employee payroll educt Jan 2013	GF	845.78
Agfinity	fuel for fleet	FMF	5,897.36
Air Care Colorado	emission test coupons	FMF	510.00
American Planning Assoc	APA AICP dues	GF	470.00
Anthony's Rooter Svc	clean line	FS	90.00
Applied geologics	cemetery software/implementation	ITF	8,440.00
Arapahoe Rental	carpet cleaner	GF	35.19
Arapahoe Rental	parts	WF	29.85
Arapahoe Rental	propane	FMF	25.65
Arnold, Kelly	airfare reimb-DC/NLC	GF	331.80
AT&T Corp	long distance at lift station-cancelling next month	SF	35.68
Atwell, Justin	Water Refund 2012	WF	33.00
Atwell, Justin	Sewer refund 2012	SF	20.00
Atwell, Justin	Storm drain refund 2012	SDF	5.26
Baker, Myles	Congr Cities Conf plane ticket reimbursement	GF	667.80
Beaufore, Michael	water/sewer refund	WF	743.92
Beaufore, Michael	water/sewer refund	SF	120.00
Beaufore, Michael	water/sewer refund	SDF	29.34
Best, Don	Recreation refund	GF	18.00
BHA Design	392/I-25 interchange Community identification signs	CIF	254.50
Blanding Dirt Work	Meter rental deposit refund	WF	2,100.00
Bobcat of the Rockies	filters/oil	FMF	715.59

VENDOR	DESCRIPTION	FUND	AMOUNT
Bongalos, Susan	Water Refund 2012	WF	14.81
Bongalos, Susan	Sewer refund 2012	SF	20.00
Bongalos, Susan	Storm drain refund 2012	SDF	5.05
Broadcast Music inc	Annual Licensing Fee	GF	327.00
Brunner, Justin	uniform	GF	59.40
Bunting disposal	trash svc	GF	597.93
Bunting disposal	trash svc	CRCF	92.00
Bunting disposal	trash svc	SF	28.75
Canino's Italian	Daddy/Daughter dance dinner	GF	404.00
Canteen Refreshment svc	coffee	GF	165.78
Capital Business systems	plotter ink	ITF	186.95
Cash-Wa Dist	senior supplies	GF	88.51
Centurylink	utilities	GF	490.25
Centurylink	utilities	SF	570.91
Centurylink	utilities	GF	615.56
Centurylink	utilities	GF	170.85
Centurylink	utilities	CRCF	615.56
Centurylink	utilities	CRCF	2.49
Centurylink	utilities	WF	0.13
Centurylink	phone service	GF	412.90
Centurylink	phone services	CRCF	475.03
Centurylink	phone svcs	SF	103.32
Centurylink	utilities	FS	155.19
Chematox Labs	drug screen	GF	225.00
CIRSA	Work comp distribution Dec 2012	GF	1,246.82
City of Greeley	Sales Tax revenue sharing pymt	GF	9,888.17
City of Greeley	Senior trip to Stock Show	GF	134.00
City of Greeley	system dev chg Jan-Feb 2012	WF	370,050.00
City of Greeley	water purchased	WF	12,659.64
City of Greeley	water purchased	WF	272.26
Civicplus	annual hosting/support fee	ITF	9,412.20
Clear Water Solutions	general water services/non-pot water/decree acctg	KERN	3,713.29
Colorado Analytical Lab	lab testing	SF	418.00
Colorado Analytical Lab	lab testing	SF	292.00
Colorado Asphalt Svcs	bag of asphalt	GF	895.00
Colorado Association of chiefs	practical search/siezure seminar	GF	190.00
Colorado Dept of Transportation	392/I-25 interchange reconstruction-split with Ft. Collins	CIF	199,103.54
Colorado Dept of Transportation	392/I-25 interchange reconstruction-split with Ft. Collins	CIF	2,628.92
Colorado Gov Fin Officers Assoc-CGFOA	2013 membership-new employee	GF	40.00
Colorado Gov Fin Officers Assoc-CGFOA	2013 membership	GF	40.00
Colorado Stormwater Council	membership	SDF	500.00
Coloradoan Media Group	legal notices	GF	114.16
Comcast Cable Comm	CRC cable/music	CRCF	232.68
Comcast Cable Comm	internet svcs	ITF	206.95
Concentra	UDS preemployment	GF	90.00
Connell Resources	Meter rental deposit refund	WF	2,100.00
Coren Printing	stamp/badges/citations	GF	1,404.00
Country Johns	portable restroom svcs	GF	520.00
Crouch, Gary	Recreation refund	GF	18.00

VENDOR	DESCRIPTION	FUND	AMOUNT
D&B Power Assoc	HVAC software maintenance	ITF	2,700.00
Dana Kepner Co	repair clamp coupling	WF	511.60
Daniel Caulman	Service call to PD	FS	350.00
Data West Corp	Billmaster water payments	ITF	1,225.00
Dataprint	outsource water billing	WF	331.23
Diaz, George	ASE testing reimbursement	FMF	66.00
D-lawn Service	snow removal	GF	100.00
Dominoes	meeting refreshments	GF	62.13
Dominoes	teen night staff dinner	GF	58.00
Drake, Anita	Conference travel reimbursement	GF	146.18
Eckstine, Shawna	Water Refund 2012	WF	16.75
Eckstine, Shawna	Sewer refund 2012	SF	20.00
Eckstine, Shawna	Storm drain refund 2012	SDF	5.30
Economic Development council of Co	EDCC Spring conference registration	GF	250.00
Edwards re Fridgeration	ice machine repair	FS	229.03
Elite Awards	motto sign	GF	26.50
Emil, Kimberly	legal services-town prosecuter	GF	4,245.00
Employers Council Svcs Inc	ECS employment law posters	GF	120.00
Environmental Systems	small Gov ELA	ITF	25,500.00
Enviropest	pest control	GF	46.00
Enviropest	pest control	WF	150.00
Enviropest	pest control	FS	66.00
Evident	gun boxes	GF	87.00
Family Support Registry	Wage Assignment	GF	51.69
Family Support Registry	Wage Assignment	GF	356.11
Family Support Registry	Wage Assignment	GF	51.69
Family Support Registry	Wage Assignment	GF	356.11
Faris Machinery	mini push sewer main camera	SF	8,540.00
Farnsworth	WWTP headworks construction admin pjct	SF	16,074.04
Fastenal	taps fasteners	FS	5.06
Fastenal	cable ties	SF	4.48
Fastenal	fasteners	FS	6.51
Ferguson-Jenkins & Assoc	GIS website Maint 2013	ITF	2,000.00
Fort Collins baseball club	league fees	GF	50.00
Fort Collins-Loveland water dist	water overpayment	GF	(196.15)
Fort Collins-Loveland water dist	water purchased	WF	828.12
Frey McCargar Plock & Root	legal svcs contract/project mgmt/O&E reports	GF	25,721.84
Fritzler, John	reimburse for tool purchased	FMF	30.00
Gallegos Sanitation	recycling-harvest festival	GF	445.00
Galls	Serpa locking holster	GF	69.48
Garcia, Patty	mileage reimbursement	GF	66.78
Government Finance Officers Assoc-GFOA	2013 membership-new employee/renewal	GF	300.00
Government Finance Officers Assoc-GFOA	budget review-GFOA	GF	330.00
Grainger	parts	FS	1,013.53
Great Western Trail Authority	town support	GF	7,500.00
Greeley Lock & Key	repairs	FS	1,293.30
Hamilton Linen	rental linens	CRCF	159.12
Hantscho, Walter	Storm drain refund 2012	SDF	4.92
Hensley Battery	batteries	FMF	622.26

VENDOR	DESCRIPTION	FUND	AMOUNT
Herman, Diane	Storm drain refund 2012	SDF	77.45
Highland Park Lanes	adaptive bowling fees	GF	148.40
Holmes, Chris	Storm drain refund 2012	SDF	5.41
Hotsy Equip	parts	FMF	33.01
Hull, Marlin	Water Refund 2012	WF	25.45
Hull, Marlin	Sewer refund 2012	SF	20.00
Hull, Marlin	Storm drain refund 2012	SDF	5.02
Inernat'l Council of shopping centers	2013 membership for Mayor	GF	50.00
JJ Keller	CSA Handbook	FMF	23.05
John Brunner & Co	plumbing repair	FS	125.00
John Brunner & Co	plumbing repair	FS	875.00
Johnson, Nicole	Recreation refund	GF	35.00
J-U-B Engineers	WCR 21 Bridge engineering svcs	CIF	14,932.74
Kelly, Jennifer	Storm drain refund 2012	SDF	9.96
Kennedy, Charles	Sewer refund 2012	SF	40.00
Kennedy, Charles	Storm drain refund 2012	SDF	13.78
Kenz & Leslie Distributing	fluids	FMF	382.80
Kimball Midwest	parts/supplies	FMF	795.21
King Soopers	meeting/senior event refreshments	GF	159.77
King Soopers	refreshments	CRCF	16.99
Kinsco	equipment	GF	76.90
Kinsco	uniform	GF	249.99
Kottenstette, Gregory	Storm drain refund 2012	SDF	5.44
Kristopher Walters	Employee banquet photo svcs	GF	400.00
Landi, Thomas	Storm drain refund 2012	SDF	16.16
Larimer County Sales & Use Tax	sales/use tax Jan 2013	GF	27,094.84
Lawrence Jones Custer Grasmick	legal fees/Kern/Weld RE4	GF	4,266.00
Lawson Products	parts	FMF	179.72
Lee, Mary	mileage reimbursement	GF	10.28
Lewan & Assoc	capital project/software/equip-1 GB Cisco memory	ITF	1,516.03
Lewan & Assoc	capital project/software/equip-1 GB Cisco memory	ITF	240.50
Lil' Flower Shop	sympathy flowers/banquet	GF	315.85
Lind Ottenhoff	legal svcs	GF	199.00
LL Johnson Dist Co	blade set	FMF	25.53
Longmont baseball league	baseball league registration	GF	3,675.00
Lopez, Aaron	reimburse for tools	GF	50.60
Louden Irrigating Canal & Reservoir	2013 water assessment	GF	400.00
Mail N Copy	shipping/postage	GF	150.96
Mail N Copy	mailing lab tests	SF	10.66
Manweiler's Hardware	supplies	FS	45.74
Manweiler's Hardware	parts/supplies	GF	304.46
Manweiler's Hardware	supplies	WF	3.86
Manweiler's Hardware	tools/filter	SF	37.50
Manweiler's Hardware	parts	FS	14.92
Mendoza, Jason	training meals reimbursement	GF	15.79
Michael Manning	municipal court judge	GF	1,400.00
Morey's Glass	clear lexon CRC	FS	429.00
Mountain States Employers Council	MSEC Membership	GF	4,800.00
Mountain States Recreation	aluminum gangway railing for boat dock	CIF	936.00

VENDOR	DESCRIPTION	FUND	AMOUNT
Moyer, Dean	mileage reimbursement	GF	82.49
Myers Tire Supply	supplies	FMF	355.48
Naional research center	NCS survey 2013 deposit	GF	6,300.00
Napa	auto parts	GF	462.47
Napa	supplies/parts	FMF	274.40
National Alliance for youth sports	NYSCA coach certifications	GF	210.00
National Meter	hydrant meter repair	WF	749.80
Neve's uniforms	body armor	GF	7,500.00
Newegg	Tansfer belt/toner	ITF	248.59
North Colorado Medical Center	safe sitter class fee-Jan	GF	504.00
North Poudre Irrigation Co	water assessment	WF	43,140.00
North Weld Water Dist	water purchased	WF	62,166.63
Northern Colorado Crime Stoppers	Agency participation dues 2013	GF	425.00
Numara Software	software support	ITF	1,672.00
Ochoa, Richard	teen night DJ 2/8/13	GF	250.00
Odle, Cyndle	mileage reimbursement	GF	157.07
Office Depot	office supplies	GF	727.10
Office Depot	office supplies	CRCF	6.17
Office Depot	office supplies	WF	3.45
Office Depot	office supplies	SF	1.72
Office Depot	office supplies	SDF	0.86
Office Depot	office supplies	FMF	0.86
Office Depot	office supplies	ITF	13.57
Office Depot	office supplies	FS	21.06
Office Depot	office supplies	GF	388.93
Office Depot	office supplies	SDF	12.91
Office Depot	office supplies	FS	18.40
Office Depot	office supplies	GF	207.06
Office Depot	office supplies	CRCF	3.99
Office Depot	office supplies	ITF	5.97
Office Depot	office supplies	FS	11.92
O'Rielly Auto Parts	spark plugs	FMF	47.33
O'Shea, Mary	Storm drain refund 2012	SDF	8.47
PC Mall Gov	websense subscripnt renewal	ITF	5,190.00
Peters, William Jr	Water Refund 2012	WF	83.44
Peters, William Jr	Sewer refund 2012	SF	20.00
Peters, William Jr	Storm drain refund 2012	SDF	4.56
Petty Cash	petty cash riemb	GF	62.00
Poudre Valley Hospital	blood draw	GF	118.00
Poudre Valley REA	utilities	GF	5,538.93
Poudre Valley REA	utilities	WF	32.48
Poudre Valley REA	utilities	SF	15,917.35
Poudre Valley REA	utilities	GF	1,488.61
Poudre Valley REA	utilities	WF	1,456.30
Poudre Valley REA	utilities	GF	2,170.77
Poudre Valley REA	utilities	WF	31.15
Poudre Valley REA	utilities	SF	2,278.29
Poudre Valley REA	utilities	GF	32.69
Poudre Valley REA	refund-overpymt of sales tax	GF	8,646.26

VENDOR	DESCRIPTION	FUND	AMOUNT
Poudre Valley REA	utilities	CIF	5,764.17
Poudre Valley REA	refund-overpymt of sales tax	CRCF	960.70
Professional Mgmt Solutions	merit increase	GF	1,080.00
Progressive Roofing	service work PD	FS	255.00
Red Wing Shoes	uniform	FMF	39.96
Rex Oil Co	oil kits	FMF	236.10
Rhines Small Engines	parts	FMF	51.43
Robert Doerksen	Aluminum for boat dock	CIF	811.00
Safebuilt	permit fees Jan 2013 reimb	GF	110,519.64
Safeway	Coffee/seniors/banquet	GF	527.93
Sam's Club	supplies	GF	190.50
Schmad, Wayne	Storm drain refund 2012	SDF	11.66
Schumacher, Shelly	USSSA Reg Reimb	GF	45.00
Scotchies Cleaners	PD patches sewn on uniforms	GF	221.00
Scott's Electric	svc call	SF	99.00
Scott's Electric	wiring	GF	206.28
Securitas Security Svcs	rental security	CRCF	73.40
Settle, Troy	Storm drain refund 2012	SDF	5.05
Spenser Fane Britt & Browne	Legal fees-Bldg authority	GF	60.89
Spradley Barr Ford	parts	FMF	180.30
Steve Schmidt trucking	hauling ice buster	GF	510.00
Strathmore Homes	Water Refund 2012	WF	15.28
Strathmore Homes	Sewer refund 2012	SF	20.00
Strathmore Homes	Storm drain refund 2012	SDF	5.06
Stuard, Wyatt	Storm drain refund 2012	SDF	9.78
Suburban Propane	propane	SF	3,095.19
Summit Supply Co	plumbing parts	FS	157.70
Summit Supply Co	plumbing parts CRC	FS	83.40
T & T Tire	flat repair	FMF	15.00
Technical Difference	people track software annual support	ITF	2,125.54
The Automotive Training Gorup	seminar	FMF	398.00
The Pawnee Group	Car wash tokens	FMF	98.15
The Water Shed	spreader motor	GF	123.64
Timberline Electric and Control	replace PLC equip	SF	11,691.73
Town of Windsor Municipal Court	depsit slip order	GF	42.46
Trane US inc	HVAC repairs	FS	2,197.00
Trane US inc	HVAC repairs	FS	936.00
Trauernicht, Ron	Recreation refund	GF	36.00
Tri-Tech Security	monthly monitoring fee	FS	132.00
U.S. Art Co	bittersweet harvest Travel exhibit	GF	2,501.78
UMB Purchasing Card	police department training	GF	278.95
UMB Purchasing Card	flu prevention	GF	54.75
UMB Purchasing Card	cast iron bollards, books	GF	2,503.60
UMB Purchasing Card	meeting refreshments	GF	25.90
UMB Purchasing Card	economic development, Upstate Colorado meeting	GF	358.18
UMB Purchasing Card	NRPA	GF	40.00
UMB Purchasing Card	Parks Training - Progreen	GF	102.00
UMB Purchasing Card	saw chain sharpener	GF	197.08
UMB Purchasing Card	Saving Places 2013 - Board Development	GF	585.00

VENDOR	DESCRIPTION	FUND	AMOUNT
UMB Purchasing Card	APA Conference & Travel	GF	828.89
UMB Purchasing Card	CCCMA Membership, Wireless Timer for TB Chambers	GF	1,209.31
UMB Purchasing Card	National League of Cities, CML	GF	3,208.38
UMB Purchasing Card	Vacuum	GF	99.00
UMB Purchasing Card	Books, Reference Materials	GF	1,543.47
UMB Purchasing Card	Senior Party Supplies	GF	401.63
UMB Purchasing Card	CARA Track Fees	GF	150.00
UMB Purchasing Card	Volunteer Appreciation Lunch, Denver Art Museum Tickets	GF	730.00
UMB Purchasing Card	Admissions	GF	425.67
UMB Purchasing Card	books, 4Imprint/subscription, track fees, volunteer lunch,tickets	CRCF	1,063.57
UMB Purchasing Card	uniform	SF	144.99
UMB Purchasing Card	flash drives/travel/lunch/maintenance contract	ITF	6,526.84
United Way of Weld Cty	employee donation	GF	15.00
United Way of Weld Cty	employee donation	GF	15.00
Upstate Colorado Economic Dev	2013 Econ Dev membership	GF	10,000.00
US Post office	postage permit	GF	200.00
USA Blue Book	water check valve	SF	303.91
USA Blue Book	parts	WF	140.73
USA Mobility Wireless	on-call pager svc	GF	13.31
Utility Notification Center	location transmissions	WF	288.51
Verizon Wireless	Cell phone svc	GF	1,174.39
Verizon Wireless	Cell phone svc	CRCF	29.32
Verizon Wireless	Cell phone svc	SF	40.01
Verizon Wireless	Cell phone svc	ITF	40.01
Verizon Wireless	phone service-town billboards	GF	24.89
Vision Service Plan	Employers Vision Feb 2013	GF	1,655.18
W. W. Grainger	supplies	FS	694.09
Wagner equipment	repair leak on compressor	FMF	323.14
Waste Management	Service recycle site pulls	GF	1,206.77
Waste Management	Town hall recycle	FS	43.20
Waste Management	recycle site	GF	1,595.20
Weld County	Aerial photography	ITF	7,200.00
Weld County Chiefs of Police Assoc	2013 membership dues	GF	35.00
Well Being	cooking classes	GF	21.00
Western Material Handling	relay switch	FMF	132.08
Whitney Irrigation Co	water assessment	GF	410.00
Willadsen, Dan	test reimbursement	GF	235.00
Williams Equipment Co	supplies	FMF	411.52
Windsor Chamber of Commerce	Windsor Bucks	GF	50.00
Windsor Community Choir	Donation	GF	1,000.00
Windsor Hardware (ACE)	supplies	GF	75.63
Windsor Hardware (ACE)	supplies	SF	79.91
Windsor Hardware (ACE)	supplies	FS	115.95
Windsor Valley Auto Wash	Car wash tokens	FMF	75.00
Windsor-Severance Fire Rescue	Fire Dpt bldg permit fee collection	GF	12,500.00
Wireless Advanced Communications	battery	GF	99.00
Wireless Advanced Communications	install lamp/speaker	FMF	241.00
Workspace Innovations	Parks Office Cubicles	GF	4,840.00
Xcel Energy	utilities	GF	8,743.98

VENDOR	DESCRIPTION	FUND	AMOUNT
Xcel Energy	utilities	KERN	16.18
Xcel Energy	utilities	GF	3,625.35
Xcel Energy	utilities	CRCF	8,695.63
Xcel Energy	utilities	SF	659.17
Xcel Energy	utilities	KERN	32.01
Xcel Energy	utilities	GF	33,259.00
Xerox corp	copier lease	ITF	2,955.82
Zeller, Tammy	USSSA Reg Reimb	GF	95.00
Zep Sales	cleaner	FS	182.22
Zep Sales	push brooms	FMF	79.16
Zexhags	AHC cleaning	GF	50.00
Zexhags	Bldg attendant contract	CRCF	445.50
Zexhags	AHC cleaning	GF	50.00
Zexhags	building attendant cotract	CRCF	154.00
	TOTAL CASH DISBURSED		\$1,274,758.57
	PAYROLL		\$322,666.52
	(wages/ 2 pay periods)		
	TOTAL		\$1,597,425.09



MEMORANDUM

Date: March 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: March 25, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Amy Porter, Special Events Coordinator
Re: Grant Application – Relay for Life
Item #: C.2.a.

Background / Discussion:

The annual Relay for Life is an established partnered event that acts as a fundraiser for the American Cancer Society, a 501 (c) (3) organization. In 2012, the Windsor Relay for Life raised \$122,717 and was the 2nd highest per capita fundraising RFL event in the U.S. in 2012 for our population category.

As a town-partnered event, they have previously received use of the Windsor show stage at no cost. In October, Relay for Life confirmed they would change their event dates from the last weekend in July to July 12th & 13th. As a result, they will be unable to use the show stage because it was previously reserved by a different entity for the same dates. Relay for Life was notified of the double-booking in February of 2013, after they had begun advertising that included the new dates, July 12th&13th.

Relay for Life is requesting \$1000 to help offset the unforeseen expense of a stage rental. The show stage is a focal point of the event where awards and ceremonies are held throughout the night.

Financial Impact:

The value of the standard sponsorship package is \$1,750. However, without use of the show stage, the value is \$1350. Relay for Life is requesting \$1000 to rent risers and tent in lieu of the Windsor show stage.

Relationship to Strategic Plan:

Goal 1.B.

Recommendation:

For discussion and provide direction to staff.

Attachments:

- b. Relay for Life Outside Agency Funding Grant Application



Short Form Grant Application

ORGANIZATION NAME: American Cancer Society / Relay For Life

MAILING ADDRESS: 8221 W. 20th St. Greeley, CO 80634

PHYSICAL ADDRESS: 8221 W. 20th St. Greeley, CO 80634

ORGANIZATION DIRECTOR/PRESIDENT: (District Executive Director) Mikaela Sandridge

GRANT CONTACT: Megan Clarkson

DAYTIME PHONE: (970)356-5018 CELL PHONE: (719)963-4848

FAX: (970)356-9238 EMAIL: Megan.Clarkson@cancer.org

WEBSITE ADDRESS: www.windsorrelay.org

FEDERAL IDENTIFICATION NUMBER: 13-1788491

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: \$ 1000.00 FISCAL YEAR END: 12/31/13

BRIEF DESCRIPTION OF REQUEST:

In the past, as part of the sponsorship package from the Town of Windsor, we have had access to the Show stage during our event in Windsor. This year, we booked our dates with the Town and several months later we were told that the Show Stage would be unavailable for our use this year as it was already reserved by Eaton. We are requesting \$1000.00 so we can rent a stage so the community of Windsor and Relay For Life doesn't suffer from lack of Show stage.

2012 Actual Revenues: \$ 109,785.16
2013 Budgeted Revenues: \$ 130,000.00

2012 Actual Expenses: \$ 12,931.88
2013 Budgeted Expenses: \$ 13,000.00

Signature, Director/President

Date 3/18/13

March 18, 2013



Mayor John Vazquez and Town Board Members
Town of Windsor
301 Walnut Street
Windsor, CO 80550

RE: Town of Windsor Strategic Plan - Grant Request

Dear Mayor Vazquez and Town Board Members:

On July 12th and 13th, the Relay For Life of Windsor will once again be held at the Town of Windsor's Eastman Park. The event has two main purposes; that is, to remember those we have lost to cancer and to give local residents the opportunity to share in the continuing fight against cancer.

WHO WE ARE: Relay For Life is the American Cancer Society's signature fundraising event. The Relay For Life of Windsor is organized by a local community committee of 50 volunteers and should attract around 800 participants. This event offers everyone in the Windsor community an opportunity to come together and be a part of solving the problems created by this terrible disease, as stated here in our Mission Statement:

"The American Cancer Society is the nationwide, community-based, voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives, and diminishing suffering from cancer, through research, education, advocacy, and service."

REQUEST: \$1000 to help defray the cost of renting a stage for our event this year.

RATIONAL: In the past, the show stage has been part of the sponsorship package from the Town of Windsor, but about a month ago it was discovered that when we reserved Eastman Park in October 2012, the stage was inadvertently not included. When the problem was discovered, the stage was already reserved by another community. To provide the best event for the Windsor community, we will need to rent a stage which will be used during the entire event. The grant requested would help defray those rental expenses.

This is where I feel our request supports the Town of Windsor's Strategic Plan. We are building community spirit and pride by encouraging healthy, family-friendly neighborhoods and encouraging successful community-supported events. The requested grant would help ensure the success of the event.

Sincerely,

A handwritten signature in cursive script that reads "Megan Clarkson".

Megan Clarkson
Community Relationship Manager

November 15, 2012

From: Windsor Relay for Life Committee

Contact: Media Chair Eugena Bellamy eugena.bellamy@gmail.com

Or Event Chair Ann Schmidt ann.colo@yahoo.com

Re: Windsor Relay For Life Event Honored as Pacesetter

The Windsor Relay For Life was recognized as a Pacesetter Community at the recent Great West Division Summit sponsored by the American Cancer Society. Pacesetter status shows that Windsor met all the criteria outlined by ACS, such as event organization, teams and community involvement and fundraising success, Weld County, including Windsor, was also honored for being the 2nd-highest per capita fundraising RFL event in the US in 2012 in our population category. This years' Relay For Life of Windsor was amazing. Thanks to the support from the community, we surpassed our goal of \$91,000 by over \$30,000 by raising \$122,717! Thank you all whole played a part in the success of this event.

Planning is underway for the 2013 Relay for Life to be held July 12/13, and new volunteers are always welcome. To learn more about the Windsor RFL or to volunteer, please contact Ann Schmidt at 686-1033.

Back row l. to r.: Annette McDaniel, Ann Schmidt, Cathy Kosola, Eugena Bellamy, Laurie Porth, Kim Rydbom, Becky Dahlgren, Mary Tennessen, Lee Lucas.

Front row l. to r.: Sabrina Shainline, Megan Clarkson, Jessica Nix, Tiffany Skoglund, Robin Weis, Megan Dreyer, Kelli Wellman, Ann Dreyer, Kaitlyn Dreyer.

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1833 E. Harmony #19 | Fort Collins, CO 80528
 Office (970) 223-1195 | Fax (970) 226-0528 | www.FlexxProductions.com

Status: Quote

Quote #: q5346

Event Beg: Thu 7/11/2013 9:00AM

Event End: Sun 7/14/2013 6:00PM

Operator: Jessie Durbin

Customer# 22

American Cancer Society

970 381-1616

Lynn Casseday

8221 W 20th Street Sutie A

Job Descr: Relay for Life: 7/12-7/14

Greeley, CO 80634

Salesman: Jessie Durbin

Email: jessie@flexxproductions.com

DELIVERY AND PICKUP

Delivery Date: Thu 7/11/13 9:00 AM

Contact:

Pickup Date: Sun 7/14/13 6:00 PM

Phone: -

Address: 8221 W 20th Street Sutie A ; Greeley, CO 80634

Qty	Description	Each	Price
1	Stage-16x20 STAGE HEIGHT: 32"	\$650.00	\$650.00
10	Stage-Deck 4X8	\$0.00	\$0.00
52	Stage-Skirting per foot	\$1.25	\$65.00
60	Stage-legs 24"-36"	\$1.00	\$60.00
1	Tent-Frame Tent 20x20 white	\$260.00	\$260.00
4	Tent-Leg extensions 3'	\$10.50	\$42.00
Qty	Description	Each	Price
1	Delivery/Pickup Windsor	\$72.50	\$72.50

Quote valid for 30 days.

RENTAL CONTRACT

This is a contract. The back of this contract contains important terms and conditions including lessor's disclaimer from all liability for injury or damage and details of customer's obligations. These terms and conditions are a part of this contract - READ THEM!

If equipment does not function properly notify lessor within 30 minutes of occurrence or no refund or allowance will be made. If this is a reservation, a reservation cancellation fee up to 1/2 of the total amount may be charged if reservation is cancelled within 72 hours of the scheduled "time and date out".

I certify that I have read and agree to all terms of this contract.

SIGNATURE:

American Cancer Society

Rental:	\$1,077.00
Damage Waiver:	\$107.70
Sales:	\$0.00
Delivery Charge:	\$72.50
Misc. Charges:	\$0.00
Subtotal:	\$1,257.20
Fort Collins 7.35%:	\$0.00
TOTAL:	\$1,257.20
PAID:	\$0.00
AMOUNT DUE:	\$1,257.20

Internal Revenue Service

Date: January 5, 2004

American Cancer Society, Inc.
National Home Office
% Finance
1599 Clifton Road
Atlanta, GA 30329-4250

Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:
Stephanie Broach-Camp 31-04022
Customer Service Specialist
Toll Free Telephone Number:
8:00 a.m. to 8:30 p.m. EST
877-829-5500
Fax Number:
513-263-3756
Federal Identification Number:
13-1788491
Group Exemption Number:
0580

Dear Sir or Madam:

This is in response to your request of January 5, 2004 regarding a copy of your organization's group exemption letter.

In November 1942 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Based on the information supplied, we recognized the subordinates named on the list your organization submitted as exempt from federal income tax under section 501(c)(3) of the Code. Additionally, we have classified the subordinates your organization operates, supervises, or controls, and which are covered by written notification to us, as organizations that are not private foundations because they are organizations of the type described in sections 509(a)(1) and 170(b)(1)(A)(vi) of the Code.

Donors may deduct contributions to your organization's subordinates as provided in section 170 of the Code. Bequests, legacies, devises, transfers or gifts to the subordinates or for their use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Your organization and its subordinates are required to file Form 990, *Return of Organization Exempt from Income Tax*, only if the gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

Your organization and its subordinates are not required to file federal income tax returns unless subject to this tax on unrelated business income under section 511 of the Code. If subject to this tax, the organization must file an income tax return on Form 990-T, *Exempt Organization Business Income Tax Return*. In this letter, we are not determining whether any of your organization or its subordinates' present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

American Cancer Society, Inc.
13-1788491

Unless specifically excepted, your organization and its subordinates are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each of its employees during a calendar year. Your organization and its subordinates are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Each year, at least 90 days before the end of your organization's annual accounting period, please send the following items to the Internal Revenue Service Center at the address shown below:

1. A statement describing any changes during the year in the purposes, character, or method of operation of your organization's subordinates;
2. A list showing the names, mailing addresses (including Postal Zip Codes), actual addresses if different, and employer identification numbers of subordinates that:
 - a. Changed names or addresses;
 - b. Were deleted from the roster; or
 - c. Were added to the roster.
3. For subordinates to be added, attach:
 - a. A statement that the information on which your organization's present group exemption letter is based applies to the new subordinates;
 - b. A statement that each has given your organization written authorization to add its name to the roster;
 - c. A list of those to which the Service previously issued exemption rulings or determination letters;
 - d. A statement that none of the subordinates is a private foundation as defined in section 509(a) of the Code if the group exemption letter covers organizations described in section 501(c)(3);
 - e. The street address of subordinates where the mailing address is a P.O. Box; and

American Cancer Society, Inc.
13-1788491

- f. The information required by Revenue Procedure 75-50, 1975-2 C.B. 587 for each subordinate that is a school claiming exemption under section 501(c)(3). Also include any other information necessary to establish that the school is complying with the requirements of Revenue Ruling 71-447, 1971-2 C.B. 230. This is the same information required by Schedule A, Form 1023, Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code.
4. If applicable, a statement that your organization's group exemption roster did not change since the previous report.

The above information should be sent to the following address:

Internal Revenue Service Center
Attn: Entity Control Unit
Ogden, UT 84409

Section 6104 of the Internal Revenue Code requires you to make your organization's annual return available for public inspection without charge for three years after the due date of the return. The law also requires organizations that received recognition of exemption on July 15, 1987, or later, to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. Organizations that received recognition of exemption before July 15, 1987, and had a copy of their exemption application on July 15, 1987, are also required to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. For additional information on disclosure requirements, please refer to Internal Revenue Bulletin 1989 - 17.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

Donna Carlisle

Donna Carlisle, Acting Director, TE/GE
Customer Account Services

Internal Revenue Service

Date: March 9, 2006

**AMERICAN CANCER SOCIETY INC
GREAT WEST DIVISION
2120 1ST AVE N
SEATTLE WA 98109-2301**

**Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201**

**Person to Contact:
Kathy Masters ID# 31-04015
Customer Service Representative
Toll Free Telephone Number:
877-829-5500
Federal Identification Number:
84-1316555
Group Exemption Number:
0580**

Dear Sir or Madam:

This is in response to your request of March 9, 2006, regarding your organization's tax-exempt status.

Your organization is exempt under section 501(c)(3) of the Code because it is included in a group ruling issued to American Cancer Society, Inc, located in Atlanta, Georgia.

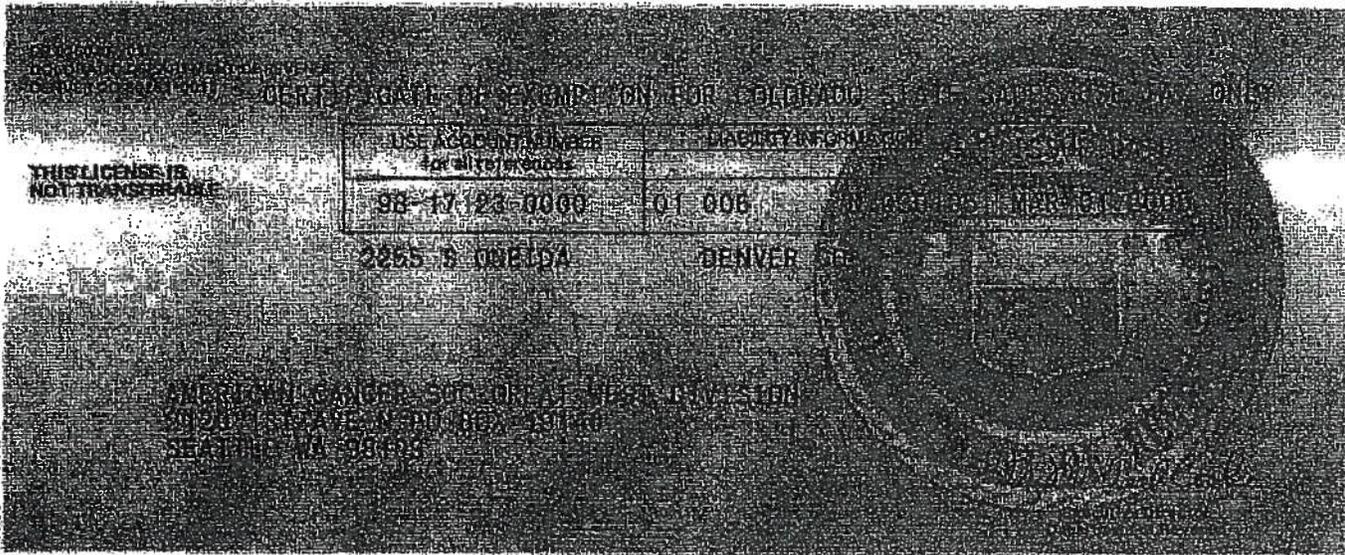
Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Janna K. Skufca, Director, TE/GE
Customer Account Services



NEW AUTOMATED SERVICES FOR AND ABOUT BUSINESSES

The Colorado Department of Revenue Sales Tax Information System provides the following automated services:

- * Colorado Sales Tax Rates - find specific city, county and special district rates.
- * Verification of Sales Tax License Exemption Numbers - determine whether a Colorado sales tax license or exemption certificate is valid.
- * Tax Rates by Account Number - find sales tax rates and locations for specific sales tax accounts.

These services make it possible for taxpayers to help themselves to information 24 hours a day - without requiring the assistance of a customer service representative. In this way, more complicated or confidential tax information inquiries can be reserved for speaking to a live agent.

Listen and look for these services on the department's business tax information phone line at 303-238-FAST (3278) for specific account information, 303-238-SERV (7378) for general information or the DOR Web site at www.taxcolorado.com

Web users can try the new system online at www.taxview.state.co.us We are interested in your comments about the system. You can send us an e-mail with your comments through our Department of Revenue Web site.



MEMORANDUM

Date: March 25, 2022
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Amy Porter, Special Events Coordinator
Re: Grant Application – Harvest Festival
Item #: C.3.a.

Background / Discussion:

The annual Windsor Harvest Festival is a long standing partnership event with the Town. The event draws thousands of people to town, and contributes directly as well as indirectly to sales and thus sales tax revenue.

As in the past, the Harvest Festival Committee is seeking support above and beyond the standard partnership package, requesting items that require a long form grant application. Their request does not include anything it has not included in the past.

Within the completed grant application, page 6 is the list of additional items requested by the Harvest Festival Committee, a separate 501 C 3 organization. Staff has evaluated those items and made suggestions as to which requests we feel should be accommodated and others that we feel should be the responsibility of the organizer. Staff has also adjusted the cost of certain items to reflect the true impact on town resources (Harvest Festival merely estimated these costs). The adjusted costs and staff suggestions can be found in the attached document "Amended Additional Requests - HF 2013".

Harvest Festival Committee would also like to continue to offer the opportunity for RV's of vendors to be parked overnight (camping) in the Chimney park parking lot as in the past. Staff has no issue with this, and there is no additional cost associated with it. When the park rules are modified regarding park hours and vehicles to state "unless otherwise authorized for a town program or event", such an accommodation will no longer violate our existing ordinances.

Financial Impact:

The value of the standard sponsorship package is \$1,750. Additionally, Harvest Festival is requesting support in the amount of \$10,259.50 as per the attached sheet.

	Value	Note
Standard Partnership	\$1,750	Park, show stage, staff support, etc.

Recommended Request	\$9,760	See detailed sheet attached.
Not- Recommended Request	\$499.50	See comments on detailed sheet attached.
Total	\$12,009.50	

Relationship to Strategic Plan:

Goal 1.B.

Recommendation:

For discussion and provide direction to staff.

Attachments:

- b. Outside Agency Funding Grant Application
- c. Amended Additional Requests – HF2013



Standard (Long) Form Grant Application

ORGANIZATION NAME: Windsor Harvest Festival

MAILING ADDRESS: PO Box 595

PHYSICAL ADDRESS:

ORGANIZATION DIRECTOR/PRESIDENT: Casey Johnson

GRANT CONTACT: Casey Johnson

DAYTIME PHONE: 970-396-9478 CELL PHONE: Same

FAX: 970-672-2823 EMAIL: Casey@windsorharvestfest.com

WEBSITE ADDRESS: www.windsorharvestfest.com

FEDERAL IDENTIFICATION NUMBER: 20-1920855

IS THE ORGANIZATION TAX EXEMPT UNDER THE PROVISIONS OF SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE? No - 501(c)(4)

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: Festival/Entertainment

AMOUNT OF REQUEST: \$10,720 FISCAL YEAR END: Jan 2014

BRIEF DESCRIPTION OF REQUEST: See Attached

2012 Actual Revenues: \$33529
2013 Budgeted Revenues: \$34000

2012 Actual Expenses: \$34030
2013 Budgeted Expenses: \$34000

Signature, Director/President

Date 2/11/13



*Standard (Long) Form Grant Application
Checklist*

Included	Not applicable	
X		Organizational Summary
X		Organizational Information
X		Purpose of Grant
X		Evaluation
X		Attachment A – 2013 Annual Budget
X		Attachment B – Most Recent Year-to-Date Financial Statements
X		Attachment C – Current Year Balance Sheet
X		Attachment D – 501(c)(3) Documentation or Articles of Incorporation
	X	Attachment E – Organizational Chart
X		Attachment F – Board of Directors
X		All required information is included in grant application packet

Windsor Harvest Festival 2013 Town of Windsor Grant Request – Organizational Information

- I. Organizational Summary
 - a. The Windsor Harvest Festival Planners are a strictly volunteer group consisting of 1 Chairman, 1 Vice Chair, 1 Secretary/Treasurer, 1 Member at large and 12 Volunteers. Our fiscal year starts February 1 and ends January 31 of the following year. The Windsor Harvest Festival Planners is a 501(c)(4) group that has been in place since 1921.
- II. Organizational Information
 - a. The mission of the organization and goals are to give the town an event that everyone can come to and enjoy. Also, to give the town something to look forward to every year. We also are giving back to the community by helping small businesses with the crowds the Festival brings in, as well as a scholarship program for Windsor High School seniors.
 - b. The Harvest Festival was started in 1921 to celebrate the first paved road into Windsor that the town paid for itself. At the end of the road was a picnic to celebrate its completion, and has evolved ever since to a 3-day event over Labor Day weekend.
 - c. The current accomplishments, financial status and governance structure are as follows:
 - i. Our accomplishments include: Each year the festival has grown in size and attendees. We've added something new each year. The event has also provided a scholarship fund to Windsor High School Seniors. It also helps bring people to the community as well.
 - ii. Our current program consists of 2 \$1500 scholarships distributed to Windsor High School seniors yearly.
 - iii. Our financial status is stable from funds received from sponsorships and vendors. We have not changed our requested items from the Town of Windsor in over 10 years. Without these items, the Festival would have to cut several events that are included every year.

- iv. Our Governance consists of 1) Chairman, 1) Vice Chairman, 1) Secretary/Treasurer, and 1) Member at-large.
 - d. Our efforts to become self-supporting consist of a sponsorship program which we receive funds from yearly, and the sale of vendor booth spaces. We also have not changed our requests from the Town in the last 10 years as part of our on-going partnership.
 - e. We do not collaborate with other organizations, as Windsor Police do not have the coverage to handle other organizations if they were combined with the Festival at the same location during Labor Day weekend.
 - f. Volunteer hours estimated over the year are a total of approx. 600 hours. 220 of those hours would be over the week of the Festival (Aug 27-Sept 3, 2013).
- III. Purpose of Grant
- a. The Windsor Harvest Festival would be what the funding is for, and includes from the town: Insurance, Parks Maintenance, Mailings, Copies, and miscellaneous town-related items (included on attached form).
 - b. The goals and objectives are available at item II A.
 - c. Time for implementation of the Windsor Harvest Festival: 8 months.
 - d. The Windsor Harvest Festival benefits the local community in the following ways:
 - i. Increased Sales Tax Revenue (in general and over the weekend)
 - ii. Residents get their holiday shopping done early
 - iii. Affects the whole town from street closures to radio announcements.
 - iv. Brings large crowds which local businesses benefit from, not just vendors in the park.
 - e. For a list of all sponsors, please see attached sponsorship list
 - f. Long-term sources/strategies for funding beyond the grant request include sponsorship agreements and vendor booth rentals as well as other miscellaneous donations.
 - g. The town should provide funding to the Windsor Harvest Festival, as this is also the Town's event. Without it, the

town would have to pay more than this grant request to put the event on.

- h. We are not funded by other sources except for vendor booth rentals.

IV. Evaluation

- a. Expected results during the funding period are to pay for our Insurance as well as mailings, copies, and park maintenance during the week of the event.
- b. Results are measured by a survey posted on our website as well as attendance numbers.
- c. The project's results are used to help improve future Windsor Harvest Festival weekends.
- d. The town can expect to receive a final report by January 31 of the following year.

V. Attachments

- a. Annual Budget
- b. Year to Date Financial Statements
- c. Current Year Balance Sheet
- d. Articles of Incorporation
- e. Organizational Chart
- f. Board of Directors list

Insurance for the Festival (\$5,700)- Already included in town budget

Paint to mark spaces in the park (\$20)

Postage and copies to mail out applications

Conference room reservation for Harvest Festival Meetings (\$288 based on availability)

Pay for Recycling Fees (\$125)

Parks Staff onsite for entire festival to do miscellaneous tasks, including but not limited to: (\$3511)

- Pick up all trash & Recycling
- Setup & Teardown of orange fencing for beer gardens at main park and boardwalk park
- Move tables & chairs from Boardwalk Park to Main Park bingo tent
- Move Sound Shell from Boardwalk Park to Main Park Sunday Morning
- Unlock/remove access barriers in Main Park

Access to water to fill up water tanks

Access to Concession Booth at Boardwalk Park for street dance Saturday night

Permission to drive golf carts from Main Park to Chimney Park, Tozer, and Boardwalk park during the weekend.

Staff to staple parade numbers to parade stakes (\$16)

Waive Sales Tax fees (\$10)

Advertisement in The Link (\$150)

Creation of our Tri-Fold by Brenda Troiano (\$400)

Link on town website to the harvest festival

Any other fees that are associated with Harvest Festival that the town has waived in the past

12:46 PM
02/10/13
Cash Basis

**Windsor Harvest Festival Planners
Transaction Detail By Account
January 2012 through January 2013**

Type	Date	Num	Name	Memo	Clr	Split	Original Amount	Paid Amount	Balance
Sponsorships									
Deposit	05/03/2012	22293	PointWest Bank	Bronze Spon...		Chase	500.00	500.00	500.00
Deposit	05/03/2012	12813	Tl-Tech Security, Inc.	Basic Spons...		Chase	100.00	100.00	600.00
Deposit	05/03/2012	2895...	Medical Arts Centre of The Ro...	Basic Spons...		Chase	100.00	700.00	700.00
Deposit	05/03/2012	14279	King Surveyors	Basic Spons...		Chase	100.00	100.00	800.00
Deposit	05/03/2012	6610	Windsor Spine Center	Bronza Spon...		Chase	500.00	500.00	1,300.00
Deposit	05/03/2012	1035	Windsor Smiles Orthodontics	Iron Sponsor...		Chase	250.00	250.00	1,550.00
Deposit	05/03/2012	5776	Safebuilt	Basic Spons...		Chase	100.00	100.00	1,650.00
Deposit	05/07/2012		Corncast	Basic Spons...		Chase	600.00	600.00	2,250.00
Deposit	05/16/2012	61571	Town of Windsor	Band Sponso...		Chase	370.00	370.00	2,620.00
Deposit	05/16/2012	4408	Garden Valley Veterinary Hos...	Town Spons...		Chase	100.00	100.00	2,720.00
Deposit	05/16/2012	1149	Windsor Pediatric Dentistry	Basic Spons...		Chase	250.00	250.00	2,970.00
Deposit	06/27/2012		Ehrlich Toyota	Iron Sponsor...		Chase	5,000.00	5,000.00	7,970.00
Deposit	07/11/2012		Regis University	\$100 Sponso...		Chase	100.00	100.00	8,070.00
Deposit	07/11/2012		The Vets Animal Hospital	Iron Sponsor...		Chase	250.00	250.00	8,320.00
Deposit	07/20/2012	159	Spokes, Inc.	Iron Sponsor...		Chase	250.00	250.00	8,570.00
Invoice	07/29/2012		Eye Center of No Co	Iron Sponsor...		Chase	250.00	250.00	8,820.00
Deposit	07/30/2012	2619	Bethel Lutheran Church	Sponsorship		Chase	250.00	250.00	9,070.00
Deposit	08/09/2012		Spradley Barr Ford	Silver Spons...		Chase	1,000.00	1,000.00	10,070.00
Deposit	08/19/2012	875063	Poudre Valley Health Systems	Gold Sponso...		Chase	2,500.00	2,500.00	12,570.00
Total Sponsorships							12,570.00	12,570.00	12,570.00
TOTAL							12,570.00	12,570.00	12,570.00

**Windsor Harvest Festival
2013 Board of Directors**

Chairman – Casey Johnson

Vice Chair – Kathie Thomas

Secretary/Treasurer – Jessica Thompson

Member at-large – Deb Harper



Colorado Secretary of State
Date and Time: 04/24/2009 05:58 PM
ID Number: 20091230724

Document must be filed electronically.
Paper documents will not be accepted.
Document processing fee
Fees & forms/cover sheets
are subject to change.
To access other information or print
copies of filed documents,
visit www.sos.state.co.us and
select Business Center.

\$50.00

Document number: 20091230724
Amount Paid: \$50.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Incorporation for a Nonprofit Corporation
filed pursuant to § 7-122-101 and § 7-122-102 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name for the nonprofit corporation is

Windsor Harvest Festival Planners

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the nonprofit corporation's initial principal office is

Street address

250 N 11th St

(Street number and name)

Windsor

(City)

CO

(State)

80550

(ZIP/Postal Code)

United States

(Country)

(Province - if applicable)

Mailing address

(leave blank if same as street address)

PO Box 595

(Street number and name or Post Office Box information)

Windsor

(City)

CO

(State)

80550

(ZIP/Postal Code)

United States

(Country)

(Province - if applicable)

3. The registered agent name and registered agent address of the nonprofit corporation's initial registered agent are

Name

(if an individual)

Johnson

(Last)

Casey

(First)

(Middle)

(Suffix)

OR

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address

1231 103rd Ave

(Street number and name)

Greeley

(City)

CO

(State)

80634

(ZIP Code)

Mailing address
 (leave blank if same as street address) PO Box 595
 (Street number and name or Post Office Box information)

Windsor CO 80550
 (City) (State) (ZIP Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent above has consented to being so appointed.

4. The true name and mailing address of the incorporator are

Name
 (if an individual) _____
 (Last) (First) (Middle) (Suffix)

OR

(if an entity) Town of Windsor
 (Caution: Do not provide both an individual and an entity name.)

Mailing address 301 Walnut St
 (Street number and name or Post Office Box information)

Windsor CO 80550
 (City) (State) (ZIP/Postal Code)

United States
 (Province - if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

The corporation has one or more additional incorporators and the name and mailing address of each additional incorporator are stated in an attachment.

5. (If the following statement applies, adopt the statement by marking the box.)

The nonprofit corporation will have voting members.

6. (The following statement is adopted by marking the box.)

Provisions regarding the distribution of assets on dissolution are included in an attachment.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)
 The delayed effective date and, if applicable, time of this document is/are 01/01/2009 12:00 AM
 (mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Johnson	Casey		
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
1231 103rd Ave			
<small>(Street number and name or Post Office Box information)</small>			
Greeley	CO	80634	
<small>(City)</small>	<small>(State)</small>	<small>(ZIP/Postal Code)</small>	
	United States		
<small>(Province if applicable)</small>	<small>(Country)</small>		

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

WINDSOR HARVEST FESTIVAL PLANNERS**PO BOX 595****WINDSOR, CO 80550****Extraction from Articles of Incorporation – Dissolution Clause**

On dissolution or final liquidation of the corporation, its assets shall be distributed as follows:

- (1) All liabilities shall be paid and discharged, or adequate provision for payment and discharge shall be made.
- (2) Assets held on condition requiring return or transfer on dissolution of the corporation shall be returned or transferred as required by the condition.
- (3) Assets received and held subject to a limitation permitting use only for charitable, religious, benevolent, educational, or similar purposes, but not held on a condition requiring return or transfer on dissolution of the corporation, shall be transferred to one or more appropriate domestic or foreign corporations, societies, or organizations under a plan of distribution adopted as provided in this chapter.
- (4) Other assets shall be distributed as provided by the articles of incorporation or bylaws to the extent that the articles or bylaws provide the distributive rights of members, or any class of members, or provide for distribution to others.
- (5) Any remaining assets may be distributed to persons, societies, organizations, or domestic or foreign corporations engaged in activities not for profit, as provided in a plan of distribution adopted by the council of administration of the corporation and in compliance with the constitution and bylaws of the corporation.

**BYLAWS
of the
Windsor Harvest Festival Planners**

ARTICLE 1 – NAME

The name of this organization is the “Windsor Harvest Festival Planners”

ARTICLE 2 – MISSION AND PURPOSE

To provide a community oriented special event for the Town of Windsor and its surrounding communities.

ARTICLE 3 – MEMBERSHIP

Membership to the Windsor Harvest Festival is open to any person who supports the mission and the purpose of the organization and agrees to abide by its bylaws and articles of incorporation.

ARTICLE 4 – MEETINGS

Meetings during the months of March through May are held on the second Monday of the month at 6:00 p.m. In June and July the meetings are held on the second and fourth Mondays of the month at 6:00 p.m. In August the meetings are held every Monday of the month at 6:00 p.m. Members must be in attendance to all meetings unless permission is granted by the Chairperson.

ARTICLE 5 – OFFICERS AND BOARD OF TRUSTEES

Section 1. The five officers will consist of a Chairperson, Vice Chairperson, Secretary, Treasurer and one Member at Large. These officers are elected for a term of one year beginning January 1 and ending December 31.

Section 2. The officers and directors will constitute the Board of Trustees.

Section 3. Duties of the officers are:

- A. First Trustee – Chairperson, Casey Johnson
The Chairperson will have supervision of the committee; preside over general and special meetings; be a member of all committees; appoint chair people as deemed necessary; be in partnership with the Town of Windsor and act as a liaison between the committee and the town boards; and give a yearly report to the town board.
- B. Second Trustee – Vice Chairperson, Kathie Thomas
The Vice Chairperson will perform the duties of an absent Chairperson.

- C. Third Trustee – Secretary,
The Secretary is responsible for taking minutes of all meetings; handling correspondence; sending minutes to all absent trustees before the following meeting; see that publicity is given to area news media concerning the organization.
- D. Fourth Trustee – Treasurer, Jessica Thompson
The Treasurer will be in charge of all funds of the committee; make a monthly report to the committees and trustees and an annual report for the committee.
- E. Fifth Trustee – Member at Large, Deb Harper
The Member at Large assists the other officers of the committee in making decisions on behalf of the committee and performs duties as directed.

ARTICLE 6 – ELECTIONS

Section 1. All officers are elected by a plurality of votes cast by secret ballot at the annual end of the year meeting. Any candidate for election must be an active member(attending all required meetings).

Section 2. In the event of resignation or incapacity of any officer except Chairperson, the vacancy may be filled by a vote of the Board of Trustees for the unexpired term of office. In the event of a Chairperson vacancy, the Vice Chairperson shall assume the duties of the Chairperson for the remainder of the term or office.

ARTICLE 7 – COMMITTEE BUDGET

All Harvest Festival expenses over \$50 must be approved by the committee.

ARTICE 8 – COMMITTEES

- A. Amusement Rides
- B. Promotions/Marketing
- C. Queen Pageant
- D. BBQ
- E. Home and Garden Show
- F. Entertainment
- G. Commercial Booths
- H. Arts & Crafts Booths
- I. Food Booths
- J. Kiddie Parade
- K. Parade – Grand Marshall's
- L. Security/Police
- M. Rentals
- N. Beer Garden/License

ARTICLE 8 – AMENDMENT

The bylaws may be amended at any regular meeting by a two-thirds vote of those voting, providing notice was given at the previous meeting. Or, it may be amended at a special meeting called for that purpose, with previous notice and a two-thirds vote. All proposed amendments must be submitted in writing.

ARTICLE 9 – DISTRIBUTION OF ASSETS ON DISSOLUTION

On dissolution or final liquidation of the corporation, its assets shall be distributed as follows:

- (1) All liabilities shall be paid and discharged, or adequate provision for payment and discharge shall be made.
- (2) Assets held on condition requiring return or transfer on dissolution of the corporation shall be returned or transferred as required by the condition.
- (3) Assets received and held subject to a limitation permitting use only for charitable, religious, benevolent, educational, or similar purposes, but not held on a condition requiring return or transfer on dissolution of the corporation, shall be transferred to one or more appropriate domestic or foreign corporations, societies, or organizations under a plan of distribution adopted as provided in this chapter.
- (4) Other assets shall be distributed as provided by the articles of incorporation or bylaws to the extent that the articles or bylaws provide the distributive rights of members, or any class of members, or provide for distribution to others.
- (5) Any remaining assets may be distributed to persons, societies, organizations, or domestic or foreign corporations engaged in activities not for profit, as provided in a plan of distribution adopted by the council of administration of the corporation and in compliance with the constitution and bylaws of the corporation.

12:58 PM
02/10/13
Cash Basis

Windsor Harvest Festival Planners
Balance Sheet
As of February 10, 2013

	Feb 10, 13
ASSETS	
Current Assets	
Checking/Savings	
Chase	4,143.17
Checking	40.00
Total Checking/Savings	<u>4,183.17</u>
Accounts Receivable	
Accounts Receivable	-6.40
Total Accounts Receivable	<u>-6.40</u>
Total Current Assets	<u>4,176.77</u>
TOTAL ASSETS	<u><u>4,176.77</u></u>
LIABILITIES & EQUITY	
Equity	
Opening Bal Equity	21,175.51
Retained Earnings	-17,164.52
Net Income	165.78
Total Equity	<u>4,176.77</u>
TOTAL LIABILITIES & EQUITY	<u><u>4,176.77</u></u>

12:57 PM
02/10/13
Cash Basis

Windsor Harvest Festival Planners
Profit & Loss
January through December 2012

	<u>Jan - Dec 12</u>
Ordinary Income/Expense	
Income	
Campaign Income	
Arts & Crafts	6,610.00
Attractions	1,571.50
Commercial Booths	5,665.00
Food Booths	3,600.00
Parade	2,395.00
Campaign Income - Other	1,100.00
Total Campaign Income	<u>20,941.50</u>
Miscellaneous Income	12.95
Reimbursed Expenses	60.16
Sponsorships	12,570.00
Uncategorized Income	45.00
Total Income	<u>33,629.61</u>
Expense	
Automobile Expense	186.60
Bank Service Charges	264.84
Cash Discounts	500.00
Contributions	150.00
Miscellaneous	
Advertising	1,626.00
Barbecue	58.36
Donation	209.27
Entertainment	5,732.58
Fireworks	5,700.00
Parade	1,211.49
Total Miscellaneous	<u>14,537.70</u>
Office Supplies	346.03
Park Expenses	10,008.32
Postage and Delivery	132.04
Professional Fees	
Accounting	300.00
Professional Fees - Other	1,872.74
Total Professional Fees	<u>2,172.74</u>
Scholarship Payout	5,350.84
Travel & Ent	
Meals	381.72
Total Travel & Ent	<u>381.72</u>
Total Expense	<u>34,030.83</u>
Net Ordinary Income	-401.22
Other Income/Expense	
Other Income	
Other Income	
City Sales Tax Collection	1,822.74
Total Other Income	<u>1,822.74</u>
Total Other Income	<u>1,822.74</u>
Net Other Income	<u>1,822.74</u>
Net Income	<u><u>1,421.52</u></u>

**Windsor Harvest Festival Planners
Profit & Loss Budget Overview
January 2012 through January 2013**

12:54 PM
02/10/13
Cash Bails

	Jan 12	Feb 12	Mar 12	Apr 12	May 12	Jun 12
Ordinary Income/Expense						
Income						
Campaign Income						
Arts & Crafts	0.00	0.00	0.00	0.00	660.00	795.00
Attractions	0.00	0.00	0.00	0.00	0.00	0.00
Commercial Booths	0.00	0.00	0.00	0.00	540.00	810.00
Food Booths	0.00	0.00	0.00	0.00	0.00	0.00
Parade	0.00	0.00	0.00	0.00	0.00	450.00
Campaign Income - Other	0.00	0.00	0.00	0.00	0.00	0.00
Total Campaign Income	0.00	0.00	0.00	0.00	1,200.00	2,055.00
Miscellaneous Income	0.00	0.00	0.00	0.00	12.95	0.00
Reimbursed Expenses	0.00	0.00	0.00	0.00	0.00	0.00
Sponsorships	0.00	0.00	0.00	0.00	2,970.00	5,000.00
Uncategorized Income	0.00	0.00	0.00	0.00	45.00	0.00
Total Income	0.00	0.00	0.00	0.00	4,227.95	7,055.00
Expense						
Automobile Expense	0.00	0.00	50.00	0.00	0.00	0.00
Bank Service Charges	27.95	27.95	27.95	27.95	93.35	10.87
Cash Discounts	0.00	0.00	0.00	0.00	0.00	0.00
Contributions	0.00	0.00	0.00	0.00	0.00	0.00
Miscellaneous						
Advertising	0.00	0.00	0.00	0.00	0.00	0.00
Barbecue	0.00	0.00	0.00	0.00	0.00	0.00
Donation	0.00	0.00	0.00	0.00	0.00	0.00
Entertainment	0.00	0.00	0.00	0.00	0.00	0.00
Fireworks	0.00	0.00	0.00	0.00	0.00	0.00
Parade	0.00	0.00	0.00	0.00	0.00	0.00
Total Miscellaneous	0.00	0.00	0.00	0.00	0.00	0.00
Office Supplies	0.00	0.00	24.99	0.00	0.00	0.00
Park Expenses	0.00	0.00	0.00	0.00	0.00	452.75
Postage and Delivery	0.00	0.00	0.00	0.00	6.80	0.00
Professional Fees						
Accounting	0.00	0.00	0.00	0.00	300.00	0.00
Professional Fees - Other	0.00	0.00	0.00	0.00	0.00	0.00
Total Professional Fees	0.00	0.00	0.00	0.00	300.00	0.00
Scholarship Payout	1,500.00	0.00	850.84	0.00	0.00	0.00

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02/10/13
Cash Basis

Windsor Harvest Festival Planners
Profit & Loss Budget Overview
January 2012 through January 2013

	Jan 12	Feb 12	Mar 12	Apr 12	May 12	Jun 12
Travel & Ent	0.00	0.00	0.00	0.00	0.00	0.00
Meals	0.00	0.00	0.00	0.00	0.00	0.00
Total Travel & Ent	0.00	0.00	0.00	0.00	0.00	0.00
Total Expense	1,527.95	27.95	953.78	27.95	399.95	463.82
Net Ordinary Income	-1,527.95	-27.95	-953.78	-27.95	3,828.00	6,591.38
Other Income/Expense						
Other Income						
City Sales Tax Collection	0.00	0.00	0.00	0.00	0.00	0.00
Total Other Income	0.00	0.00	0.00	0.00	0.00	0.00
Total Other Income	0.00	0.00	0.00	0.00	0.00	0.00
Net Other Income	0.00	0.00	0.00	0.00	0.00	0.00
Net Income	-1,527.95	-27.95	-953.78	-27.95	3,828.00	6,591.38

Windsor Harvest Festival Planners
Profit & Loss Budget Overview
January 2012 through January 2013

	Jul 12	Aug 12	Sep 12	Oct 12	Nov 12	Dec 12
Ordinary Income/Expense Income						
Campaign Income						
Arts & Crafts	1,590.00	2,946.00	620.00	0.00	0.00	0.00
Attractions	0.00	0.00	1,571.50	0.00	0.00	0.00
Commercial Booths	1,535.00	2,780.00	0.00	0.00	0.00	0.00
Food Booths	1,100.00	2,500.00	0.00	0.00	0.00	0.00
Parade	660.00	1,340.00	45.00	0.00	0.00	0.00
Campaign Income - Other	1,000.00	100.00	0.00	0.00	0.00	0.00
Total Campaign Income	5,785.00	9,665.00	2,236.50	0.00	0.00	0.00
Miscellaneous Income	0.00	0.00	0.00	0.00	0.00	0.00
Reimbursed Expenses	0.00	0.00	0.00	60.16	0.00	0.00
Sponsorships	1,100.00	3,500.00	0.00	0.00	0.00	0.00
Uncategorized Income	0.00	0.00	0.00	0.00	0.00	0.00
Total Income	6,885.00	13,165.00	2,236.50	60.16	0.00	0.00
Expense						
Automobile Expense	0.00	0.00	138.60	0.00	0.00	0.00
Bank Service Charges	2.70	30.41	7.71	8.00	0.00	0.00
Cash Discounts	0.00	500.00	0.00	0.00	0.00	0.00
Contributions	0.00	0.00	150.00	0.00	0.00	0.00
Miscellaneous	0.00	0.00	1,426.00	0.00	200.00	0.00
Advertising	0.00	0.00	58.36	0.00	0.00	0.00
Barbecue	0.00	0.00	0.00	0.00	0.00	0.00
Donation	0.00	0.00	0.00	0.00	0.00	209.27
Entertainment	0.00	4,700.00	1,032.58	0.00	0.00	0.00
Fireworks	2,850.00	0.00	2,850.00	0.00	0.00	0.00
Parade	101.49	110.00	1,000.00	0.00	0.00	0.00
Total Miscellaneous	2,951.49	4,810.00	6,366.94	0.00	200.00	209.27
Office Supplies	0.00	0.00	24.99	0.00	0.00	296.05
Park Expenses	0.00	235.56	7,206.47	261.22	0.00	1,852.32
Postage and Delivery	9.50	0.00	30.80	0.00	0.00	85.34
Professional Fees						
Accounting	0.00	0.00	0.00	0.00	0.00	0.00
Professional Fees - Other	0.00	50.00	1,822.74	0.00	0.00	0.00
Total Professional Fees	0.00	50.00	1,822.74	0.00	0.00	0.00
Scholarship Payout	0.00	0.00	0.00	0.00	0.00	3,000.00

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Cash Basis

**Windsor Harvest Festival Planners
Profit & Loss Budget Overview
January 2012 through January 2013**

	Jul 12	Aug 12	Sep 12	Oct 12	Nov 12	Dec 12
Travel & Ent	0.00	0.00	0.00	381.72	0.00	0.00
Meals	0.00	0.00	0.00	381.72	0.00	0.00
Total Travel & Ent	0.00	0.00	0.00	763.44	0.00	0.00
Total Expense	2,963.99	5,625.97	15,746.05	650.94	200.00	5,442.98
Net Ordinary Income	3,921.31	7,539.03	-13,509.55	-590.78	-200.00	-5,442.98
Other Income/Expense						
Other Income						
City Sales Tax Collection	0.00	0.00	1,822.74	0.00	0.00	0.00
Total Other Income	0.00	0.00	1,822.74	0.00	0.00	0.00
Total Other Income	0.00	0.00	1,822.74	0.00	0.00	0.00
Net Other Income	0.00	0.00	1,822.74	0.00	0.00	0.00
Net Income	3,921.31	7,539.03	-11,686.81	-690.78	-200.00	-5,442.98

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Cash Basis

**Windsor Harvest Festival Planners
Profit & Loss Budget Overview
January 2012 through January 2013**

	TOTAL	
	Jan 13	Jan '12 - Jan 13
Ordinary Income/Expense		
Income		
Campaign Income		
Arts & Crafts	0.00	6,610.00
Attractions	0.00	1,571.50
Commercial Booths	0.00	5,665.00
Food Booths	0.00	3,600.00
Parade	0.00	2,395.00
Campaign Income - Other	0.00	1,100.00
Total Campaign Income	0.00	20,941.50
Miscellaneous Income	0.00	12.95
Reimbursed Expenses	0.00	60.16
Sponsorships	0.00	12,570.00
Uncategorized Income	0.00	45.00
Total Income	0.00	33,629.61
Expense		
Automobile Expense	0.00	166.60
Bank Service Charges	27.96	292.79
Cash Discounts	0.00	500.00
Contributions	0.00	150.00
Miscellaneous		
Advertising	0.00	1,626.00
Barbecue	0.00	58.36
Donation	0.00	209.27
Entertainment	0.00	5,732.58
Fireworks	0.00	5,700.00
Parade	0.00	1,211.49
Total Miscellaneous	0.00	14,537.70
Office Supplies	0.00	346.03
Park Expenses	0.00	10,008.32
Postage and Delivery	0.00	132.04
Professional Fees		
Accounting	0.00	300.00
Professional Fees - Other	0.00	1,872.74
Total Professional Fees	0.00	2,172.74
Scholarship Payout	1,500.00	6,850.84

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02/10/13
Cash Basis

**Windsor Harvest Festival Planners
Profit & Loss Budget Overview
January 2012 through January 2013**

	TOTAL	
	Jan 13	Jan '12 - Jan 13
Travel & Ent		
Meals	0.00	381.72
Total Travel & Ent	0.00	381.72
Total Expense	1,527.95	35,558.78
Net Ordinary Income	-1,527.95	-1,929.17
Other Income/Expense		
Other Income		
City Sales Tax Collection	0.00	1,822.74
Total Other Income	0.00	1,822.74
Total Other Income	0.00	1,822.74
Net Other Income	0.00	1,822.74
Net Income	-1,527.95	-106.43

Amended Additional Requests for Harvest Festival 2013

REQUEST	COST
Insurance for Harvest Festival	\$5700
Meeting room reservation at CRC for Harvest Festival Meetings (2 hrs/meeting and \$30/hr) To include dates below: March-03.07.13 April-04.02.13 May-05.07.13 June-06.04.13 July-07.02.13, 07.16.13 August-08.06.13, 08.20.13	\$480
Parks staff onsite for entire festival Duties to include: <ul style="list-style-type: none"> • Pick up all trash & recycling • Setup and teardown of orange fencing for beer gardens at Main Park and Boardwalk Park • Move tables and chairs from Boardwalk Park to Main Park Bingo Tent • Move sound stage from Boardwalk Park to Main Park Sunday morning • Unlock/remove access barriers in Main Park 	\$3000
Waive Sales Tax Application Fee	\$10
Paint to mark vendor spaces in Main Park	\$20
Advertisement in The Link	\$150
Creation of the Harvest Festival tri-fold brochure by Brenda Troiano	\$400
Access to water to fill up water tanks	\$0
Permission to drive golf carts from Main Park to Chimney Park, Tozer and Boardwalk Park throughout weekend	\$0
Link on Town of Windsor website to the Harvest Festival website	\$0
Recommended funding	TOTAL \$9,760

Additional requests not recommended by Town of Windsor staff:

REQUEST	EXPLANATION	COST
Postage and copies to mail out applications	Town staff: Request considered a standard operating cost of the event.	\$50
<i>Organizer Comments: Town has provided this in the past, and is very helpful to have one location to copy from and mail from, which we know can be relied upon for getting done.</i>		
Payment for recycling fees	Town staff: Request considered a standard operating cost of the event; 2012 fees were higher than requested.	\$445
<i>Organizer Comments: Town now mandates that special events have recycling, and this being a town event, the Harvest Festival Committee believes that the town should assist with fees.</i>		
Town of Windsor staff to staple parade numbers to parade stakes	Town staff: Request not appropriate for hourly staff. Task could be done by festival volunteers.	\$4.50
<i>Organizer Comments: Due to the busy schedule of the Harvest Festival volunteers on Labor Day weekend, it is a huge assistance to us to have town staff staple the parade numbers to stakes. We recycle the stakes every year, so the town would not need to purchase the stakes.</i>		
Not recommended for funding		TOTAL \$499.50

Additional requests denied by staff:

REQUEST	EXPLANATION
Access to concession building	Concession building will be under operation of Town of Windsor staff
Any other fees that are associated with Harvest Festival that the town has waived in the past	Request too vague to allocate resources.



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Amy Porter, Special Events Coordinator
Re: Special Event Partnership Request - Windsor Severance Library Foundation Board
Item #: C.4.a.

Background / Discussion:

The Windsor Severance Library Foundation Board hosts both a spring and a fall book fair annually where books are sold to benefit the Clearview Library District. The Board is seeking a partnership with the Town regarding the fair, utilizing the Community Recreation Center common areas without cost, and utilizing the marquee signs for announcing the book fair to the community. A special event application is attached; in order to review the proposed event for developing a partnership. When the Town agrees to partner on a specific special event, the town logo will appear on marketing materials.

Financial Impact:

We do not have a fee for the common areas of the recreation center, as the book fair will not be in a typical room. There is minimal impact on the staff or facility. Since we have partnered with the Library District on a variety of programming options, we do not have any concerns partnering to offer the book fair.

Relationship to Strategic Plan:

Goal 1.E.

Recommendation:

For discussion and provide direction to staff.

Attachments:

- b. Special Event application – Windsor Severance Library Foundation Board



Town of Windsor
Town Hall
301 Walnut Street
Windsor, CO 80550
Phone: 970-674-2400 | Fax: 970-686-7180
www.windsorgov.com

SPECIAL EVENT APPLICATION

PUBLIC EVENTS MUST COMPLY WITH THE SPECIAL EVENT REQUIREMENTS.

Today's Date: March 5, 2013

PARK LOCATION REQUESTED: _____

- Park: _____
- Sidewalk _____
- Street: _____
- Trail _____
- Other: CRC

Date(s) Requested: April 13 thru April 20 Circle Day of the Week: M T W TH F SA SU

Set-up Date/Time Requested: Beginning : 9:am (a.m. p.m.) Ending: 8 pm (a.m. p.m.)

Actual Event Date/Time Requested: Beginning _____ (a.m. p.m.) Ending _____ (a.m. p.m.)

Event Name: Library Book Sale

Organizer Name: Windsor-Severance Library Book Sale

Organizer Address: _____

City: Windsor State: Co Zip Code: 80550

Day Phone: 970 686 5545 Evening Phone: - Cell Phone: -

Email: cheinkel@msn.com

Contact Person on Call during Event: Carol Heinkel

Contact's cell phone number: _____

Approximate Number Attendees: _____ Approximate Number of Staff 50

Event Components

Please mark all items that apply to your event and provide details (* Insurance Required)

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> Alcohol* | <input type="checkbox"/> Dance or Drama | <input type="checkbox"/> Fireworks* | <input type="checkbox"/> Satellite |
| <input type="checkbox"/> Amplified Sound | <input type="checkbox"/> Drawing or Raffle | <input type="checkbox"/> Food | <input type="checkbox"/> Sporting Event |
| <input type="checkbox"/> Animals* | <input type="checkbox"/> Dunk Tanks* | <input type="checkbox"/> Distribution/Sales | <input type="checkbox"/> Stage* |
| <input type="checkbox"/> Bicycling | <input type="checkbox"/> Electricity/Generator | <input type="checkbox"/> Helium Balloons | <input type="checkbox"/> Stakes (longer than 12") |
| <input type="checkbox"/> Bleachers | <input type="checkbox"/> Entertainers (clowns, etc.) | <input type="checkbox"/> Marching Bands | <input type="checkbox"/> Tables/Chairs |
| <input type="checkbox"/> Boats* | <input type="checkbox"/> Exhibits or Displays | <input type="checkbox"/> Parade Floats | <input type="checkbox"/> Tents |
| <input type="checkbox"/> Carnival Rides* | <input type="checkbox"/> Fencing/Scaffolding | <input type="checkbox"/> Public Address System | <input type="checkbox"/> Theater |
| <input type="checkbox"/> Caterer | <input type="checkbox"/> Festival | <input type="checkbox"/> Rally/Protest | <input type="checkbox"/> Vehicles* |
| <input type="checkbox"/> Company Picnic | <input type="checkbox"/> Filming – Video | <input type="checkbox"/> Parking/Shuttle | <input type="checkbox"/> Vendors |
| <input type="checkbox"/> Concert/Live Music | <input type="checkbox"/> Filming – Photography | <input type="checkbox"/> Race (timed event) | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Cooking/Barbeque | <input type="checkbox"/> Inflatable Toys (i.e. bounce house)* | <input type="checkbox"/> Run (non-timed event) | _____ |

1. Is this event public or private (invitation only)? public
 2. Will there be an admission fee charged for this event? Yes _____ No ✓
 3. Will vendors be selling any items? Yes _____ No ✓ If yes, what is being sold? _____
A Colorado state sales tax license and a Town of Windsor special event sales tax license are required.
 4. Will there be amplified sound at your event? Yes _____ No ✓
Please note: Event organizer must abide by the Town of Windsor Noise Ordinance.
 5. Will there be food vendors and/or catering at the event? Yes _____ No ✓
Food vendors must have a Temporary Retail Food Establishment license or a Mobile Retail Food License from the Weld County Department of Public Health and Environment.
- Name & Contact Information of Caterer: _____
6. Will you have tents? Yes _____ No ✓ Any tents larger than 20x30? Yes _____ No _____
If yes, a tent permit is required by the Fire Department.
 7. Will there be stakes longer than 12"? Yes _____ No ✓
If you plan to use ground stakes 12" or longer in any park, line locates will be required, so the irrigation systems are not damaged.
 8. I anticipate the need for vehicle access to allow for set-up and take down: Yes _____ No _____ Time _____
(Vehicle access includes the gates opened for limited vehicles to drive in closest to event site for loading and unloading only, access not available in all park areas.)
 9. Will additional security be hired? Yes _____ No ✓

Name and Contact information _____

10. Will additional Medical Services be hired? Yes _____ No

If Yes, name and contact information _____

If No, someone on staff must be CPR certified must be on site.

Name and contact information of this person _____

11. Will you be bringing in portable toilets Yes _____ No How Many _____?

Please indicate placement on site map

Name of company providing these facilities _____

When will the facilities be delivered? _____

When will the facilities be picked up? _____

12. Will you be notifying neighborhoods of event? Yes No

How _____

13. Will you be putting up sign, banners, or other temporary advertising in any place other than in the park?

Yes No _____

If yes, a temporary sign permit is required. Please submit with application.

14. Will alcohol be served at your event? Yes _____ No

If yes, a special event alcohol permit application must be submitted with this application including the fee.

Who will be serving alcohol: _____

Have they applied for the special events liquor license: Yes: _____ No: _____

15. Will you require any streets to be closed? Yes _____ No

If yes, please submit the special event street closure notification form with this application.

Who will be responsible for closure and barricades of streets: _____

16. Will your event include a parade or race? Yes _____ No

If yes, please submit the parade/race application with this application.

Do you need street closure for the parade or race? Yes _____ No

Who will be responsible for closure and barricades of street: _____

17. Will you be using the show stage? Yes _____ No

If yes, please submit the show stage application.



Event Sponsorship Package

All events requesting the Town of Windsor to sponsor their event will be given the following items in return for sponsorship. Any request above and beyond these inclusions will need to be presented and approved by Town Board. Please use the Special Event Additional Resources Request form for any additional requests.

1. No Charge for town park rental(s)- value of \$200/day
2. Use of designated park garbage cans (event organizer must supply staff to empty the garbage cans)- value of \$100/day
3. Use of designated park recycle cans (event organizer must supply staff to empty the recycle cans)- value of \$100/day
4. Use of existing town dumpster located near designated park – Additional dumpsters may be needed based on park guidelines. Additional dumpsters are the organizers costs- value of \$150/day.
5. Use of show stage at no charge including staff set-up and take down (based on availability)- value of \$400/day
6. Street closure barricades/cones and town staff to set-up barricades/cones, if necessary value of \$150/day
7. Use of Town picnic tables at available site – value of \$75/day
8. Town staff to maintain the park restrooms facilities during event. Additional portable restroom units recommended by the International Portable Sanitation Association if required at the event are the organizers costs. – value of \$100/day
9. Use of available power pedestals and power cords during event including set up and tear down by qualified staff (up to 7 power pedestals, based on availability)- value of \$350/day
10. Use of Electrical Marquee sign on east and west entrance into Windsor on 392 (based on availability)- value of \$125/day

Total Value- \$1750/day

In return for event sponsorship, the approved Town of Windsor logo is required to be present on all marketing material, flyers, newspaper ads, press releases and mentioned in any and all radio advertisements and TV stories or advertisements.



MEMORANDUM

Date: March 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.5.

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 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 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 25th 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 25th day of March, 2013.

TOWN OF WINDSOR, COLORADO

John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

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

THIS AGREEMENT is entered into this _____ day of _____, 2013, by and between the City of Fort Collins, Colorado, a Colorado home rule municipality (the “City”), and the Town of Windsor, Colorado, a Colorado home rule municipality (the “Town”), collectively referred to herein as the “Parties”.

RECITALS

WHEREAS, on or about January 3, 2011, the City and the Town entered into an Intergovernmental Agreement (“the Original Agreement”) 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, on or about November 27, 2012 the City and the Town entered into a First Amended Intergovernmental Agreement (“the First Amended IGA”) thereby approving a number of changes to the Original Agreement; 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, this Intergovernmental Agreement reflects the amendments agreed to by the City and the Town; and

WHEREAS, the Colorado Constitution, Section 29-20-101 *et seq.*, of the Colorado Revised Statutes, and the home rule charters of both the City and Town authorize the City and the Town to enter into mutually binding and enforceable agreements regarding the joint exercise of planning, zoning and related powers as those powers are exercised in the provisions of this Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties hereto agree as follows:

1. Amendment of Section 1 of the First Amended IGA. Section 1 of the First Amended IGA is hereby amended as follows:

SECTION 1. DEFINITIONS

In this Agreement, unless a different meaning clearly appears from the context, the following definitions shall apply:

- 1.1. “Agreement” means this First Amended Intergovernmental Agreement and attachments hereto.
- 1.2. “City” means the City of Fort Collins, Colorado.
- 1.3. “CDOT” means the Colorado Department of Transportation.
- 1.4. “Corridor Activity Center” or “CAC” means that joint planning area referred to above and more fully described on Exhibit “A,” attached hereto and incorporated herein by this reference.
- 1.5. “Developable Land” means that portion of each parcel of real property within the CAC upon which buildings, infrastructure or other improvements may lawfully be constructed, taking into consideration the physical characteristics of the property and all applicable state and local laws and regulations.
- 1.6. “Development Proposal” means an application for the development of a parcel of land within the CAC.
- 1.7. “Effective Date” means the date that the last party signs this Agreement, or ten days after the final approval by the last governing board of the City or Town.
- 1.8. “Enhanced Improvements” means any improvements within the vicinity of the Interchange that are deemed necessary or appropriate by the governing bodies of the City and the Town, which improvements shall be constructed and maintained by the City and the Town.
- 1.9. “Foster Study” means the report prepared by Foster Valuation Company, LLC, attached hereto as Exhibit “B”
- 1.10. “Interchange” means the Interstate 25 and State Highway 392 interchange.
- 1.11. “Original Agreement” means the Intergovernmental Agreement between the City and the Town dated January 3, 2011.
- 1.12. “Project” means the construction by CDOT of a new Interchange at Interstate Highway 25 and Colorado State Highway 392.

1.13. “Property Owner” shall mean and include the current and any future fee owner of a CAC property.

1.14. “Property Tax Increment” means the net new revenue generated by property taxes on real property located within the boundaries of the CAC, using as the baseline a base rate of 9.797 mils, as applied to the assessed valuation developed by Larimer County. For purposes of this First Amended IGA the baseline year for the purposes of calculating the Property Tax Increment shall be the calendar year 2010.

1.15. “Redevelopment Proposal” means an application for the redevelopment of a previously developed parcel of land within the CAC.

1.16. “Sales Tax Increment” means the net new sales tax revenues generated by sales within the boundaries of the CAC, using as the baseline a base rate of 2.25%. The sales tax revenue amount for the purposes of establishing the Sales Tax Increment shall be the amount of sales tax revenue for calendar year 2010.

1.17. “Town” means the Town of Windsor, Colorado.

2. Amendment of Section 5 of the First Amended IGA. Section 5 of the First Amended IGA is hereby amended as follows:

SECTION 5. REVENUE SHARING

5.1. Terms and Conditions. The Parties shall, pursuant to the following terms and conditions, share the Property Tax Increment and Sales Tax Increment generated by properties and businesses located within the boundaries of the CAC.

5.1.1 All tax revenues generated by the Property Tax Increment and Sales Tax Increment shall be deposited by each Party in a separate account and shall not be intermingled with any other funds of that Party.

5.1.2 Sixty-five percent (65%) of the Property and Sales Tax Increment revenues generated in the CAC shall be retained by each Party for use as that Party sees fit. The remaining thirty-five percent (35%) of such revenues shall be transferred to the other Party within sixty (60) days of December 31 of each year. Annual statements showing calendar year total receipts of all such revenues from each of the Property Owners and retailers within the CAC shall be shared with the other Party within thirty (30) days of December 31 of each year, and the Parties agree that these statements are being disclosed solely for tax-related purposes and are therefor to remain confidential.

5.1.3 Any interest earned on deposits in the account described in Section 5.1.1 above shall remain the property of the Party that collected the revenue upon which the interest was earned and shall not be shared.

- 5.1.4 For the purposes of establishing the baseline amount of property and sales tax revenue increments that shall be subject to the revenue sharing provisions of this First Amended IGA, the parties agree that the amount of such revenues for the calendar year 2010 shall control.
- 5.1.5 Any increase or decrease in the sales or property tax rates of either the City or the Town shall not affect the Property Tax Increment or the Sales Tax Increment due from the City or the Town for the revenue sharing purposes of this Section.
- 5.1.6 In the event either the City or the Town creates one or more exemptions from sales taxes or property taxes, and such exemption(s) results in a reduction in the amount of revenue collected by such Party in the CAC, the Party creating the exemption(s) shall include the exempted amount in its calculation of the amount of Property and Sales Tax Increment revenue that is due to the other Party under this Section as if the exemption(s) had not been created.
- 5.1.7 To the extent permitted by law, this sharing of revenues shall continue in perpetuity.

5.2. Cooperation in Attracting New Development. The Parties acknowledge and agree that they may need to cooperate in an effort to attract desirable development. Nothing herein shall preclude the Parties from entering into a subsequent agreement modifying the within Section and creating incentives for development in the CAC beneficial to both Parties. This shall include, but shall not be limited to, an agreement to reduce or eliminate the revenue sources identified in this Section. Any such agreement shall be in writing and set forth the terms under which a modification of this Section will occur.

5.3. Bonding. Nothing in this Agreement is intended to restrict either Party from being able to utilize its sixty-five percent (65%) share of the Property Tax Increment revenue and Sales and Use Tax Increment revenue as collateral or use in underwriting any bond, note, debenture, or other municipal borrowing.

3. Limitation of Amendments. Except as specifically amended by the provisions of this Intergovernmental Agreement, all those provisions adopted by the City and the Town in the First Amended IGA shall remain in full force and effect

Approved as to Form:

CITY OF FORT COLLINS

City Attorney

Mayor

ATTEST:

City Clerk

TOWN OF WINDSOR

Mayor

ATTEST:

Town Clerk

I-25 EXCHANGE – 3 YEAR SALES TAX REVENUE COLLECTION

	Westgate	Ptarmigan	TOTAL PER YEAR
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>
Westgate	\$187,102.36	\$169,627.30	\$146,641.84	\$503,371.50
Ptarmigan	\$ 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



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: John Michaels, Chief of Police
Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture
Re: Park Rules and Regulations
Item #: C.6.a. and C.7.a.

Background / Discussion:

On March 4th, staff presented a variety of strategic operations to increase the visibility and effectiveness of enforcing rules and regulations in Windsor parks, especially Boardwalk Park. The strategic operations are listed below.

Additionally at this meeting, staff was directed to prepare the revised rules and regulations to reflect discussion concerning charcoal grills, tents, and minor exceptions for glass bottles, hours of operations and certain types of motor vehicles. The 2013 Rules and Regulations are attached for your reference.

As previously discussed, park rules and regulations are currently included in the Municipal Code, which does not allow for easy updating. The attached Ordinance adopts all park rules and regulations by reference. Specific rules and regulations, such as those already adopted and proposed changes, will be adopted by resolution. This makes it much easier for law enforcement to cite violations and impose fines, but also allows for easily updating in the case Town Board needed to modify rules and regulations.

Staff will work to communicate with the public regarding these changes, utilizing print media, social media, web site, updated signs, and special outreach.

Below are the strategic operations for increasing visibility and effectiveness of enforcement as previously discussed and approved:

- Cross training Parks, Recreation & Culture staff to assist in “educating” the public about various rules and regulations
- Additional 3 weekends June – July patrol hours (2 officers) by Windsor Police Department (included in PD overtime budget)
- Additional 7 weekends June – July patrol hours (2 officers) Weld County Sheriff Reserves (included in PD contractual budget)
- Greeley Police Department Gang Unit assisted Windsor PD with training on what to watch for and how to interact with gang members.

- The Department of Parole will continue to assist with a presence in parks to identify parole violators and implement further restrictions or jail for violation.
- The Weld County Warrant Division will continue to assist with monitoring individuals who have outstanding warrants. These non-uniformed officers know the wanted suspects.
- Establishing a protocol to indicate that when an individual commits a crime in Windsor parks (such as disorderly conduct, disturbing the peace, or assault) and is arrested, notation on the bonding form requests to exclude that person from the park until the case has reached a disposition.
- Implementing a Park Ambassador volunteer program that puts extra eyes and ears in the park and assists in “educating” the public about various rules and regulations.

Financial Impact:

Re-printing approximately 30 rules and regulations signs at \$50 each = **\$1,500**. As previously indicated, extra patrol costs are in the Police Department general fund budget.

Relationship to Strategic Plan:

Goal 1.A., Goal 1.B.

Recommendation:

- 1.) **Move to adopt Resolution 2012 – 16 adopting Town of Windsor 2012 Parks and Open Space Regulations**

and then

- 2.) **Move to adopt Ordinance 2012 – 1451 supporting Resolution 2012 – 16 adopting Town of Windsor 2012 Parks and Open Space Regulations**

Attachments:

- b. 2013 Park Rules and Regulations
- c. Resolution 2013 – 16
- d. Ordinance 2013 - 1451

Town of Windsor 2013 Proposed Parks and Open Space Regulations (changes highlighted in yellow)

1. (Charcoal Grills Prohibited)

Unless otherwise authorized by the Town of Windsor for programs or events, it shall be unlawful for any person to bring any portable cooking device into any park or open space within the Town which exceeds or conflicts with the following specifications:

- (a) Charcoal-fueled cooking devices;
- (b) Propane-fueled cooking devices with a total cooking surface exceeding 200 square inches; and
- (c) Propane fueled cooking devices served by a fuel tank exceeding 16.4 ounces of capacity.

2. (Tents Restricted)

It shall be unlawful for any person to erect a portable tent or shade structure between the hours of 6:00 pm and 5:00 am, unless otherwise authorized by the Town of Windsor for programs or events.

3. (Parks are open to the public from 5:00 am to 10:00 pm)

(a) General park closure hours. Except as provided in this subsection and in subsection (b) below, all public parks, recreational facilities and trails within the Town shall be closed to the public between the hours of 10:00 p.m. and 5:00 a.m. It shall be unlawful for any person to be in any park or recreational facility or to use any trail within the Town during those hours, unless otherwise authorized by the Town of Windsor for programs or events.

4. (Glass Bottles Prohibited)

It shall be unlawful for any person to bring, or to have in his or her possession, any glass beverage container in any park, recreational facility or on any trail within the Town, unless otherwise authorized by the Town of Windsor for programs or events.

5. (Operation of Motor Vehicles Prohibited)

Except as otherwise provided by the terms of this Article or Article VIII of Chapter 11 of this Code, the operation of MUVs within the Town shall be prohibited. MUVs shall be operated within the Town only by the Town, the local school district, any local special districts, any local metropolitan districts and other private property owners with significant commercial property maintenance duties. MUVs shall be used only for the property maintenance-related functions of the Town, the local school district, any local special districts, any local metropolitan districts and other private property owners with significant commercial property maintenance duties, or unless otherwise authorized by the Town of Windsor for programs or events. MUVs may be operated on any trail owned or operated by the Town or any duly-constituted trail authority for the

purpose of maintaining property owned or operated by the Town or any such trail authority.

There were no changes to these rules:

6. (Windsor Lake Night Fishing Permitted)

Notwithstanding the general park closure hours set forth in Subsection (a) above, fishing on Windsor Lake is permitted subject to the following conditions:

- Fishing on Windsor Lake may take place only along the west edge of Windsor Lake adjacent to State Highway 257, between the southerly pavement edge of the Town's parking lot and the inlet bridge for the Greeley #2 Ditch.
- Nothing in this Subsection shall be construed to permit fishing on Windsor Lake from a boat or aquatic vessel of any kind between the hours of 10:00 pm and 5:00 am.

7. (Dumping/Littering Prohibited)

It shall be unlawful for any person to bring in and dump, deposit or leave any bottles or other containers made of glass, any broken glass, ashes, papers, boxes, cans, dirt, rubbish, waste, tree leaves and limbs, garbage, refuse or other trash in or upon any park, recreational facility or trail within the Town.

8. (Trash Disposal Required)

It shall be unlawful for any person utilizing any park, recreational facility or trail within the Town to leave such park, recreational facility or trail without first placing in provided trash disposal receptacles all trash, of whatever kind or nature, generated by his or her usage of the park, recreational facility or trail. In the event no trash disposal receptacle is available, then such person shall carry away said trash and dispose thereof in a proper and legal manner.

9. (Dogs Must be Leashed)

Dogs shall be allowed in public parks and on trails within the Town under appropriate supervision and specifically in accordance with the provisions appearing elsewhere in this Code concerning dogs.

10. (Dog Waste Removal Required)

The owner or keeper of any dog shall be responsible for the removal of any feces deposited by such animal in any public park or on or adjacent to any trail within the Town.

11. (Horses Prohibited)

Except in areas specifically designated for equestrian activities, it shall be unlawful for any person to allow any horse or pony in any public park, recreational facility, public open space or on any trail within the Town.

12. (Golfing Prohibited)

Unless specifically allowed in designated areas, it shall be unlawful for any person to drive or hit golf balls in any public park, recreational facility or on any trail within the Town.

TOWN OF WINDSOR

RESOLUTION NO. 2013-16

A RESOLUTION ADOPTING THE TOWN OF WINDSOR 2012 PARKS AND OPEN SPACE REGULATIONS WITH RESPECT TO THE CONDUCT OF PERSONS WITHIN TOWN-OWNED RECREATIONAL FACILITIES

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

WHEREAS, the residents of the Town consistently place high value on the availability of quality parks and open space; and

WHEREAS, in the past, the Town has administratively adopted and enforced standards of conduct applicable to parks and open space visitors, which standards have been administered by the Director of Parks, Recreation and Culture; and

WHEREAS, since the administrative adoption of parks and open space standards of conduct, the use of the Town’s parks and open space has intensified to the point where administrative protocols cannot adequately address public safety and public health; and

WHEREAS, public safety, public health and public welfare require that the Town’s Police Department have a role in enforcing standards of conduct for park and open space visitors, including the ability to cite offenders into the Municipal Court for prosecution; and

WHEREAS, at present, the administratively-adopted standards of conduct for visitors to Town parks and open space cannot be enforced by the issuance of criminal citations, as the current standards have not been adopted by the Town Board and have not been integrated into the *Windsor Municipal Code*; and

WHEREAS, the Town Board believes there is a need to give the Town more tools for effectively addressing non-compliance with Town Board-approved standards of conduct for visitors to Town parks and open space; and

WHEREAS, the Town’s Director of Parks, Recreation and Culture has worked cooperatively with the Town’s Chief of Police to arrive at standards of conduct which, if adopted by the Town Board and separately incorporated into the *Windsor Municipal Code* by Ordinance, will be enforceable in the Municipal Court; and

WHEREAS, the Town’s Director of Parks, Recreation and Culture and the Town’s Chief of Police have recommended that the Town Board approve the attached 2013 Parks and Open Space Regulations (“Regulations”); and

WHEREAS, the Town's Parks, Recreation and Culture Advisory Board has reviewed the attached Regulations, and has recommended Town Board approval of them; and

WHEREAS, the Town Board has studied the attached Regulations and has concluded that their adoption promotes the public health, safety and welfare; and

WHEREAS, the Town Board has concluded that the adoption of the Regulations by this Resolution, in tandem with a separate incorporation into the *Windsor Municipal Code* by Ordinance, is necessary and proper for the preservation of the public health, safety and welfare.

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

1. The Town Board hereby adopts the attached Town of Windsor 2013 Parks and Open Space Regulations.
2. The Town Board approves the Town of Windsor 2013 Parks and Open Space Regulations, as well as any amendments thereto, as being applicable to all persons visiting Town parks and open space areas.
3. The Director of Parks, Recreation and Culture shall keep, maintain, post, and make available to the public the 2013 Parks and Open Space Regulations, as well as any amendments thereto.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this ____ day of _____, 2013.

TOWN OF WINDSOR, COLORADO

By: _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

TOWN OF WINDSOR

ORDINANCE NO. 2013-1451

AN ORDINANCE AMENDING CHAPTERS 10 AND 11 OF THE WINDSOR MUNICIPAL CODE WITH RESPECT TO REGULATIONS APPLICABLE TO THE CONDUCT OF PERSONS WITHIN TOWN-OWNED PARKS AND OPEN SPACE AREAS

WHEREAS, the residents of the Town of Windsor (“Town”) consistently place high value on the availability of quality parks and open space; and

WHEREAS, in the past, the Town has administratively adopted and enforced standards of conduct applicable to parks and open space visitors, which standards have been administered by the Director of Parks, Recreation and Culture; and

WHEREAS, since the administrative adoption of parks and open space standards of conduct, the use of the Town’s parks and open space has intensified to the point where administrative protocols cannot adequately address public safety and public health; and

WHEREAS, public safety, public health and public welfare require that the Town’s Police Department have a role in enforcing standards of conduct for park and open space visitors, including the ability to cite offenders into the Municipal Court for prosecution; and

WHEREAS, at present, the administratively-adopted standards of conduct for visitors to Town parks and open space cannot be enforced by the issuance of criminal citations, as the current standards are not adopted as Code provisions; and

WHEREAS, there is a need to give the Town more tools for effectively addressing non-compliance with Town-approved standards of conduct for visitors to Town parks and open space; and

WHEREAS, the Town’s Director of Parks, Recreation and Culture has worked cooperatively with the Town’s Chief of Police to arrive at standards of conduct which, if adopted within the *Windsor Municipal Code* pursuant to this Ordinance, will be enforceable in the Municipal Court; and

WHEREAS, the Town’s Director of Parks, Recreation and Culture and the Town’s Chief of Police have recommended the within revisions to the *Windsor Municipal Code*, in order that the experience for all visitors to Town parks and open space will be safe, secure and comfortable; and

WHEREAS, attached hereto is a true and correct copy of the 2013 Parks and Open Space Regulations (“Regulations”) developed by the Director of Parks, Recreation and Culture and Chief of Police; and

WHEREAS, the Town's Parks, Recreation and Culture Advisory Board has reviewed the attached Regulations, and has recommended approval of them; and

WHEREAS, the Town Board has studied the attached Regulations, as well as the increased powers afforded to the Town as set forth therein; and

WHEREAS, the Town Board has concluded that the within Ordinance is necessary and proper for the preservation of the public health, safety and welfare.

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

Section 1. 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

REGULATIONS APPLICABLE TO CONDUCT OF PERSONS IN TOWN-OWNED PARKS AND OPEN SPACE

Sec. 10-8-10. Applicability of 2013 Parks and Open Space Regulations.

The conduct of persons within Town-owned parks and open space shall be governed by the 2013 Parks and Open Space Regulations approved by Town Board Resolution No. 2013-16, and shall be maintained by the Town's Director of Parks, Recreation and Culture. The Director of Parks, Recreation and Culture shall post, circulate and otherwise make the 2013 Parks and Open Space Regulations, together with any amendments thereto, available for inspection by the public.

Sec. 10-8-20. Non-compliance with 2013 Parks and Open Space Regulations.

It shall be unlawful for any person to violate any provision of the 2013 Parks and Open Space Regulations, as well as any amendments thereto. Upon conviction, any person so convicted shall be subject to a fine not to exceed the limits established under *Windsor Municipal Code* Section 1-4-20. Each day during which a violation takes place shall be deemed a separate offense.

Section 2. Section 11-8-20 of the Windsor Municipal Code is hereby repealed, amended and readopted to read as follows:

Sec. 11-8-20. Possession of glass containers prohibited, exceptions.

It shall be unlawful for any person to bring, or to have in his or her possession, any glass beverage container in any park, recreational facility or on any trail within the Town, unless otherwise authorized by the Town of Windsor for programs or events.

Section 3. Section 11-8-10 (a) of the Windsor Municipal Code is hereby repealed, amended and readopted to read as follows:

Sec. 11-8-10. Hours of closure.

(a) General park closure hours. Except as provided in this subsection and in subsection (b) below, all public parks, recreational facilities and trails within the Town shall be closed to the public between the hours of 10:00 p.m. and 5:00 a.m. It shall be unlawful for any person to be in any park or recreational facility or to use any trail within the Town during those hours, unless otherwise authorized by the Town of Windsor for programs or events.

Section 4. Chapter 11, Article VIII of the Windsor Municipal Code is hereby amended by the addition of a new Section 11-8-110, which shall read as follows:

Sec. 11-8-110. Tents and portable shelters prohibited.

It shall be unlawful for any person to erect any tent or portable shelter, or to keep any tent or portable shelter standing, in any park or open space area within the Town after 6 p.m., unless otherwise authorized by the Town of Windsor for programs or events.

Section 5. Chapter 11, Article VIII of the Windsor Municipal Code is hereby amended by the addition of a new Section 11-8-120, which shall read as follows:

Sec. 11-8-120. Limitations on Portable Cooking Devices.

Unless otherwise authorized by the Town of Windsor for programs or events, it shall be unlawful for any person to bring any portable cooking device into any park or open space within the Town which exceeds or conflicts with the following specifications:

- (a) Charcoal-fueled cooking devices;

- (b) Propane-fueled cooking devices with a total cooking surface exceeding 200 square inches; and
- (c) Propane fueled cooking devices served by a fuel tank exceeding 16.4 ounces of capacity.

Section 6. Section 8-5-20 of the Windsor Municipal Code is hereby repealed, amended and readopted to read as follows:

Sec. 8-5-20. Operation of MUVs authorized.

Except as otherwise provided by the terms of this Article or Article VIII of Chapter 11 of this Code, the operation of MUVs within the Town shall be prohibited. MUVs shall be operated within the Town only by the Town, the local school district, any local special districts, any local metropolitan districts and other private property owners with significant commercial property maintenance duties. MUVs shall be used only for the property maintenance-related functions of the Town, the local school district, any local special districts, any local metropolitan districts and other private property owners with significant commercial property maintenance duties, or unless otherwise authorized by the Town of Windsor for programs or events. MUVs may be operated on any trail owned or operated by the Town or any duly-constituted trail authority for the purpose of maintaining property owned or operated by the Town or any such trail authority.

Section 7. Section 11-8-90 of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

Sec. 11-8-90. Operation of motor vehicles prohibited.

It shall be unlawful for any person to operate any motor vehicle including, but not limited to, Golf Cars, Motorized Utility Vehicles, all-terrain vehicles, snow mobiles, off-road vehicles, automobiles, trucks, motorcycles, motorbikes, motorscooters, go-carts or motor homes in any public park, recreational facility, public open space or on any trail within the Town. This provision shall not apply to duly authorized employees of the Town in the performance of work activities in the scope of their employment or unless otherwise authorized by the Town of Windsor for programs or events.

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

TOWN OF WINDSOR, COLORADO

By _____

John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 8th day of April, 2013.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Joseph P. Plummer, AICP, Director of Planning
Re: Public Hearing and Ordinance No. 2013 – 1452 Adopting the 2012 International Building Codes and 2009 International Energy Conservation Code – First Reading
Item #s: C-8 & C-9

Discussion Item:

The Town is currently utilizing the 2006 Series of International Building Codes, and staff is recommending that these building codes be replaced and updated with the 2012 Series of International Building Codes (IBC) and the 2009 International Energy Conservation Code (IECC).

On March 7, 2013 the Planning Commission held a public hearing to receive testimony on these proposed building codes and amendments to these building codes. As it may be seen from enclosed minutes, Mr. Mike Doddridge of the Home Builders Association of Northern Colorado (HBA) was the only individual who presented testimony during the public hearing, and Mr. Doddridge entered the following information into the public hearing record. In response to one of the Planning Commission's questions concerning the new requirement to require builders to install sump pumps in homes that are constructed on lots that sit above high ground water, Mr. Doddridge explained that it is already a common building practice. Mr. Doddridge also stated that the HBA supports the adoption of the new codes as well as the amendments that are being proposed.

At the March 18, 2013 town board work session, Mr. Russ Weber, Building Official for the Town's contract inspection agency Safebuilt, Colorado, presented the enclosed power point presentation and answered questions pertaining to the proposed codes and amendments.

Lastly, historically the Town has adopted and maintained several amendments to the various iterations of the building codes we have used in Windsor. Over the years these long-standing amendments have proven to be in the best interest of the health, safety, welfare, and convenience of our citizens. As such, and as it has been in the past with previous updates of our building codes, these long-standing amendments have been carried forward and are included in the enclosed ordinance.

Recommendation: At the March 7, 2013 planning commission meeting, the Planning Commission voted to recommend approval of the enclosed Ordinance, as presented, and staff concurs with this recommendation for approval of the Ordinance on first reading.

Attachments: Power point presentation, 3/7/13 planning commission minutes, and Ordinance No. 2013-1452.

pc: Russ Weber, Building Official, Safebuilt Colorado
Northern Colorado Homebuilders' Association
Local homebuilders



Minutes

A. CALL TO ORDER

1. Chairman Schick called the regular meeting of the Windsor Planning Commission to order on March 7, 2013 at 7:06 p.m.
2. Roll Call

The following Planning Commission members were present:

Gale Schick
Paul Ehrlich Jr.
Robert Frank
Victor Tallon
Ken Gerlach
David Cox
Wayne Frelund

Also Present: Town Board Liaison
Director of Planning
Scott Ballstadt

Don Thompson
Joe Plummer
Chief Planner

3. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission

Mr. Ehrlich moved to approve the agenda as presented. Mr. Tallon seconded the motion. Roll call on the vote resulted as follows: Yeas – Gale Schick, Paul Ehrlich, Robert Frank, Victor Tallon, Ken Gerlach, David Cox, Wayne Frelund; Nays – None. Motion carried.

4. Public Invited to be Heard
There was no public comment.

B. CONSENT CALENDAR

1. Approval of the minutes of February 20, 2013

Mr. Ehrlich moved to approve the minutes of the February 20, 2013 meeting as presented. Mr. Tallon seconded the motion. Roll call on the vote resulted as follows: Yeas – Gale Schick, Paul Ehrlich, Robert Frank, Victor Tallon, Ken Gerlach, David Cox, Wayne Frelund; Nays – None. Motion carried.

C. BOARD ACTION

1. Public Hearing to receive comments on a proposal to repeal all or portions of the 2006 Series of International Building Codes and adopt all or portions of the 2012 Series of International Building Codes – J. Plummer



Mr. Plummer advised the Commissioners that at the February 20, 2013 work session and also at the work session which immediately preceded this meeting, Mr. Russ Weber, Building Official for SAFEbuilt Colorado which is the Town's contract inspection agency, presented a power point presentation on the 2012 International Building Codes and the 2009 International Energy Conservation Code. Mr. Weber recapped this presentation, including proposed amendments to the codes.

Mr. Plummer added that at the February 20th work session, the Planning Commission had questions concerning when sump pumps would be required to be installed during new construction and requested more information on this matter. Mr. Weber reviewed the current proposal which identifies the circumstances under which sump pumps will be required in certain homes that are constructed in areas which have high ground water. Mr. Plummer noted that, working with both engineering department and the Town Attorney, amendment language which explains these specific circumstances has been developed for inclusion in the International Residential Code, and following a brief discussion on this proposed amendment, Mr. Weber closed with a recap of all of the amendments that are being proposed to the codes.

In conclusion, Mr. Plummer emphasized this public hearing has been scheduled for the Planning Commission to receive testimony on the proposed adoption of the 2012 International Building Codes, the 2009 International Energy Conservation Code, and certain amendments to these codes.

Mike Doddridge of the Home Builders Association of Northern Colorado briefly addressed the Commission clarifying common procedures regarding sump pump installation, including definitions of Open Hole Inspections versus Test Hole Inspections. Mr. Doddridge further stated that the Home Builders Association supports the adoption of these codes and the amendments that are being proposed and thanked the Town for providing the Association with this information and an opportunity to comment on these proposals.

Mr. Ehrlich moved to close the public hearing. Mr. Frank seconded the motion. Roll call on the vote resulted as follows: Yeas – Gale Schick, Paul Ehrlich, Robert Frank, Victor Tallon, Ken Gerlach, David Cox, Wayne Frelund; Nays – None. Motion carried.

2. Recommendation to Town Board to repeal all or portions of the 2006 Series of International Building Codes and adopt all or portions of the 2012 Series of International Building Codes – J. Plummer

Mr. Plummer explained staff recommends that the Planning Commission forward a recommendation to the Town Board of adoption of the 2012 International Building Codes and the 2009 International Energy Conservation Codes and amendments as presented.

Mr. Cox asked if adoption of these codes would lead to a requirement for insulation in basement ceilings to help mitigate fire danger. Mr. Weber replied that this could be a possibility if the Town would like to consider this in the future and noted that the current focus of codes relates to the R501.3 I-Joist requirements. Following Mr. Weber's explanation, there was not any further discussion on this topic.

Mr. Plummer reminded Commissioners amendments to the Codes could be changed at any time by following standard public hearing and adoption procedures through the Planning Commission and the Town Board.

Mr. Ehrlich moved to forward a recommendation to the Town Board of approval of the proposed codes and amendments as presented. Mr. Frank seconded the motion. Roll call on the vote resulted as follows: Yeas – Gale Schick, Paul Ehrlich, Robert Frank, Victor Tallon, Ken Gerlach, David Cox, Wayne Frelund; Nays – None. Motion carried.

D. COMMUNICATIONS

1. Communications from the Planning Commission

Mr. Cox raised concerns about a billboard along Highway 257 that appears to be in disrepair and asked staff if there are regulations that address this situation. Mr. Ballstadt noted that the Next Media Group has been purchased by Lamar Advertising and staff anticipates communications from them in the near future. Mr. Ballstadt stated that he will contact the representatives with Lamar concerning this matter.

Mr. Schick requested staff to investigate local demographics and prepare a report focusing on multi-generational housing options in the area, noting a concern among the public. Mr. Ballstadt responded he will poll neighboring municipalities and gather information regarding their policies. Mr. Plummer added he will schedule a work session on that topic within the next month.

Mr. Frank reported the Poudre River Trail Board of Directors is planning a Trail-athon on May 11, and he will report back with details as they are available.

2. Communications from the Town Board liaison

Mr. Thompson stated that he did not have any communications.

3. Communications from the staff

Mr. Plummer thanked the Commission for their support of today's proposals.

E. ADJOURN

Mr. Ehrlich moved to close the public hearing. Mr. Tallon seconded the motion. Motion passed unanimously. The meeting was adjourned at 7:40 p.m.


Deputy Town Clerk



2012 International Code Adoption





What's New in the 2012 Codes?





LIVE/WORK UNITS

The means of egress and plumbing facility requirements for the non-residential portion of live/work units are now regulated based upon the specific function of the non-residential space rather than those of an R2 Occupancy





ROOF GARDENS

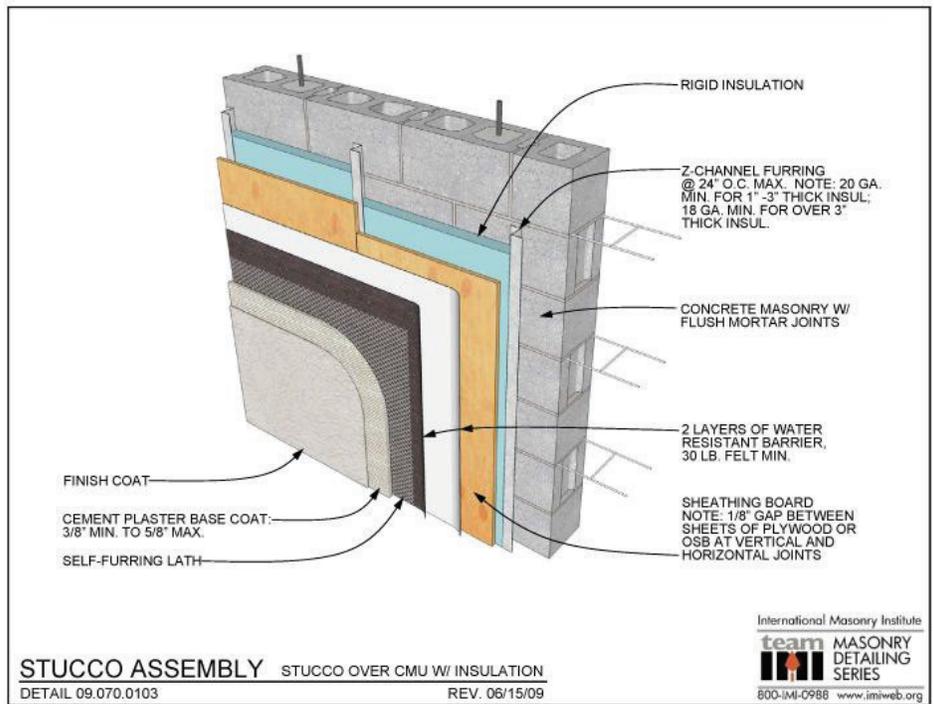
The IBC now provides specific provisions for roof loading and design criteria for roof gardens and landscaped roofs.





STUCCO

In order to reduce the likelihood of moisture getting into the building, detailed requirements have been provided for the installation of two layers of weather-resistant barriers that are required behind stucco-covered exterior walls.





It has now been specifically established that the existing building provisions of Chapter 34 are viewed as specific provisions and therefore take precedence over requirements in other codes.

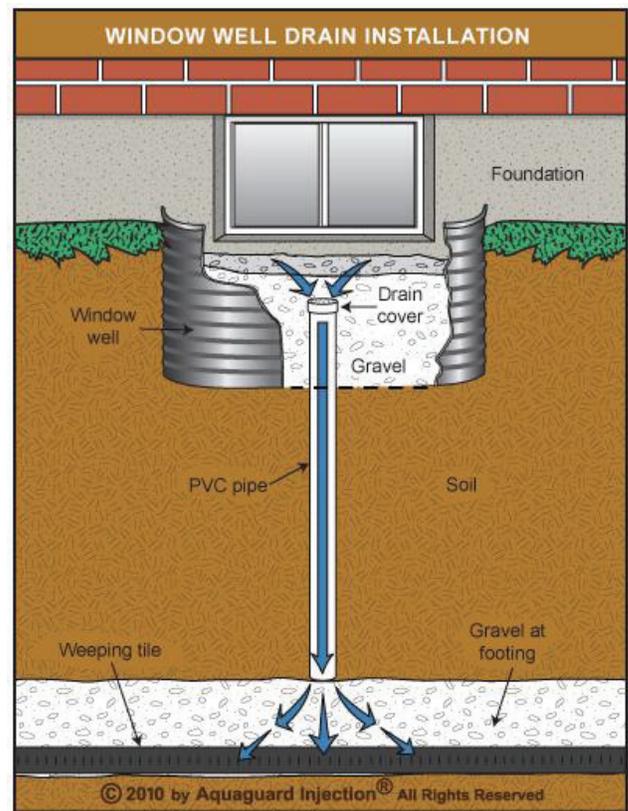
Compliance of Existing Buildings





WINDOW WELL DRAINAGE

Window wells shall be designed for proper drainage by connecting to the buildings foundation drainage system or by another approved method





CARBON MONOXIDE DETECTORS

Detectors are now included in the body of the code and required in the immediate vicinity of sleeping rooms. Carbon monoxide detectors are also required in existing dwellings when work requiring a permit takes place.





One story detached accessory structures **amended** back from 200 square feet to 120 square feet with a maximum 8 feet height





R501.3

Fire Protection of floors.

Amended

Unprotected I-Joists in un-sprinklered homes shall have a minimum 1/2 in drywall attached to the underside





A new section (R507)
detailing deck
construction is now
included in the
International
Residential Code





Prescriptive provisions for SIP wall construction have now been added to the code in section R613





When a new roof is installed, it is now allowed to be installed over one layer of existing shingles.





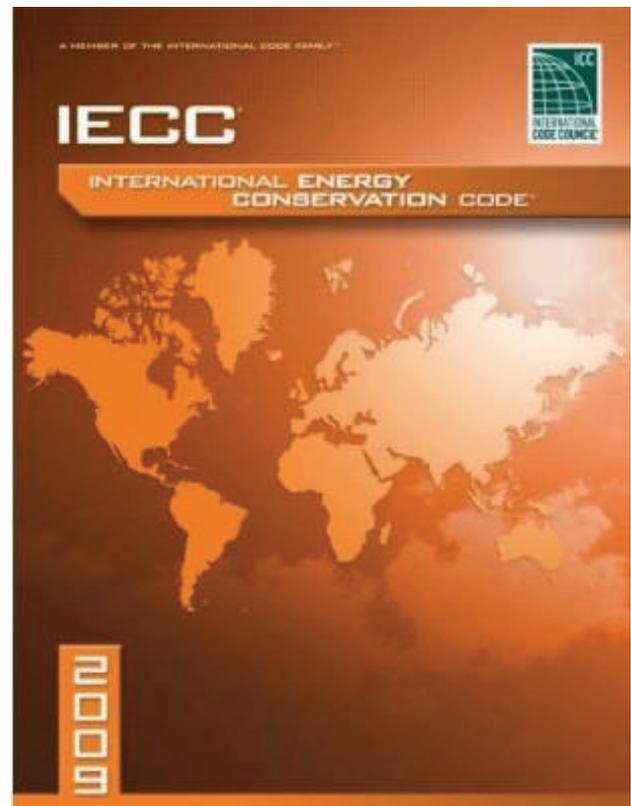
2009 IECC

No changes in R-Values and U-Factors from the currently adopted 2006 IECC.

50% of lamps required to be High Efficiency

Manual D and J

No duct leakage test if all ducts remain inside thermal envelope.





Wall/Ceiling Insulation (R-Value)

	Above Grade Wall	Ceiling	Mass Wall
2006 IECC	19 or 13+5	38	13
2009 IECC	20 or 13+5	38	13/17
2012 IECC	20 or 13+5	49	13/17
Notes:	No change to foundation wall insulation. Raised truss heels not necessary		



Lighting

	Efficient Lighting Requirements
2006 IECC	None
2009 IECC	50% of Lamps
2012 IECC	75% of Lamps or permanently installed fixtures
Notes:	<p>High Efficiency lamps defined as;</p> <ul style="list-style-type: none"> • Compact fluorescent lamps • T-8 or smaller for linear fluorescent lamp • 60 lumens/watt for lamps over 40 watts • 50 lumens/watts for lamps between 15 and 40 watts • 40 lumens/watts for lamps under 15 watts



DRYER DUCT

The dryer duct length has now been extended to 35 feet less elbows.

Duct length must be identified with a label or tag





PHOTOVOLTAIC SYSTEMS

Photovoltaic Solar Energy Systems have now been included in chapter 23 of the IRC





Residential Fire Sprinklers

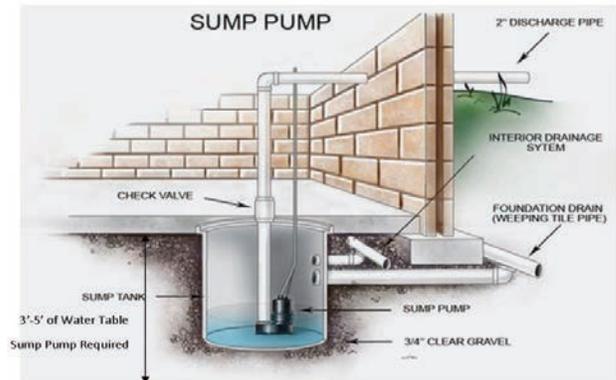
Provisions have been included in section P2904 of the IRC





Bottom of the basement finished floor/crawlspace shall be a minimum 36 inches above determined ground water level

Bottom of the basement finished floor/crawlspace between 36"-60" – Sump pit and pump required.





Windsor Amendments

- Delete the mandatory requirement for residential Fire Sprinklers
- Delete the requirement for protection of floors in unfinished basements
- Drywall inspections not required unless part of a fire rated assembly
- Fire separation between townhomes and duplex's will remain at 2-Hour
- Roofing repairs less than 100 square feet are exempt from permit
- Plastic DWV pipe allowed to still use air for testing
- 2009 International Energy Conservation Code
- Manufactures longer dryer duct length is deleted in its entirety
- Sump pump required if bottom of floor/crawlspace is within 3'-5' of determined water table



QUESTIONS



R405.2.3 Drainage system in soils other than Group I. In no case shall the bottom of the basement floor or crawl space finished grade lie within three (3) feet of the ground water table (determined as provided in this Section below). In cases where the bottom of the basement floor or crawl space finished grade is proposed to lie between three (3) feet and five (5) feet of the ground water table (determined as provided in this Section below), a sump and functioning sump pump shall be provided to drain the porous layer and footings. In cases where the bottom of the basement floor or crawl space finished grade is proposed to lie five (5) feet or more above the ground water table (determined as provided herein), a sump shall be provided to drain the porous layer and footings. The sump required in this Section shall be at least 24 inches (610 mm) in diameter or 20 inches square (0.0129 m²), shall extend at least 24 inches (610 mm) below the bottom of the basement floor and shall be capable of positive gravity or mechanical drainage to remove any accumulated water. The drainage system shall discharge into an approved sewer system or to daylight.

For purposes of this Section, the location of the ground water table shall be determined based on an “open-hole” inspection of the site, certified by a Licensed Professional Engineer. No foundation components shall be installed until the location of the ground water table is determined and applicability of sump and/or sump pump requirements are addressed as provided herein.

TOWN OF WINDSOR

ORDINANCE NO. 2013-1452

AN ORDINANCE ADOPTING BY REFERENCE THE 2012 INTERNATIONAL BUILDING CODE; 2012 INTERNATIONAL EXISTING BUILDING CODE; 2012 INTERNATIONAL RESIDENTIAL CODE; 2012 INTERNATIONAL MECHANICAL CODE; 2012 INTERNATIONAL PLUMBING CODE; 2012 INTERNATIONAL FUEL GAS CODE; 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE; 2009 INTERNATIONAL ENERGY CONSERVATION CODE, AS AMENDED BY THE TOWN OF WINDSOR, COLORADO; AND THE 2011 NATIONAL ELECTRICAL CODE, AS AMENDED BY THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor Home Rule Charter Article IV, Section 4.13, authorizes the Town Board to adopt codes by reference as provided by applicable State statutes; and

WHEREAS, the Town of Windsor has previously adopted certain uniform building codes by reference; and

WHEREAS, the Town of Windsor desires to repeal and readopt updated versions of certain building codes by reference as permitted by the Town of Windsor Home Rule Charter; and

WHEREAS, the Town of Windsor specifically wishes to repeal certain Articles found within Chapter 18 of the Windsor Municipal Code, and to in their stead adopt by reference the International Building Code (2012 Edition); The International Residential Code for One – and Two – Family Dwellings (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); The International Energy Conservation Code (2009 Edition), Promulgated by the International Code Council, Inc, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, with specified amendments to each; and

WHEREAS, the Town of Windsor specifically wishes to adopt the 2011 National Electrical Code, promulgated by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169; and

WHEREAS, by adopting the various codes by reference as described herein, the Town Board finds it necessary to make other revisions to Chapter 18 of the Windsor Municipal Code to assure ease of reference and convenience to the public; and

WHEREAS, the adoption of the foregoing codes by references promotes the public health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED by the Town Board of the Town of Windsor, Colorado:

Section 1. Chapter 18, Article II of the *Windsor Municipal Code* is hereby repealed, amended and re-adopted to read as follows:

ARTICLE II

International Building Code

Sec. 18-2-10. Adoption of International Building Code.

Pursuant to state law, The International Building Code, 2012 Edition as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001. Chapters 1 through 35 inclusive and Appendix Chapter I, is hereby adopted by reference as the Town of Windsor Building Code as if fully set forth fully herein, with the additions deletions insertions and changes as follows:

IBC Section 101.1 IBC Section 101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IBC Section 101.4.3 IBC Section 101.4.3 (Plumbing) is amended by deletion of the last sentence.

IBC Section 101.4.5 IBC Section 101.4.5 (Fire prevention) is amended by replacing “International Fire Code” with “adopted fire code”.

IBC Section 101.4.6 IBC Section 101.4.6 (Energy) is amended by replacing the words “International Energy Conservation Code” to “2009 International Energy Conservation Code”.

IBC Section 105.1 IBC Section 105.1 (Required) is amended by replacing the words “building official” with “town”.

IBC Section 105.2 IBC Section 105.2 (Work exempt from permit) is amended by deleting:

Exception #1 and replacing with “One-Story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the roof height does not exceed 8 feet above grade measured from a point directly outside the exterior walls of the structure.

Exception #2 is deleted in its entirety and replaced with “Fences not over 6 feet (2134mm) high.

Adding Exception #14 “Shingle repair or replacement work not exceeding one square (100 square feet in area) of covering per building.

IBC Section 105.5 IBC Section 105.5 (Expiration) is amended by the deletion of this section in its entirety and replaced with:

Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

IBC Section 109.4 IBC Section 109.4 (Work commencing before permit issuance) is deleted in its entirety and replaced with:

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to an investigation fee established by the town. The amount of the investigation fee may be in the amount up to the amount of the permit fee that would normally be assessed for the specific type of construction activity, with any such investigation fee being *in addition to* all other required permit fees. The investigation fee shall be collected whether or not a permit is then subsequently issued.

IBC Section 109.6 IBC Section 109.6 (Refunds) is amended by deleting the section in its entirety and replacing the section with the following:

The Town may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The Town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

The Town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.”

IBC Section 111.3 IBC Section 111.3 (Temporary occupancy) is amended by deleting the words “building official” in the first and second sentence and replacing it with “Town”.

IBC Section 113.1 IBC Section 113.1 (General) is amended by deleting the last two sentences and inserting the following:

The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment.

IBC Section 113.3 IBC Section 113.3 (Qualifications) is amended by deleting the section in its entirety.

IBC Section 114.2 IBC Section 114.2 (Notice of Violation) is amended by adding “Notice of Violations shall be delivered in accordance with section 107 of the IPMC” after the last paragraph.

IBC Section 202 IBC Section 202 (Definitions) is amended by addition of the following:

“Sleeping Room” (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IBC Section 1208 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms.

IBC Section 501.2 IBC Section 501.2 (Address Identification) is amended by deleting the second paragraph and replacing with “Each character shall be not less than 3 inches in height and not less than 0.5 inch in width.”

IBC Section 1013.2 IBC Section 1013.2 (Where required) is amended by the addition of a second paragraph inserted before the exceptions as follows:

All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914.4 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm) measured perpendicular from the building, shall be protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier.

IBC Section 1029.5.1 IBC Section 1029.5.1 (Minimum Size) is amended by the addition of the following;

For all building permits issued after the effective date of Ordinance 1999-1021, June 14, 1999, all escape and rescue windows requiring a window well pursuant to the International Building Code shall comply with the dimension requirements set forth in this section, whether or not said escape or rescue window is located in a sleeping room.

With regard to building permits issued prior to the effective date of Ordinance 1999-1021, June 14, 1999, for additions to or alterations of existing buildings or structures, any window well with a finished sill height below adjacent ground level shall be deemed in compliance with the Town's regulations if said window well meets the dimensions set forth in the 1991 Edition of the Uniform Building Code, previously in effect in the Town.

IBC Section 1301.1.1 IBC Section 1301.1.1 (Criteria) is amended by replacing "International Energy Conservation Code" with the "2009 International Energy Conservation Code".

IBC Section 1612.3 IBC Section 1612.3 (Establishment of flood hazard areas) is amended by the insertion of "Town of Windsor" where indicated in [Name of Jurisdiction] and the date of the latest flood insurance study for the Town of Windsor dated September 27, 1991, or any flood insurance study for the Town of Windsor subsequently adopted and in effect.

IBC Section 3401.3 IBC Section 3401.3 (Compliance with other codes) is amended by deleting International Fire Code and inserting in its place "adopted fire code", deleting International Private Sewage Disposal Code, and deleting NFPA 70 and inserting in its place "National Electrical Code adopted by the State of Colorado"

IBC Section 3412.2 IBC Section 3412.2 (Applicability) is amended by the insertion of "the effective date of this Building Code pursuant to the Ordinance codified herein."

Sec. 18-2-20. Purpose and scope.

The purpose of the International Building Code is to safeguard the public health and safety by establishing minimum regulations for building systems using prescriptive and performance-related provisions.

Sec. 18-2-30. Modifications and amendments.

The International Building Code, together with any appendices thereto, is adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Building Code shall be deleted.

Sec. 18-2-40. Copy on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Building Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 2. Chapter 18, Article III of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE III

International Residential Code

Sec. 18-3-10. Adoption of code by reference.

Pursuant to State law, the International Residential Code, 2012 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 43 inclusive and Appendix Chapters G and H, is hereby adopted by reference as the Town of Windsor Residential Building Code as if set forth fully herein, with the additions deletions insertions and changes as follows:

IRC Section R101.1 IRC Section R101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IRC Section R105.1 IRC Section R105.1 (Required) is amended by replacing the words “building official” with “Town”.

IRC Section R105.2 IRC Section R105.2 (Work Exempt from Permit) is amended by deleting Exception #1, and replacing with:

One-Story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the roof height does not exceed 10 feet above grade measured from a point directly outside the exterior walls of the structure.

Exception #2 is deleted in its entirety.

Exception #10 is deleted in its entirety and replaced with “Shingle repair or replacement work not exceeding one square (100 square feet in area) of covering per building.”

IRC Section 105.5 IRC Section 105.5 (Expiration) is amended by the deletion of this section in its entirety and replaced with:

Every permit issued by the building official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew

action on a permit after expiration, the permittee shall pay a new full permit fee.*

IRC Section R108.4 Section R108.4 (Related Fees) is amended by creating a new subsection as follows:

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to an investigation fee established by the town. The amount of the investigation fee may be in the amount up to the amount of the permit fee that would normally be assessed for the specific type of construction activity, with any such investigation fee being *in addition to* all other required permit fees. The investigation fee shall be collected whether or not a permit is then subsequently issued.

IRC Section R108.5 IRC Section R108.5 (Refunds) is amended by deleting the section in its entirety and replacing the section with the following:

The Town may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The Town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

The Town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

IRC Section R109.1.5 IRC Section R109.1.5 (Other inspections) is amended by the addition of a new subsection as follows:

R109.1.5.2 Insulation Inspection Inspection of the structure shall be made following installation of the wall, ceiling and floor insulation and exterior windows and before wall coverings are installed.

IRC Section R110.4 IRC Section R110.4 (Temporary occupancy) is amended by deleting the words “building official” in the first and second sentence and replacing it with “Town”.

* SOURCE: Section 106.4.4 1997 Uniform Building Code

IRC Section R112.1 IRC Section R112.1 (General) is amended by deleting the last three sentences and inserting the following:

The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment.

IRC Section R112.3 IRC Section R112.3 (Qualifications) is amended by deleting this section in its entirety.

IRC Section R113.2 IRC Section R113.2 (Notice of Violation) is amended by adding “Notice of Violations shall be delivered in accordance with section 107 of the International Property Maintenance Code adopted by reference in this Chapter.” after the last paragraph.

IRC Section R202 IRC Section R202 (Definitions) is amended by addition of the following:

“Sleeping Room” (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IRC Sections R304 and R305 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms.

IRC Table R301.2 (1) IRC Table R301.2 (1) is filled to provide the following:

Table R301.2 (1)
Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice barrier Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
	Speed (mph)	Topographic effects		Weathering	Frost Line Depth	Termite					
30psf	90	No	B	Severe	30 in.	Slight to Moderate	1	NO	9-27-91*	1000	45°F

IRC Section R302.1 IRC Section R302.1 (Exterior walls) is amended by the deletion of the wording; “or dwellings equipped throughout with an automatic sprinkler system installed in accordance with section P2904 shall comply with table R302.1(2).”

IRC Table R302.1 (2) IRC Table R302.1 (2) is deleted in its entirety.

IRC Section R302.2 IRC Section R302.2 (Townhouses) is amended by replacing “1-Hour fire resistance-rated wall” with “2-Hour fire resistance-rated wall”.

IRC Section R302.3 IRC Section R302.3 (Two-family dwelling) is amended by replacing “1-Hour fire-resistance rating” with “2-Hour fire-resistance rating”.

* or any flood insurance study for the Town of Windsor subsequently adopted and in effect

IRC Section R303.4 IRC Section R303.4 (Mechanical Ventilation) is amended by replacing “5 air changes per hour” with “7 air changes per hour” and replacing the words “in accordance with section N1102.4.1.2” with “in accordance with section 402.4.2.1 of the International Energy Conservation Code 2009 Edition”.

IRC Section R309.5 IRC Section R309.5 (Fire sprinklers) is amended by the deletion of this section in its entirety.

IRC Section R310.1 IRC Section R310.1 (Emergency Escape and Rescue Openings) is amended by the deletion of the first paragraph and replaced with “All windows located in basements, habitable attics and sleeping rooms shall meet all the requirements of section R310.1 through R310.2.2”.

IRC Section R310.1.1 IRC Section R310.1.1 (Minimum opening area) is amended by the deletion of the exception.

IRC Section R310.2 IRC Section R310.2 (Window wells) is amended by the addition of the following;

For all building permits issued after the effective date of Ordinance 1999-1021, June 14, 1999, all escape and rescue windows requiring a window well pursuant to the International Residential Code shall comply with the dimension requirements set forth in this section, whether or not said escape or rescue window is located in a sleeping room.

With regard to building permits issued prior to the effective date of Ordinance 1999-1021, June 14, 1999, for additions to or alterations of existing buildings or structures, any window well with a finished sill height below adjacent ground level shall be deemed in compliance with the Town’s regulations if said window well meets the dimensions set forth in the 1991 Edition of the Uniform Building Code, previously in effect in the Town.

IRC Section R310.2.1 IRC Section R310.2.1 (Ladder and steps) is amended by the addition of the following exception to read as follows:

Exception: Only one window well ladder shall be required in an unfinished basement.

IRC Section R312.1 IRC Section R312.1 (Guards required) is amended by the addition of a third paragraph as follows:

All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm)

measured perpendicular from the building, shall be protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier.

Exceptions:

1. The access side of stairways need not be protected.
2. Area and window wells provided for emergency escape and rescue windows may be protected with approved grates or covers that comply with Section R310.4 of this Code.
3. Covers and grates may be used over stairways and other openings used exclusively for service access or for admitting light or ventilation.

IRC Section R313 IRC Section R313 (Automatic Fire Sprinkler Systems) is amended by the deletion of this section in its entirety.

IRC Section R319 Section R319 is amended by the deletion of the 4th paragraph and replacing with; “Numbers shall be a minimum of 3 inches high with a minimum stroke width of ½ inch.”

IRC Section R401.2 IRC Section R401.2 (Requirements) is amended by the addition of the following:

Foundations shall be designed and the construction drawings stamped by a Colorado registered design professional. The foundation design must be based on an engineer’s soils report. The drawings must be noted with the engineering firm name, specific location for design and soils report number. A site certification prepared by State of Colorado registered design professional is required for setback verification on all new Group R Division 3 occupancies.

IRC Section R405.1 IRC Section R405.1 (Concrete or masonry foundations) is amended with the addition of the following after the first sentence:

All foundation drains shall be designed and inspected by a State of Colorado registered design professional.

IRC Section R405.2.3 IRC Section R405.3 (Drainage System) is amended by the deletion of this section and replaced with:

In no case shall the bottom of the basement floor or crawl space finished grade lie within three (3) feet of the ground water table (determined as provided in this Section below). In cases where the bottom of the basement floor or crawl space finished grade is proposed to lie between three (3) feet and five (5) feet of the ground water table (determined as provided in this Section below), a sump

and functioning sump pump shall be provided to drain the porous layer and footings. In cases where the bottom of the basement floor or crawl space finished grade is proposed to lie five (5) feet or more above the ground water table (determined as provided herein), a sump shall be provided to drain the porous layer and footings. The sump required in this Section shall be at least 24 inches (610 mm) in diameter or 20 inches square (0.0129 m²), shall extend at least 24 inches (610 mm) below the bottom of the basement floor and shall be capable of positive gravity or mechanical drainage to remove any accumulated water. The drainage system shall discharge into an approved sewer system or to daylight.

For purposes of this Section, the location of the ground water table shall be determined based on an “open-hole” inspection of the site, certified by a Licensed Professional Engineer. No foundation components shall be installed until the location of the ground water table is determined and applicability of sump and/or sump pump requirements are addressed as provided herein.

IRC Section R501.3 IRC Section R501.3 (Fire protection of floors) is amended by the deletion of this section in its entirety.

IRC Chapter 11 IRC Chapter 11 (Energy Efficiency) is deleted in its entirety and replaced with the 2009 International Energy Conservation Code.

IRC Section M1502.4.4.2 IRC Section M1502.4.4.2 (Manufactures instructions) is amended by the deletion of this section in its entirety.

IRC Section G2415.12 IRC Section G2415.12 (Minimum burial depth) is amended by the addition of the following:

All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade.

IRC Section G2415.12.1 IRC Section G2415.12.1 (Individual outside appliances) is deleted in its entirety.

IRC Section G2417.4.1 IRC Section G2417.4.1 (Test pressure) is amended by changing 3 psig to 10 psig.

IRC Section G2417.4.2 IRC Section G2417.4.2 (Test Duration) is amended by replacing “10 Minutes” with “15 Minutes”.

IRC Section P2503.5.1 IRC Section P2503.5.1 (Rough plumbing) is amended by deleting the first paragraph and replacing with “DWV systems shall be tested on completion of the rough piping installation by water or air with no evidence of leakage.”

IRC Section P2603.5.1 IRC Section P2603.5.1 (Sewer depth) is amended by filling in both areas where indicated to read “12 inches (305 mm)”.

IRC Section P3103.1 IRC Section P3103.1 (Roof extension) is amended by replacing the words “6 inches” with “12 inches”.

Sec. 18-3-20. Purpose and scope.

The purpose of the International Residential Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this jurisdiction.

Sec. 18-3-30. Modifications and amendments.

The International Residential Code, together with any appendices thereto, is adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Residential Code shall be deleted.

Sec. 18-3-40. Copy of code on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Residential Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 3. Chapter 18, Article IV of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE IV

International Mechanical Code

Sec. 18-4-10. Adoption of code by reference.

Pursuant to State law, the International Mechanical Code, 2012 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 15 inclusive, is hereby adopted by reference as the Town of Windsor Mechanical Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

IMC Section 101.1 IMC Section 101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IMC Section 504.6.4.2 IMC Section 504.6.4.2 (Manufacturers Instructions) is amended by the deletion of this section in its entirety.

Sec. 18-4-20. Purpose and scope.

The purpose of the International Mechanical Code is to safeguard the public health and safety by establishing minimum regulations for mechanical systems using prescriptive and performance-related provisions.

Sec. 18-4-30. Modifications and amendments.

The International Mechanical Code, together with any appendices thereto, is adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Mechanical Code shall be deleted.

Sec. 18-4-40. Copy of code on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Mechanical Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 4. Chapter 18, Article V of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE V

International Fuel Gas Code

Sec. 18-5-10. Adoption of code by reference.

Pursuant to State law, the International Fuel Gas Code, 2012 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 8 inclusive, is hereby adopted by reference as the Town of Windsor Fuel Gas Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

IFGC Section 101.1 IFGC Section 101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IFGC Section 404.12 IFGC Section 404.12 (Minimum burial depth) is amended by the addition of the following: All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade.

IFGC Section 406.4.1 IFGC Section 406.4.1 (Test pressure) is amended by changing 3 psig to 10 psig.

IFGC Section 406.4.2 IFGC Section 406.4.2 (Test duration) is amended by changing the second paragraph to read:

When testing a system having a volume less than 10 cubic feet or a system in a single family dwelling, the test duration shall be not less than 15 minutes.

IFGC Section 614.6.5.2 IFGC Section 614.6.5.2 (Manufactures instructions) is amended by the deletion of this section in its entirety.

Sec. 18-5-20. Purpose and scope.

The purpose of the International Fuel Gas Code is to safeguard the public health and safety by establishing minimum regulations for fuel gas systems and gas-fired appliances, using prescriptive and performance-related provisions.

Sec. 18-5-30. Modifications and amendments.

The International Fuel Gas Code, together with any appendices thereto, is adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Fuel Gas Code shall be deleted. (Ord. 2008-1315)

Sec. 18-5-40. Copy of code on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Fuel Gas Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 5. Chapter 18, Article VI of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE VI

International Plumbing Code

Sec. 18-6-10. Adoption of code by reference.

Pursuant to State law, the International Plumbing Code, 2012 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 13 inclusive, is hereby adopted by reference as the Town of Windsor Plumbing Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

IPC Section 101.1 IPC Section 101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IPC Section 305.4.1 IPC Section 305.4.1 (Sewer depth) is amended by filling in both areas where indicated to read “12 inches (305 mm)”.

IPC Section 312.3 IPC Section 312.3 (Drainage and vent air test) is amended by deleting the first paragraph.

IPC Section 904.1 IPC Section 904.1 (Roof extension) is amended by inserting the number “12” (152.4 mm) where indicated in the second sentence.

Sec. 18-6-20. Purpose and scope.

The purpose of the International Plumbing Code is to safeguard the public health and safety by establishing minimum regulations for plumbing systems, using prescriptive and performance-related provisions.

Sec. 18-6-30. Modifications and amendments.

The International Plumbing Code, together with any appendices thereto, is adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Plumbing Code shall be deleted.

Sec. 18-6-40. Copy of code on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Plumbing Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 6. Chapter 18, Article VII of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE VII

International Energy Conservation Code

Sec. 18-7-10. Adoption of code by reference.

Pursuant to State law, the International Energy Conservation Code, 2009 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 5 inclusive, is hereby adopted by reference as the Town of Windsor Energy Conservation Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

IECC Section C101.1 IECC Section C101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IECC Section 109.1 IECC Section 109.1 (General) is amended by deleting the last three paragraphs and inserting the following:

The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment.

IECC Section 109.3 IECC Section 109.3 (Qualifications) is amended by the deletion of this section in its entirety.

Sec. 18-7-20. Purpose and Scope

The purpose of the International Energy Conservation Code is to safeguard the public health and safety by establishing minimum regulations for energy conservation systems systems, using prescriptive and performance-related provisions.

Sec. 18-7-30. Modifications and amendments.

The International Energy Conservation Code, together with any appendices thereto, is adopted by reference with the following specific deletion: all sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Energy Conservation Code shall be deleted.

Sec. 18-7-40. Copy of code on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Energy Conservation Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 7. Chapter 18, Article VIII is hereby repealed, amended and re-adopted to read as follows:

ARTICLE VIII

International Property Maintenance Code

Sec. 18-8-10. Adoption of code by reference.

Pursuant to State law, the International Property Maintenance Code, 2012 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 8 inclusive, is hereby adopted by reference as the Town of Windsor Property Maintenance Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

IPMC Section 101.1 IPMC Section 101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IPMC Section 102.3 IPMC Section 102.3 (Application of Other Codes) is amended by the deletion of the last paragraph.

IPMC Section 103.5 IPMC Section 103.5 (Fees) is amended by deleting the section in its entirety.

IPMC Section 111.2 IPMC Section 111.2 (Membership of board) is amended by deleting the section in its entirety and inserting the following:

The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment.

IPMC Section 111.2.1 IPMC Section 111.2.1 (Alternate Members) is amended by the deletion of this section in its entirety.

IPMC Section 111.2.2 IPMC Section 111.2.2 (Chairman) is amended by deleting the section in its entirety.

IPMC Section 111.2.3 IPMC Section 111.2.3 (Disqualification of member) is amended by deleting the section in its entirety.

IPMC Section 111.2.4 IPMC Section 111.2.4 (Secretary) is amended by deleting the section in its entirety.

IPMC Section 111.2.5 IPMC Section 111.2.5 (Compensation of members) is amended by deleting the section in its entirety.

IPMC Section 111.3 IPMC Section 111.3 (Notice of Meeting) is amended by the deletion of this section in its entirety.

IPMC Section 111.4 IPMC Section 111.4 (Open Hearing) is amended by the deletion of this section in its entirety.

IPMC Section 302.3 IPMC Section 302.3 (Sidewalks and Driveways) is amended by the deletion of this section in its entirety.

IPMC Section 302.4 IPMC Section 302.4 (Weeds) is amended by deleting this section in its entirety.

IPMC Section 302.8 IPMC Section 302.8 (Motor Vehicles) is amended by deleting this section in its entirety.

IPMC Section 304.3 IPMC Section 304.3 (Premises Identification) is amended by deleting the 4th paragraph and replacing with “Numbers shall be a minimum 3 inches in height with a minimum stroke width of .5 inch.”

IPMC Section 304.14 IPMC Section 304.14 (Insect Screens) is amended by the deletion of this section in its entirety.

IPMC Section 308 IPMC Section 308 (Rubbish and Garbage) is amended by the deleting this section in its entirety.

IPMC Section 309 IPMC Section 309 (Pest Elimination) is amended by the deletion of this section in its entirety.

IPMC Section 604.2 IPMC Section 604.2 (Service) is amended by replacing “NFPA 70” with “Electrical Code adopted by the State of Colorado.”

Sec. 18-8-20. Purpose and Scope.

The purpose of the International Property Maintenance Code is to safeguard the public health and safety by establishing minimum regulations for property maintenance, using prescriptive and performance-related provisions.

Sec. 18-8-30. Modifications and amendments.

The International Property Maintenance Code, together with any appendices thereto, are adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Property Maintenance Code shall be deleted.

Sec 18-8-40. Copy of codes on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Property Maintenance Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 8. Chapter 18, Article IX of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE IX

International Existing Building Code

Sec. 18-9-10. Adoption of code by reference.

Pursuant to State law, the International Existing Building Code, 2012 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 15 inclusive, is hereby adopted by reference as the Town of Windsor Existing Building Code as if fully set out in this Article with the additions, deletions, insertions and changes as follows:

International Existing Building Code is amended by replacing all references to “ICC Electrical Code” with “Electrical Code adopted by the State of Colorado”.

IEBC Section 101.1 IEBC Section 101.1 (Title) is amended by the addition of the term “Town of Windsor” where indicated.

IEBC Section 1301.1 IEBC Section 1301.1 (Conformance) is amended by deleting the section in its entirety and replacing it with the following:

Structures moved into or within the jurisdiction shall comply with the provision of this Code for new structures.

Sec. 18-9-20. Purpose and Scope.

The purpose of the International Existing Building Code is to safeguard the public health and safety by establishing minimum regulations for existing buildings, using prescriptive and performance-related provisions.

Sec. 18-9-30. Modifications and amendments.

The International Existing Building Code, together with any appendices thereto, are adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the International Existing Building Code shall be deleted.

Sec 18-9-30. Copy of codes on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the International Existing Building Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 9. Chapter 18, Article X of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE X

National Electrical Code

Sec. 18-10-10. Adoption of code by reference.

Pursuant to State law, the National Electrical Code, 2011 Edition, as promulgated by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169, is hereby adopted by reference as the Town of Windsor Electrical Code as if set forth fully in this Article.

Sec. 18-10-20. Purpose and scope.

The purpose of the National Electrical Code is the practical safeguarding of persons and property from hazards arising from the use of electricity.

Sec. 18-10-30. Modifications and amendments.

The National Electrical Code, together with all appendices thereto, is adopted by reference with the following specific deletion: All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the National Electrical Code.

Sec. 18-7-40. Copy of code on file.

Pursuant to Section 4.13 of the Home Rule Charter, the Town Clerk shall maintain a copy of the National Electrical Code and shall make copies thereof available for purchase by the public at a reasonable cost.

Section 10. Chapter 18, Article XI of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE XI

Fire Zones

Sec. 18-11-10. Fire Zone I established.

All areas in the Town as shown on the Official Zoning Map of the Town to be in a Central Business CB District shall be in Fire Zone I as described in the adopted building code as adopted in Article II hereof.

Sec. 18-11-20. Fire Zone II established.

All areas in the Town as shown on the Official Zoning Map of the Town to be in a High-Density Multifamily Residential MF-2 District and Neighborhood Commercial NC District shall be in Fire Zone II as described in the adopted building code, as adopted in Article II of this Chapter.

Sec. 18-11-30. Fire Zone III established.

All other zoning classifications shown on the Official Zoning Map of the Town and all areas in the Town not specifically zoned shall be in Fire Zone III as described in the adopted building code, as adopted in Article II of this Chapter.

Section 11. Chapter 18, Article XII of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE XII

Building Numbering

Sec. 18-12-10. Numbering required; system established.

All buildings that are now or shall hereafter be erected within the corporate limits of the Town, facing upon any street or avenue, shall be separately numbered by the owner or owners, occupant or occupants or the agent thereof, according to the following plan, to wit:

(1) Buildings on streets or avenues running east and west in the Town shall be numbered from 0 Street, as a base line, with odd numbers on the south side and even numbers on the north side, progressing alternately from side to side.

(2) Buildings on streets or avenues running north and south in the Town shall be numbered from Ash Street, as a base line, with odd numbers on the east side and even numbers on the west side, progressing alternately from side to side.

Sec. 18-12-20. Size and placement of numbers.

The figures of each number shall be not less than three (3) inches in length, shall be legible and placed in a conspicuous place on the front of each building.

Sec. 18-12-30. Town Clerk to assign numbers.

It shall be the duty of the Town Clerk, upon request therefor, to advise the owner or owners, occupant or occupants or the agent thereof of the proper number assigned, under the provisions of this Article, to any building that is now or may hereafter be erected in the Town.

Section 12. Chapter 18, Article XIII is hereby repealed, amended and re-adopted to read as follows:

ARTICLE XIII General Provisions

Sec. 18-13-10. Code indemnification provisions repealed.

(a) Any and all provisions contained in any international or uniform codes pertaining to building inspection and construction adopted by reference by the Town and purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of such codes are, by force of this Article, excluded from such international or uniform codes, as adopted by the Town, and are hereby repealed.

(b) This Section shall generally apply to all indemnification provisions contained in any international or uniform codes adopted by the Town relating to building inspection and construction, which contravene the stated purpose of this Article, but shall be applicable specifically to the following sections of the following international codes:

- (1) 2012 International Building Code — Section 104.8.
- (2) 2012 International Residential Code — Section 104.8.
- (3) 2012 International Fuel Gas Code — Section 103.4.
- (4) 2012 International Plumbing Code — Section 103.4.
- (5) 2012 International Mechanical Code — Section 103.4.
- (6) 2012 International Existing Building Code — Section 104.8.
- (7) 2012 International Property Maintenance Code — Section 103.4.

Sec. 18-13-20. Town not liable for inspectors.

Under no circumstances shall the Town defend, insure, indemnify, hold harmless or be responsible for the actions of private inspectors with whom the Town may contract to perform services pursuant to the codes referred to in Section 18-13-10 above.

Section 13. Chapter 17 of the Windsor Municipal Code is hereby amended by the addition of a new Article XVI, which shall read as follows:

ARTICLE XVI

Reimbursement Agreements

Sec. 17-16-10. Reimbursement agreements.

(a) Any person constructing a street, water line, storm drainage line or sewer line through undeveloped areas of the Town to reach and serve such person's property, or any person constructing such a street or line on the perimeter of his or her property, shall be responsible for the entire cost of such construction. Any person constructing such improvements shall hereinafter be referred to as "the developer."

(b) Any developer who constructs a street, water line, storm drainage line or sewer line as aforesaid may enter into a reimbursement agreement with the Town, the terms of which are more fully described herein. In the event such an agreement is entered into, the Town is hereby authorized to assess a charge against each property owner specially benefited by the improvements for the cost of the improvements at the time access to the street is granted or a connection permit to the water line, storm drainage line or sewer line is issued.

(c) In the event an agreement is entered into and a charge is collected, the Town shall reimburse the developer to the extent of such collection after deducting a service charge of three percent (3%), representing the Town's administrative costs. All costs of construction of

the street, water line, storm drainage line or sewer line must be fully paid by the developer before the developer will be entitled to any reimbursement under any agreement which may be entered into pursuant to this Section. Reimbursement to the developer is absolutely contingent upon actual collection of the charge by the Town.

(d) The amount of reimbursement which the Town shall assess shall be based upon the original cost of design and construction. In order to obtain approval of a reimbursement agreement with the Town, the developer shall first provide the Town with copies of the following:

(1) Completed bid forms from at least three (3) qualified contractors with an indication of which contractor was awarded the project. All bid forms must contain the description, estimated quantity and unit price for each item included in the project.

(2) Satisfactory evidence that all engineering, construction and other costs in connection with the project have been paid in full.

(3) A map which shall include the following:

a. The location of the improvements;

b. The name of the owner of each property specially benefited by the improvement and the amount of that benefit;

c. The legal description of each property benefited by the improvement; and

d. Such additional information which the Town Manager or Town Engineer may deem necessary.

(e) In the event the foregoing information is not submitted by the developer within ninety (90) days from final acceptance of the improvement by the Town, there shall be no reimbursement agreement. In the event the information is timely submitted, the Town will review such information and prepare an appropriate reimbursement agreement to be executed by the developer and the Town.

(f) The term of any reimbursement agreement shall not exceed a period of ten (10) years from the date of its execution. The Town Board may approve one (1) extension of the agreement not to exceed an additional ten (10) years if application for extension is made prior to the expiration of the original ten-year period. The Town is not liable for any portion of the uncollected balance.

(g) The books and records of the developer relating to the cost of the construction of the improvements for which the developer seeks reimbursement shall be open to the Town at all reasonable times for the purpose of auditing and verifying the developer's costs.

Section 14. Severability. Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

Section 15. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

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

TOWN OF WINDSOR, COLORADO

John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Passed on second reading, and ordered published this 8th day of April, 2013.

TOWN OF WINDSOR, COLORADO

John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
Joseph P. Plummer, AICP, Director of Planning
From: Scott Ballstadt, AICP, Chief Planner
Subject: Resolution No. 2013-17 - A Resolution Approving the First Amendment to the Windsor Highlands Ninth Annexation Agreement, and Authorizing the Mayor to Execute the same on behalf of the Town of Windsor
Item #: C.10

Discussion:

The applicant, Mr. Pat McMeekin, Water Valley Land Company, is proposing to amend the existing Windsor Highlands 9th Annexation agreement in order to replace the existing design criteria and development standards attached to the agreement as Exhibit B with the Town's Commercial Corridor Plan (CCP).

As you will recall, in 2010 the Town Board created the CCP by consolidating all of the Town's previous corridor plans into a single and consistent document. The CCP is also more flexible than the standards in the current Exhibit B and will allow the applicant more design options as they prepare forthcoming site plans for submittal to the Town. One example is the forthcoming site plan for the family entertainment center, which will propose a slightly taller building height than the standards in Exhibit B would allow, but meets the requirements of the CCP.

Fiscal Impact: None

Relationship to Strategic Plan: The proposed resolution is consistent with Vision 4: "Windsor promotes quality development through managed growth"

Recommendation: Approval of the resolution as proposed

Attachments: Resolution No. 2013-17; and First Amendment to Windsor Highlands 9th Annexation agreement

Notification: n/a

pc: Pat McMeekin, Chief Operating Officer, Water Valley Land Company

TOWN OF WINDSOR

RESOLUTION NO. 2013-17

A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE WINDSOR HIGHLANDS NINTH ANNEXATION AGREEMENT, AND AUTHORIZING THE MAYOR TO EXECUTE SAME ON BEHALF OF THE TOWN OF WINDSOR

WHEREAS, on March 12, 2003, the Town of Windsor (“Town”) and Fairgrounds Business Park, LLC, entered into that certain Windsor Highlands Ninth Annexation Agreement (“Agreement”), which was subsequently recorded with the Larimer County Clerk and Recorder at Reception No. 2003-0049766; and

WHEREAS, since March 12, 2003, the entity known as Eagle Crossing Windsor, LLC, has acquired the Property identified and fully described in Exhibit A to the Agreement (“Property”);

WHEREAS, under the terms of the Agreement, development of the Property was to be undertaken in accordance with design standards set forth in Exhibit B incorporated into the Agreement; and

WHEREAS, since March 12, 2003, the Town has adopted community-wide Commercial Corridor Criteria which have been codified in Chapter 17, Article XIII, Division 1 of the *Windsor Municipal Code* (“Commercial Corridor Design Criteria”); and

WHEREAS, Eagle Crossing, LLC, has indicated a desire to substitute the standards set forth in the Commercial Corridor Design Criteria for those set forth in Exhibit B to the Agreement; and

WHEREAS, Town representatives and Eagle Crossing, LLC, have negotiated the attached First Amendment to Windsor Highlands Ninth Annexation Agreement (“Amendment”), which Amendment is incorporated herein by this reference as if set forth fully; and

WHEREAS, the Town Board finds that the terms of the attached Amendment promote the essential purposes of the Agreement and the Town’s objectives for quality managed growth; and

WHEREAS, the Town Board wishes to approve the attached Amendment for the limited purposes set forth therein, while leaving the remainder of the Agreement intact.

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

1. The attached First Amendment to Windsor Highlands Ninth Annexation Agreement is hereby approved by the Windsor Town Board.
2. Except as amended by the First Amendment to Windsor Highlands Ninth Annexation Agreement, all remaining terms of the Windsor Highlands Ninth Annexation Agreement shall

remain in full force and effect.

3. The Mayor is hereby authorized to execute the attached First Amendment to Windsor Highlands Ninth Annexation Agreement on behalf of the Town.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 25th day of March, 2013.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

**FIRST AMENDMENT
TO
WINDSOR HIGHLANDS NINTH ANNEXATION
AGREEMENT**

THIS FIRST AMENDMENT TO WINDSOR HIGHLANDS NINTH ANNEXATION AGREEMENT (“Amendment”), dated this 25th day of March, 2013, is entered into between THE TOWN OF WINDSOR, COLORADO, a Colorado home rule municipal corporation (“Town”), and EAGLE CROSSING WINDSOR, LLC, a Colorado limited liability company (“Annexor”).

RECITALS:

WHEREAS, on March 12, 2003, the Town and Fairgrounds Business Park, LLC, entered into that certain Windsor Highlands Ninth Annexation Agreement (“Agreement”), which was subsequently recorded with the Larimer County Clerk and Recorder at Reception No. 2003-0049766; and

WHEREAS, since March 12, 2003, Annexor has acquired the Property identified and fully described in Exhibit A to the Agreement (“Property”);

WHEREAS, by its signature below, Annexor acknowledges and agrees that it is bound by the terms of the Agreement with respect to the Property; and

WHEREAS, under the terms of the Agreement, development of the Property was to be undertaken in accordance with design standards set forth in Exhibit B incorporated into the Agreement; and

WHEREAS, since March 12, 2003, the Town has adopted community-wide Commercial Corridor Criteria which have been codified in Chapter 17, Article XIII, Division 1 of the *Windsor Municipal Code* (“Commercial Corridor Design Criteria”); and

WHEREAS, Annexor has indicated a desire to substitute the standards set forth in the Commercial Corridor Design Criteria for those set forth in Exhibit B to the Agreement; and

WHEREAS, the parties agree that the substitution of the Commercial Corridor Design Criteria for those set forth in Exhibit B to the Agreement promotes the essential purposes of the Agreement and the Town’s objectives for quality managed growth; and

WHEREAS, the parties wish to enter into the within Amendment for the limited purposes set forth herein, while leaving the remainder of the Agreement intact.

NOW, THEREFORE, the parties agree to amend the Agreement as follows:

1. The parties affirm that the foregoing Recitals are true, correct and incorporated herein.
2. Section XV of the Agreement shall henceforth read as follows:

XV. DESIGN CRITERIA AND DEVELOPMENT STANDARDS

Annexor agrees that, in accordance with the Town's site plan review process, the development of all commercial and industrial sites within the Property shall be subject to the design criteria and development standards contained in Chapter 17, Article XIII of the *Windsor Municipal Code*, as may be amended from time to time by official action of the Windsor Town Board, which criteria and standards are incorporated herein by this reference as if set forth fully.

3. Except as set forth specifically herein, all remaining portions of the Agreement shall remain in full force and effect, unaffected by the within Amendment.

WHEREFORE, the parties affirm the foregoing by their signatures below, and further affirm their legal authority to enter into the within Amendment.

TOWN OF WINDSOR, COLORADO

EAGLE CROSSING WINDSOR,
LLC

By: Mayor John S. Vazquez

By: Martin Lind, President

ATTEST:

Patti Garcia, Town Clerk

Scott Ballstadt

From: Patrick Mcmeekin <pmcmeekin@watervalley.com>
Sent: Tuesday, March 12, 2013 6:38 PM
To: Scott Ballstadt
Subject: Windsor Highlands 9th Annexation Agreement

Scott,

Please use this email as our formal request to Amend our Windsor Highlands Ninth Annexation Agreement to reflect the Design Standards set forth in the Town of Windsor Commercial Corridor plan.

Please let me know if you have any questions.

Thanks.

Pat



***The information contained in this email communication and any attached documentation may be privileged, confidential or otherwise protected from disclosure and is intended only for the use of the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, or an employee or agent of the intended recipient who is responsible for delivering it to the intended recipient, you are hereby notified that any review, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you receive this communication in error, please immediately notify us by return email and promptly delete the original electronic email communication and any attached documentation. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege.



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Joseph P. Plummer, AICP, Director of Planning
Re: Resolution No. 2013-18 Approving an Intergovernmental Agreement Between the Town of Severance, Colorado and the Town of Windsor, Colorado, with Respect to Land Use Cooperation in the Vicinity of the Intersection of Colorado State Highway 257 and Weld County Road 74, and Authorizing the Mayor to Execute Same
Item #: C - 11

Discussion Items:

On March 5, 2012 a joint work session was held between both Town Boards and both Planning Commissions of Windsor and Severance to discuss the creation of a joint cooperative planning area for the four quadrants at the intersection of State Highway 257 and Weld County Road 74 (Harmony Road), with this area being depicted on the enclosed Exhibit "A." Two of the key components that were discussed at this work session concerned what types of land uses should be developed at this highly visible intersection and development standards that should be required for these developments.

On December 12, 2012 both Planning Commissions met to discuss proposed land uses and development standards. There was a consensus that since the land use codes of both communities call for commercial development on these four corners that it would be appropriate to allow any of the land uses that are listed on the enclosed Exhibit "B" to be developed at this intersection. Likewise, The Planning Commissioners also discussed development standards and design criteria, and there was a consensus that these standards should also be referenced in the IGA, and these criteria for each community are shown on the enclosed Exhibit "C."

On February 4, 2013 a joint work session was held between both Town Boards, during which the Town Boards discussed land uses, development standards, design criteria, utility services, and revenue sharing. During this work session the Town Boards agreed in principal on the development standards and design criteria that are shown on Exhibit "C" and requested staff to schedule the IGA for adoption.

On March 4, 2013 the Severance Board of Trustees approved the IGA.

Recommendation: At the February 20, 2013 planning commission meeting, the Planning Commission voted to recommend approval of the IGA as presented, and staff concurs with this recommendation for approval of Resolution 2013-18.

Attachments: Resolution 2013-18, IGA and Exhibits

pc: John Holdren, Severance Town Administrator
Jim Birdsall, The Birdsall Group, Severance Town Planner
Greg Bell, Severance Town Attorney

TOWN OF WINDSOR

RESOLUTION NO. 2013-18

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF SEVERANCE, COLORADO, AND THE TOWN OF WINDSOR, COLORADO, WITH RESPECT TO LAND USE COOPERATION IN THE VICINITY OF THE INTERSECTION OF COLORADO STATE HIGHWAY 257 AND WELD COUNTY ROAD 74, AND AUTHORIZING THE MAYOR TO EXECUTE SAME

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

WHEREAS, the Town of Severance (“Severance”) is a Colorado statutory municipality located to the north of Windsor in Weld County; and

WHEREAS, Severance and Windsor have a long history of cooperation with respect to land use and utility service; and

WHEREAS, both Windsor and Severance regard the intersection of Colorado Highway 257 and Weld County Road 74 (“Intersection”) as a vital gateway to the respective communities; and

WHEREAS, responsible and cooperative land use and utility planning for the area including and surrounding the Intersection is deemed necessary to assure quality development of the land in this vital community gateway; and

WHEREAS, Windsor and Severance have recently participated in extensive discussions concerning the potential benefits which could be realized through a cooperative agreement regarding land use and development in the vicinity of the Intersection; and

WHEREAS, Windsor and Severance have negotiated an Intergovernmental Agreement, a copy of which is attached hereto and incorporated herein by this reference as if set forth fully; and

WHEREAS, the Windsor Town Board has reviewed the attached Intergovernmental Agreement, and has concluded that its terms promote the public health, safety and welfare; and

WHEREAS, the Windsor Town Board wishes to approve, adopt and authorize the execution of the attached Intergovernmental Agreement.

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

1. The attached Intergovernmental Agreement between the Town of Windsor and the Town of Severance is hereby approved by the Windsor Town Board.

2. The Mayor is hereby authorized to execute the attached Intergovernmental Agreement on behalf of Windsor.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 25th day of March, 2013.

TOWN OF WINDSOR, COLORADO

By: _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2013, by and between THE TOWN OF WINDSOR, a Colorado home rule municipality (“Windsor”) and THE TOWN OF SEVERANCE, a Colorado statutory town (“Severance”). The parties hereto, when referring to both, may also be referred to herein as “municipalities” or “parties.” Either party hereto may also be referred to as “municipality” or “party.”

WITNESSETH:

WHEREAS, the Windsor Town Board and the Severance Town Board have recently participated in extensive discussions concerning the potential benefits to each of the municipalities which could be realized through a cooperative agreement regarding land use and development along a defined corridor surrounding the intersection of Colorado State Highway 257 and County Road 74 in Weld County, Colorado (“Intersection”) as shown on the attached map, designated as “Exhibit A” and incorporated herein by this reference as if set forth fully; and

WHEREAS, the Town of Severance has previously annexed a parcel of property in the southeast corner of the Intersection and Windsor has annexed the parcel on the southwest corner of the Intersection; and

WHEREAS, the Intersection forms a natural western gateway to Severance and anchors a logical development corridor for each municipality; and

WHEREAS, the Intersection forms a natural northern gateway to Windsor and anchors a logical development corridor for each community; and

WHEREAS, both municipalities have included the area surrounding the Intersection within their Growth Management Areas (“GMA”); and

WHEREAS, growth and development pressures and demands for municipal services exist, and will continue to exist in both municipalities, such that a cooperative discussion regarding the coordinated provision of water and sewer services in the vicinity of the Intersection is in the interest of both the municipalities and future developers; and

WHEREAS, the GMA’s of the municipalities overlap in part, the result of which could lead to conflicting, incompatible and inconsistent growth and development in both municipalities; and

WHEREAS, Windsor and Severance are both committed to planned and orderly growth; to regulating the location and activities of development which may result in increased demands for services; to providing for the orderly development and extension of urban services, facilities, and regulations; to avoiding unnecessary duplication of governmental services; to simplifying governmental structure when possible; to promoting economic viability of both municipalities; and to raising revenue sufficient to meet the needs of the citizens of both municipalities; and

WHEREAS, because of the proximity of the municipalities, the nature and quality of development within each municipality within the area surrounding the Intersection will affect the nature and quality of development in the other municipality, and the revenues of each; and

WHEREAS, continued coordination and cooperation between the two municipalities, including planning for and managing growth and development of land, the resolution of conflict regarding urban growth boundaries, the coordination of development policies and procedure, and coordination of the extension of services to areas of joint concern, will enhance the ability of the two municipalities to achieve their respective and common goals; and

WHEREAS, applicable provisions of the Colorado Constitution and Colorado Revised Statutes authorize municipalities to enter into agreements with one another concerning matters such as those set forth in this Agreement; and

WHEREAS, the statutes of the State of Colorado, specifically the Local Government Land Use Enabling Act, Colorado Revised Statutes, 29-20-101, *et seq.*, further authorizes the parties to enter into mutually binding and enforceable agreements regarding the joint exercise of planning, zoning and related powers; and

WHEREAS, this Agreement is entered into by Windsor and Severance pursuant to the aforesaid constitutional and statutory authority as well as other powers inherently granted to statutory and home rule municipalities by the State of Colorado;

NOW, THEREFORE, in consideration of the covenants and obligations expressed herein, it is hereby agreed by and between Windsor and Severance as follows:

1. **Preamble.** Both municipalities hereby acknowledge that the recitals set forth above are true and correct, and those recitals are incorporated into the body of this Agreement.
2. **Definitions.**
 - (a) **Geographic Area.** *Geographic Area* shall refer to all lands depicted on “Exhibit A”, including the adjusted boundaries of all GMA’s.
 - (b) **Intersection Cooperative Planning Corridor (“Corridor”).** The *Intersection*

Cooperative Planning Corridor is a portion of Exhibit A and is specifically depicted thereon. The Intersection Cooperative Planning Corridor is defined as one-quarter (1/4) mile east and one-quarter (1/4) mile west of the center line of Colorado State Highway 257, and extending one-quarter (1/4) mile north and one-quarter (1/4) mile south of the center line of Weld County Road 74, forming a one-half mile square, center of which is the intersection of Weld County Road 74 and Colorado State Highway 257.

3. **Development Standards for the Corridor.**

- (a) Windsor and Severance agree that land uses within the Corridor shall be as set forth on Exhibit “B”, attached hereto and incorporated herein by reference (“Permitted Land Uses”). Windsor and Severance further agree that Land Use Standards within the Corridor shall be as set forth in Exhibit “C”, attached hereto and incorporated herein by this reference (“Corridor Standards”). At a minimum, it is agreed that the Permitted Land Uses and Corridor Standards shall address the following:
- (1) Resolution of conflicts between the municipalities and the establishment of consistent GMA’s.
 - (2) Land use restrictions in the Corridor, with the further understanding that, unless otherwise specifically agreed by both municipalities, residential uses within the Corridor will be limited to those set forth in Exhibit B.
 - (3) Provisions consistent with the land use requirements of each municipality for setbacks, design standards, landscaping, and maintenance of rights-of-way within each municipality’s portion of the Corridor. While recognizing the difference in such standards between the municipalities, each shall strive for aesthetic compatibility with Corridor developments of the other, and shall prohibit uses not included within Exhibit “B” unless later specifically approved by both municipalities.
- (b) The Corridor Standards and Permitted Land Uses set forth in Exhibits B and C shall apply to all development proposals within the Corridor, which for purposes of this Agreement shall include conditional use grants. No development proposals which are inconsistent with the Permitted Land Uses and Corridor Standards shall be approved by either municipality without the specific written consent of the governing board of each municipality. Upon adoption of this Agreement, all plans and specifications for any development proposal received by either party for land within the boundaries of the Corridor shall be forwarded to the other party for review and comment no less than thirty (30) days before any official action is

taken with respect to such development proposal. The review and comment period set forth herein may be shortened or extended by mutual agreement of the parties.

- (c) In order to assure that any future changes to Windsor's Adult-oriented Business Code (codified at Windsor Municipal Code Chapter 16, Article XXIX) do not have the effect of unilaterally amending this Agreement, Windsor will notify Severance of any proposed changes to its Adult-oriented Business Code no less than thirty (30) days before introduction of any such amendment for official action.

4. **Amendment of the Corridor Boundaries.** The parties recognize that the boundaries of the Corridor as established by this Agreement are reflective of current and projected land uses within the Geographic Area. The parties intend that the area to be contained within the Corridor shall be limited to commercial and industrial development. If development occurs on property any portion of which lies within any portion of the Corridor, development of those portions falling outside of the Corridor shall adhere as closely as possible to the standards and requirements of this Agreement, in order that the overall appearance and utility service are generally consistent with the standards and requirements of this Agreement as to contiguous development. The parties recognize that as annexations occur, and developments are proposed within the Geographic Area, it may be necessary to amend this Agreement to modify the boundaries of the Corridor to include additional land that may be developed as commercial or industrial or to exclude land which will not be so developed. The parties agree that they shall fully cooperate with one another in adopting such amendments to this Agreement as may be necessary to effectuate the intentions of the parties as expressed in this paragraph.

5. **GMA's and Annexation.**

- (a) The parties agree that, in reliance upon the adoption of this Agreement by each party, Windsor has adjusted its GMA boundary as set forth in its respective comprehensive plan and/or other official documents to reflect the GMA as set forth in the Geographic Area.
- (b) Windsor shall have exclusive authority to exercise its annexation powers and to provide services within its GMA as described on Exhibit A.
- (c) Severance shall have exclusive authority to exercise its annexation powers within its GMA as described on Exhibit A, and to provide water and sewer services within its GMA, except as modified by the provisions for water and sewer services set forth in paragraph 6 of this Agreement.
- (d) Both parties specifically agree that upon the receipt or preparation by either of them of any documents proposing annexation within the Corridor, copies of all such documents shall be submitted to the other party for review and comment at

least thirty (30) days prior to any intended official action thereon.

- (e) In the event either Windsor or Severance elects not to exercise annexation powers and/or to extend services within its GMA, the declining municipality shall notify the other party within thirty (30) days of that decision. Only upon receipt of such notice, may the other party thereafter, in its sole discretion, exercise its annexation powers and/or extend services to such property.
- (f) With the exception of the specific recitals contained herein, nothing in this Agreement shall otherwise be construed as limiting or otherwise restricting the annexation powers of the respective municipalities within each municipality's GMA as defined by this Agreement and reflected on Exhibit A.

6. **Water and Sewer Service in the Corridor.** Until such time as sanitary sewer service is within one-half (1/2) mile of any property within the Corridor, each party shall approve or disapprove the use of septic sewer disposal systems in accordance with each party's respective policies. The parties acknowledge that no sanitary sewer service is available within one-half (1/2) mile of the Corridor at the time of this Agreement. The parties recognize that the Corridor will ultimately be served by Windsor's sanitary sewer facilities and the treated water facilities of North Weld County Water District. However, the manner in which sanitary sewer service will be established, connected, maintained and financed cannot at this time be determined by the parties. Therefore, the parties agree that they will continue discussions regarding these matters, with the goal being an agreement under which the public health, safety and welfare is promoted within the Corridor through sound sanitary sewer planning.

7. **Utility Easements and Rights-of-Way.** Within their respective jurisdictions in the Corridor, each party shall provide to the other such utility easements and rights-of-way which are required to make treated water, storm water drainage, and sanitary sewer service available within their respective jurisdictions. Such easements and rights-of-way shall be provided without charge if previously granted to the providing party by the land owner without charge.

8. **Shared Revenues.**

- (a) It is understood and agreed by the parties hereto that the implementation of this Agreement, and the achievement of its purposes, including planning for and regulating the use of land and the provision of urban services, facilities, rights-of-way, and other requirements, will require significant time and effort on the part of both parties, as well as the expenditure of substantial revenues. Accordingly, the parties agree that it is in the best interest of each that certain tax revenues generated within the Corridor be shared between them. Therefore, it is understood and agreed that all sales and use tax revenue collected by each of the municipalities

within the Corridor shall be shared and distributed between the municipalities in the following proportions: two thirds (2/3) to the collecting municipality and one third (1/3) to the other municipality.

- (b) At the time of the execution of this Agreement, the sales and use tax rate in Windsor is 3.2% and in Severance is fixed at 3%. The parties agree that, although equalization of sales and use tax rates is optimal, they recognize that their respective tax rates may not be equalized in the future. Notwithstanding any inequality in sales and use tax rates, the parties agree that the sharing of sales and use tax revenues under this Agreement shall be based upon the lower of the two unequal rates, except to the extent that any percentage or revenue amount derived from such lower rate is pledged pursuant to any municipal home rule charter, ordinance, resolution, indenture, underwriting agreement, or other document pertaining to the authorization, issuance, payment, or sale of any bonds, notes, certificates, indentures, or other evidences of borrowing (except as may be specifically provided otherwise in any such document), whether now or heretofore in existence, executed, issued, or incurred.
- (c) At the time of the execution of this Agreement, neither of the municipalities has in effect an excise or occupancy tax upon lodging services. In the event either (but not both) of the municipalities adopts any such tax, all revenues generated thereby shall be retained by the taxing municipality. In the event of and at such time as both municipalities subsequently adopt any such tax, the revenues therefrom shall be shared by the parties in proportions and in the manner provided for herein for sales and use taxes.
- (d) All tax revenues subject to sharing pursuant to this Agreement shall be distributed between the two municipalities no later than thirty (30) calendar days following the end of the calendar quarter during which the revenue was collected or received.
- (e) Each of the municipalities shall make every effort to standardize with the other municipality the procedures, ordinances and regulations applicable to the taxes to be shared pursuant to this Agreement.
- (f) Each party and its authorized agents may, upon thirty (30) days' advance written notice to the other, audit the other's records of those taxes which are collected within the Corridor and which are being shared pursuant to this Agreement.
- (g) Neither of the municipalities shall impair the rights under this paragraph of the other municipality, without the other's consent, to share in the revenues as described in this paragraph.

- (h) Notwithstanding anything herein to the contrary, the obligations of the parties hereunder shall be subject to and subordinate the parties' obligations, covenants, and representations contained in or incorporated in any municipal home rule charter, ordinance, resolution, indenture, underwriting agreement, or other document pertaining to the authorization, issuance, payment, or sale of any bonds, notes, certificates, indentures, or other evidences of borrowing (except as may be specifically provided otherwise in any such document), whether now or heretofore in existence, executed, issued, or incurred, the intent being that such obligations, covenants, and representations have and will take precedence over those set forth herein, and will be met, complied with, satisfied, and discharged in accordance with such documents prior to any distribution of moneys hereunder.
- (i) In the event either party creates one or more exemptions from sales taxes or use taxes, and such exemption(s) results in a reduction in the amount of revenue collected by such party within the Corridor, the party creating the exemption(s) shall include the exempted amount in its calculation of the amount of sales tax and/or use tax revenue that is due to the other party under this Section as if the exemption(s) had not been created.
- (j) In the event of a significant change in the Colorado tax structure, this Agreement shall be modified so as to accomplish its intended purpose of continuing the revenue sharing provisions of this Agreement in a manner that resembles those provisions as closely as possible.
- (k) It is understood and agreed that for purposes of the application of the revenue limitations contained in Article X, Section 20, of the Colorado Constitution, commonly known as TABOR, all revenues collected and thereafter distributed to the other municipality, shall be deemed revenues collected solely for the purpose of passing those revenues through to the receiving municipality, and the receiving municipality shall be obligated to count and include such revenues for TABOR purposes. It is further understood and agreed that the financial obligations imposed upon Windsor and Severance by the terms of this Agreement are specifically subject to the annual appropriation of monies by the respective municipalities to fund those obligations. Windsor and Severance intend to plan appropriation of such monies to fulfill their respective financial obligations under this Agreement.

9. **Parties to Exercise Good Faith.** Windsor and Severance agree to devote their best efforts and to exercise good faith in implementing and adhering to the provisions of this Agreement throughout its term.

10. **Intent of Agreement.** This Agreement is intended to describe rights and

responsibilities only as between the named parties hereto. It is not intended to and shall not be deemed to confer rights to any persons or entities not named as parties hereto nor to require Windsor or Severance to annex any property or to provide any services to any land. This Agreement is not intended to limit in any way the powers or responsibilities of Weld County or of any other political subdivision of the State of Colorado not a party hereto.

11. **Rights upon Default and Mediation provisions.** The Local Government Land Use Enabling Act, earlier referred to in this Agreement, provides that agreements between municipalities for the purposes set forth herein are mutually binding and enforceable. Both parties hereby acknowledge the binding and enforceable nature of this Agreement. Should either party fail to comply with the provisions of this Agreement, the other party, after providing written notification to the non-complying party, and upon the failure of the non-complying party to achieve compliance within ninety (90) days after said notice, may at its option, either terminate this Agreement or maintain an action in a court of competent jurisdiction for specific performance, injunctive, or other appropriate relief. In the event of such litigation, each party shall be responsible for its own costs, including attorney fees. It shall be the obligation of the parties to submit to mediation any issue of non-compliance prior to declaring this Agreement terminated or prior to commencing an action in court as aforesaid. The parties shall agree on the appointment of a mediator who shall be experienced in matters of local government and the legal obligations of local government entities. In the event the parties are unable to agree upon a mediator, each party shall appoint an independent third party, and the third parties so appointed shall select a single mediator. The procedures and methodology for mediation shall be determined by the mediator. Appointment of the mediator shall take place no later than thirty (30) days following written notification as provided in this paragraph, and mediation shall be completed no later than sixty (60) days thereafter.

By the provisions of this paragraph it is the express intention of the parties to establish fully enforceable consequences upon the breach of this Agreement, while not in any way limiting the ability of the parties to freely exercise legislative discretion.

12. **Effective Date.** This Agreement shall be presented to the governing board of each municipality for adoption by resolution, following notice as required by the Colorado Open Meetings Law, § 24-6-401, *et. seq.* This Agreement shall become effective upon its adoption by both municipalities, and shall be dated above to coincide with the latter date upon which each municipality adopts it.

13. **Term.** The parties intend this Agreement to remain in full force and effect in perpetuity. To the extent allowable by law, both parties further intend to be bound by the provisions hereof in perpetuity.

14. **Amendment.** All amendments to this Agreement must be made in writing and approved by the governing bodies of both municipalities by resolution.

15. **Notices.** Requirements of notice hereunder shall be deemed satisfied upon mailing to the parties as follows:

Town Administrator Town of Windsor 301 Walnut Street Windsor, CO 80550	copy to:	Ian D. McCargar, Esq. 131 Lincoln Avenue, Suite 100 Fort Collins, CO 80524
---	----------	--

Town Administrator Town of Severance 336 1 st Street Severance, CO 80546	copy to:	Bell, Gould & Scott, P.C. 322 East Oak Street Fort Collins, CO 80524
--	----------	--

16. **Effect of Invalidity.** If any portion of any paragraph of this Agreement is held invalid or unenforceable by a court of competent jurisdiction as to either party or as to both parties, such invalidity or unenforceability shall not affect the other paragraph(s) of this Agreement except that if a requirement or limitation in such paragraph(s) is declared invalid as to one party, any corresponding requirements or limitation shall be deemed invalid as to the other party.

IN WITNESS WHEREOF, the above parties hereto have caused this Agreement to be executed the day and year first above written.

[Remainder of this page intentionally left blank - - signature pages follow]

TOWN OF WINDSOR

By: _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

APPROVED AS TO FORM:

APPROVED FOR CONTENT:

Ian D. McCargar
Windsor Town Attorney

Kelly Arnold, Town Manager

[Severance signature page follows]

TOWN OF SEVERANCE

By: _____
Don Brookshire, Mayor

ATTEST:

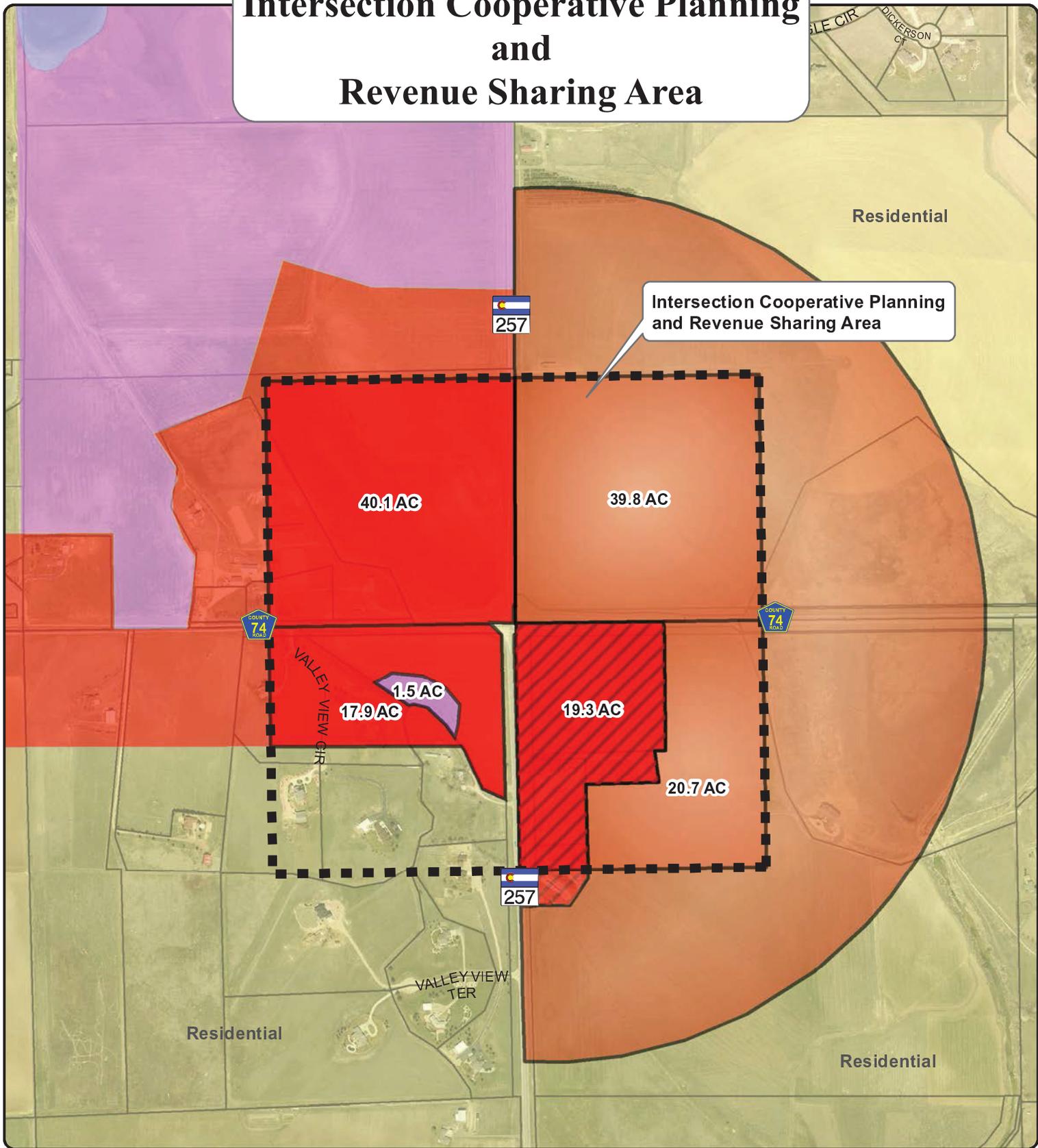
Pat Lesh, Town Clerk

APPROVED AS TO FORM:

Town Attorney

Exhibit "A"

Intersection Cooperative Planning and Revenue Sharing Area



Land Use Analysis Highway 257 & County Road 74



Neighborhood & General Commercial and Light Industrial west of HWY 257 (59.5 Acres)

- Neighborhood & General Commercial (58 Acres)
- Light Industrial (1.5 Acres)

Development Node & Mixed-Use Commercial Highway east of HWY 257 (79.8 Acres)

- Un-Zoned Development Node (60.5 Acres)
- Zoned Mixed-Use Commercial Highway (19.3 Acres)

Area calculations above reflect only those areas contained within the Intersection Cooperative Planning and Revenue Sharing Area



Updated: 2/12/2013
Updated by: stometich
Created: 10/28/2009
Created by: stometich
File: GMA_LandUse(8.5x11-P)

Exhibit B
SH 257 / Harmony Road (Weld CR 74)
Cooperative Planning Area – Proposed Land Use Table

Permitted Uses*

Adult Day Care Centers, Child Care Centers, Family Care Homes, Assisted Living Facilities
Alternative power generation facilities
Automobile service – Oil Change Shops
Bars / Taverns / Micro-breweries
Bus shelters
Car / motor vehicle washes
Commercial and retail businesses, indoor sales and service
Drive Thru Restaurants
Entertainment Facilities / Theaters / Conference / Convention Center
Farmer’s market / Temporary Use (Pumpkins, Christmas Trees, with one 90-day renewal)
Fast Food Restaurants
Fire station
Flex buildings (start as residential and shift to commercial over time)
Fuel Sales / Convenience Stores
Greenhouse / Nursery
Grocery / Supermarket
Health Club
Hospital, Medical Center / Clinics / Medical Offices
Laundromat and dry cleaning retail outlets
Live / work units and buildings
Lodging
Long Term Care Facilities
Mixed Use Residential
Multi-Family Mixed-Use
Municipal uses w/out equipment yards
Museum
Personal / Business Service Shops
Professional Offices / Financial
Public or other non-profit recreational uses
Public utility main lines
Public utility substations, *subject to review and approval of the utility plans for any such substation by both the Windsor Planning Commission and the Severance Planning Commission prior to the installation of any such facility*
Research facilities
Retail Establishment / Big Box
Retail Store
Schools – Private / Vocational Colleges
Small Scale Recreation / Events Center
Standard Restaurant
Tele-Communication Equipment, excluding freestanding towers
Unlimited Indoor Recreation
Veterinary clinic for small animals with no outside kennels
Veterinary clinic for small animals with no outside kennels

* Notwithstanding any uses described herein, Permitted Uses shall not include either of the following: Adult-oriented Businesses as defined by the Windsor Municipal Code as of March 1, 2013; or any medical marijuana facility defined under Title 12, Article 43.3, C.R.S.

Exhibit C

SH 257 / Harmony Road (Weld CR 74)

Cooperative Planning Area –Land Use Standards

(Per Commercial Corridor Plan for Windsor Developments)

(Per Land Use Development Nodes for Severance Developments)

TOWN OF WINDSOR



COLORADO

Commercial Corridor Plan

(Design Criteria and Procedures)

November 22, 2010

Table of Contents		
Section	Title	Page
I	Introduction	
	A. Purpose and Intent	3
	B. Municipal Code References	3
II	Procedures	
	A. Application of Design Criteria	4
	B. Variance and Waiver Processes	4
	C. Submittal Requirements	5
III	Baseline Design Criteria	
	A. Site Planning	6
	B. Architecture	8
	C. Lighting	11
	D. Landscaping	11
IV	Subarea Design Criteria	
	A. Downtown Subarea	12
	B. I-25 Subarea (Res. 2001-50 adopted July 23, 2001)	12
V	Appendix	
	A. Downtown Corridor Plan	
	B. Development Design Standards for the I-25 Corridor	

I. Introduction

A. Purpose and Intent

Over the years the Town of Windsor's Planning Commission and Town Board have taken great pride in the development of the major thoroughfares in and around Windsor, adopting several corridor plans that address various elements of site planning such as architectural requirements, lighting, landscaping and other aspects of commercial development. As a result, the development that has occurred in the Town's arterial and collector corridors conveys an image of quality and community to anyone travelling within Windsor. The high quality development also creates positive first impressions on visitors and a sense of pride for residents and property owners.

In an effort to make the aforementioned corridor plans more user friendly for the development community, elected and appointed officials and staff, this Corridor Plan Design Criteria and Procedures document consolidates the common elements of the plans into baseline design criteria and breaks out those elements that are unique to particular corridors into subarea design criteria.

The purpose of these design criteria is to:

1. Maintain and enhance the quality of existing commercial development.
2. Provide guidance and direction for renovations and proposed new construction.
3. To protect and enhance property values in the Town's corridors and ensure the long-term economic vitality of the Town through quality development and redevelopment.
4. To increase the opportunity for development and expansion of business.
5. To ensure that redevelopment and new development compliments the positive and unique character of surrounding properties.
6. To integrate new development so that the transition to surrounding residential neighborhoods is accomplished sensitively.

B. Municipal Code References

The Town of Windsor Commercial Corridor Plan (Design Criteria and Procedures) are adopted by reference in Chapter 17, Article XIII of the Municipal Code.

II. Procedures

A. Application of Design Criteria

The baseline design criteria and standards shall apply to all new commercial development, additions or remodeling of existing commercial properties within the Town's adopted commercial corridors as defined in Chapter 17 of the Municipal Code. The subarea design criteria and standards shall apply to all new commercial development, additions or remodeling of existing commercial properties within each respective subarea. It is not intended that these design criteria replace or supplant any zoning requirements; the criteria merely supplement such requirements. Furthermore, all pertinent requirements of the Town and other agencies shall be followed in the development of each site and shall require appropriate approval(s) by the Town of Windsor and any other agencies having jurisdiction. All zoning ordinance, building code and other restrictions and requirements shall be observed. In the event of any conflict between this document and other codes, regulations, restrictions and requirements, the more restrictive standard shall apply.

B. Variance and Waiver Processes

1. **Variations:** Variance applications apply to zoning requirements of Chapter 16 of the Municipal Code and are the purview of the Board of Adjustment. Variance applications are not applicable to Corridor Plan Design Criteria.
2. **Waivers.** Requests for design criteria waivers shall be subject to review and determination by the Planning Commission. The Planning Commission may grant, conditionally grant or deny any waiver request brought under this sub-section. Any person aggrieved by a Planning Commission decision with respect to a waiver may seek review by the Town Board by submitting a written request for review within thirty (30) days of the Planning Commission decision, setting forth the specific grounds for appeal. The Town Board shall consider the request for review, together with the record of the Planning Commission meeting, and shall affirm the Planning Commission decision if there is any competent evidence in the record to support the Planning Commission decision. The Town Board's decision shall be deemed final.

In order to receive a waiver, the applicant shall have the burden of establishing justification for waiver approval under the the following criteria:

- a. Strict application of the applicable standard will result in either extraordinary practical difficulties or undue hardship; and
- b. The proposed waiver, if approved, will protect the public interest equally or better than the standard for which the waiver is requested; and
- c. Approval of the waiver request will not be detrimental to the public interest.

C. Submittal Requirements

In addition to the applicable site plan and other requirements of the Municipal Code, the following items shall be the minimum submittal requirements for commercial development within the Town's arterial and collector corridors:

- 1. Site Plan. In addition to the site plan elements required by the Municipal Code, the site plan shall include the following elements:
 - a. The location of existing and proposed structures with the location of the access points to the site and the building entrances noted.
 - b. The location and dimensions of all driveways, parking areas, loading areas and pedestrian walkways.
 - c. The location and type of outdoor trash facilities with a description and of the screening materials.
 - d. The location and type of any accessory appurtenances such as scales, satellite dishes, antenna, fuel pumps, etc.
 - e. The type and location of proposed site lighting
 - f. A land use table indicating the overall lot size, the building square footage, the site area devoted to building coverage, parking and driveway coverage, and open landscape area.
- 2. Building Elevations. In addition to the site plan elements required by the Municipal Code, the site plan shall include the following elements:
 - a. An indication and description of all materials to be used on all sides of all buildings.

- b. The height of all buildings and any appurtenances.
 - c. Trash enclosure elevation depicting all four (4) elevations and labeling enclosure and gate materials.
 - d. The location and dimensions of any building mounted accessory appurtenances such as satellite dishes, utility meters, etc.
3. Building Color and Material Details: In addition to the site plan elements required by the Municipal Code, the site plan submittal shall include a high quality 24" x 36" full color rendering of all four (4) building elevations, as well as color photocopies and detailed manufacturer's information for the following elements:
- a. Roofing materials and colors.
 - b. Exterior wall materials and colors.
 - c. Trim materials and colors.
 - d. Window and door materials and colors.
4. Landscape Plan. All landscape plans shall comply with the submittal requirements of the Town of Windsor's Tree and Landscape Standards, adopted by Resolution 2006-53 on October 23, 2006 and any subsequent updates thereto.

III. Baseline Design Criteria

New development should incorporate sustainable concepts that benefit current and future generations. Building methods and land use planning concepts that are durable, healthy, efficient, and have a proven track record of success are encouraged. The baseline design criteria are intended to create consistent requirements for corridor plan elements that should be uniform throughout the community. The following baseline design criteria shall apply to all commercial development within the Town's arterial and collector corridors as designated in Chapter 17 of the Municipal Code.

A. Site Planning

- 1. Open landscape area on any site shall be twenty percent (20%) or greater.

2. The intent of this subsection is to minimize parking adjacent to Main Street and other major arterial streets and to encourage the location of buildings closer to those streets.
 - a. All property line setbacks as established by the Windsor Municipal Code shall remain in full force and effect. In addition thereto, there shall be an eighty foot (80') minimum building and paving setback where sites adjoin I-25 and US 34; and a thirty foot (30') minimum building and paving setback where sites adjoin Main Street and SH 257. Paving shall be set back from property lines a minimum of fifteen feet (15') adjacent to all other arterial and collector streets, and five feet (5') from all other property lines.
 - b. All building and landscaping shall be oriented to minimize the visual impact of parking areas.
 - c. Parking areas shall be minimized between the street and building entrances.
3. All off-street loading and refuse areas shall be designed to include adequate space for ingress, egress and maneuvering and shall be screened from view with appropriate landscape elements or with screenwalls constructed of materials which are compatible with the building.
4. All storage or equipment areas shall be screened from view with appropriate landscape elements or with screenwalls constructed of materials which are compatible with the building.
5. Site entrance drives into and out of each site shall be landscaped and include pedestrian connections from the building to the street. Parking spaces shall be set back from such site entrance drives in order to prevent blockage of site ingress and egress.
6. Landscape islands a minimum of fifteen feet (15') in length and eight feet (8') in width shall occur at ends of all parking rows.
7. Double-loaded rows of parking spaces shall be divided into sections of a maximum of thirty (30) parking spaces and single-loaded rows of parking spaces shall be broken into sections of a maximum of fifteen (15) spaces. Such sections of parking shall be divided by a landscaped island meeting the minimum dimensions required by Section III.A.6 above.

8. Parking lot areas shall be broken into sections of two hundred (200) parking spaces maximum, separated by landscape buffers ten feet (10') wide or greater.
9. Bicycle parking shall be provided on a paved surface near building entrances but shall not encroach into pedestrian walkways.
10. The use of a standard brick red concrete color and texture is encouraged to be utilized at building entrances and at other locations where pedestrian crossings occur.
11. All building sites shall incorporate pedestrian amenities such as benches, fountains, courtyards, planters and/or works of art into the site, particularly at building entrances.
12. All pedestrian walkways shall maintain a minimum width of four feet (4') free of any obstructions.
13. Site furniture shall be consistent in style and size throughout the area.
14. Any plazas, patios, courtyards, retaining walls or other hard surfaces shall be compatible with the materials utilized on the building.

B. Architecture

1. Building designs shall be site specific and sensitively integrated into the character of the surrounding development. Architectural designs shall respond to the positive elements of the neighboring projects rather than superimposing a design that is incompatible with the area.
2. Building Height. Unless otherwise specified in Section IV. of the subarea design criteria for a particular corridor, the following maximum building heights shall apply:
 - a. The predominant portion of any building shall not exceed thirty feet (30') in height.
 - b. Ornamental architectural elements or appurtenances such as clock towers or cupolas shall not exceed forty feet (40') in height.

3. Building Materials. A relatively wide variety of building materials shall be permitted, however, it is intended that a basic harmony of architecture prevail.
 - a. One or more of the following building materials shall be incorporated into a structure's design:
 - (1) Brick is encouraged both as a major building material and as an accent element.
 - (2) Stone and high quality stone veneer.
 - (3) Concrete masonry units (CMU) shall be of an architectural grade such as split-face, ground-face or fluted block and shall be varied in pattern or shall be combined with other accent materials (i.e. brick, stucco, siding, etc.) to provide an aesthetically appealing façade which is consistent with the intent of the design criteria.
 - (4) Any proposed materials other than those mentioned above shall be consistent in terms of high quality, durability and compatibility with the abovementioned materials.
 - (5) Stucco or Exterior Insulation Finish Systems (EIFS) is encouraged to be used as a secondary material or accent element not to exceed thirty-five percent (35%) of the respective building facade.
 - b. The following building materials are prohibited as façade materials:
 - (1) Vertical ribbed metal siding shall be prohibited. Only architectural grade metal panels will be allowed on non-prominent facades.
 - (2) Smooth faced gray concrete block.
4. Building Form:
 - a. Building facades should be articulated to reduce the scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character and scale.

- b. On non-residential buildings, ground floor facades that face streets or public walkways must be modulated with features such as windows, entrances, arcades, porches, pilasters, arbors, awnings, recessed or projecting display windows along no less than 50% of the façade. For residential buildings these features must occur on 75% of the façade.
 - c. No blank wall that faces a public street or walkway shall exceed fifty feet (50') in length.
 - d. Building massing of taller projects shall transition into smaller and lower building masses which are residential in scale where such projects abut residential areas.
 - e. Architectural elements that add interest to roofs such as dormers, cupolas, clock towers and other similar elements are encouraged.
5. Roofs:
- a. Roofing consisting of high-profile asphalt or composition shingles is encouraged to be used on the most prominent building elements. Standing seam metal roofs or concrete tile roofs will also be allowed provided that such roofs are compatible with the architecture of the proposed project and surrounding buildings.
 - b. On non-residential projects, flat rooflines should be avoided on low one-story buildings and where utilized on taller buildings they should feature a three-dimensional cornice treatment on all walls facing streets or public walkways.
 - c. Roof pitches on residential buildings shall be a minimum of 3:12.
6. Façade colors shall be earth tone colors with a low reflectance. High intensity, metallic, or fluorescent colors are prohibited. Other colors may be used for accent or to emphasize focal areas provided that they are sensitively integrated into the overall color palette.
7. All mechanical equipment on building exteriors or roofs must be screened from view from all front and side streets and adjoining side properties. Screening walls and other screening elements shall be of a design and material compatible with those of the building. Equipment and service functions of a building shall be

incorporated into the building design so that these functions are screened from view from public ways and adjacent properties.

8. Building mounted accessory appurtenances such as satellite dishes, utility meters, etc. shall be painted to match the building and shall be labeled as such in the site plan drawings.
9. Garages and other covered parking must be located in side or rear yards to minimize their visibility from the street.
10. Trash enclosures shall fully screen the dumpster from all visible sides and enclosure gates shall be constructed of heavy gage metal or similar material for durability.

C. Lighting

1. All lighting shall be compatible and harmonious throughout the area.
2. Parking lot lighting shall not exceed thirty feet (30') in height.
3. Pole mounted lighting shall utilize round poles anodized bronze in color to minimize reflectance of light. Decorative light poles that may be proposed to contribute to a specific design theme in a development may be proposed for review and approval by the Planning Commission. Appeals of a Planning Commission decision are subject to review by the Town Board.
4. Lighting shall be designed to retain light within the property lines of a given building site and not to spill any light outside said property lines.
5. All exterior and security lighting shall have underground service.
6. All lighting fixtures, including wall pack lighting and other service area and security lighting, shall be full cutoff fixtures and mounted so that light is directed directly downward. The only exception shall be for decorative lighting such as lanterns and wall sconces which may be allowed as long as the fixtures do not exceed a maximum of 3,200 lumens and do not emit light directly upward.
7. The use of compact fluorescent light bulbs is encouraged.
8. Lighting may be used to illuminate the face of a building so long as the light does not spill outside the building façade.

- D. Landscaping. All landscaping shall comply with the Town of Windsor's Tree and Landscape Standards, adopted by Resolution 2006-53 on October 23, 2006 and any subsequent updates thereto.

IV. Subarea Design Criteria

The subarea design criteria are intended to be tailored to address unique aspects of a particular corridor. In addition to the baseline design criteria, the following subarea design criteria shall apply to all commercial development within each respective subarea.

- A. Downtown Subarea. In addition to the Downtown Corridor Plan, the Town also undertook a Downtown Master Plan process in 2009 and is on-going. Until such time that design criteria and standards are developed in association with that master plan, the existing Downtown Corridor Plan will be included in Appendix A and the following additional subarea design criteria shall apply to development within the Downtown Subarea.
 - 1. Building Height. In order to allow for taller mixed use buildings with office and residential uses on the upper floors, the maximum height in the Downtown Subarea shall be forty-five feet (45').
 - 2. Properties adjacent to Main Street within the Downtown Subarea shall be exempt from the Section III.A.2.a baseline design criteria regarding setbacks and offsets contained herein.
- B. I-25 Subarea (Res. 2001-50 adopted July 23, 2001). The I-25 Corridor Plan came about as the result of a regional planning effort that included several communities, counties and other regional and state agencies in order to "create a framework for development that focuses on improving the quality, location, environmental sensitivity, and long-term viability of land uses." The Development Design Standards for the I-25 Corridor in Appendix B and the following subarea design criteria shall apply to development within the I-25 Subarea.
 - 1. Building Height. The building height regulations of Chapter 16 of the Municipal Code shall apply within the I-25 Subarea in accordance with the respective zoning of the property.

SECTION 6 - LAND USE - DEVELOPMENT NODES

16.6.40.1 Intent



The Development Nodes (see page 6 and 7 for locations and descriptions) are surrounding key intersections in areas within the Town of Severance GMA, but outside the Town Core area. These Development Nodes are important to the future economic vitality of the community and have the potential to be served by urban infrastructure, which may offer the opportunity for higher intensity land uses.



It is recognized that the Development Node areas are not presently served with full urban infrastructure, and it could take several years for this infrastructure to reach each node. However, it is desirable to promote development of these areas and, therefore, development of these areas could occur in stages. The Town expects that future development within these Development Nodes would be a collective vision created through collaboration between landowner/developer and the Town of Severance, incorporating the Guiding Principles of the, Vision: Hometown Severance Comprehensive Plan. The Town of Severance shall adhere to these Guiding Principles while evaluating the development proposals within the Development Nodes.

Ultimately, the Uses, Development Patterns and Standards presented in this section are expected to result in development that is suitable to the location, aesthetically complimentary to the overall vision of Severance, economically viable and conforms to the Comprehensive Plan. Until the marketplace, combined with appropriate levels of infrastructure, supports the full implementation of this section, flexibility and real-time assessments will guide the review and approval of developments within the Development Node areas.

16.6.40.2 Density

- A. Density in residential area is encouraged to be a minimum of eight (8) units per acre
- B. Building Height shall not exceed two (2) stories without additional review
- D. Setbacks for uses including multi-family residential and commercial uses shall be determined through platting and/or site plan review

16.6.40.3 Uses

- A. Encouraged Uses:
 - 1. Residential Land Uses
 - a. Bed & breakfast establishments
 - b. Family care, day care and elderly day care homes
 - c. Flex buildings (start as residential and shift to commercial over time)
 - d. Long-term care facilities
 - e. Multi family dwellings (four (4) or more units)
 - f. Multi family dwellings (less than four (4) units)
 - g. Senior housing
 - 2. Mixed Land Uses
 - a. Live/work units and buildings
 - b. Mixed use buildings (residential, commercial, office, workshops, etc.)

SECTION 6 - LAND USE - DEVELOPMENT NODES

3. Commercial, Retail or Service Land Uses
 - a. Administrative, office and research facilities
 - b. Appliance sales and service
 - c. Automobile service and repair - minor
 - d. Banks and financial institutions
 - e. Bars/taverns/micro-breweries
 - f. Business offices (contractors, electronic repair, small engine, motorcycle)
 - g. Car/motor vehicle washes
 - h. Child day care center
 - i. Commercial and retail businesses, indoor sales and service
 - j. Entertainment facilities, commercial theaters, etc.
 - k. Equipment (small) rental establishments without outdoor sales
 - l. Gasoline/fueling station
 - m. Greenhouses, whether public or private
 - n. Grocery store of less than 25,000 sq. ft. of floor area
 - o. Grocery store of more than 25,000 sq. ft. of floor area
 - p. Hospital
 - q. Hotel/motel (no room limit)
 - r. Inn (no room limit)
 - s. Laundromat and dry cleaning retail outlets
 - t. Medical and dental offices and clinics
 - u. Movie theater
 - v. Office building
 - w. Parking lots and parking garages (as principal use)
 - x. Passenger terminal or park-n-ride
 - u. Personal and business service shops
 - z. Professional offices
 - aa. Restaurant not including drive through
 - bb. Restaurant with drive-through
 - cc. Retail sales - general
 - dd. Retail sales building/center \leq 50,000 gross s.f.
 - ee. Retail sales building/center \geq 50,000 gross s.f.
 - ff. Vehicle sales including automobiles, motorcycles, RV's boats and trucks
 - gg. Veterinary clinic for small animals with no outside kennels
 - hh. Veterinary hospitals - large animals

4. Public, Quasi-Public, Other Land Uses
 - a. Accessory buildings and uses incidental to the principal use
 - b. Clubs and lodges
 - c. Community garden
 - d. Conference/convention center
 - e. Farmer's market
 - f. Fire station
 - g. Municipal uses w/out equipment yards
 - h. Municipal uses with equipment yards
 - i. Museum
 - j. Parks and open space
 - k. Parks and playgrounds - neighborhood
 - l. Outdoor amphitheater
 - m. Public or other non-profit recreational uses
 - n. Public utility main lines and substations

SECTION 6 - LAND USE - DEVELOPMENT NODES

- o. Religious assembly (neighborhood scale)
- p. Religious assembly (community scale)
- q. Rest stop
- r. Schools, public & private (preschool - grade 12)
- s. Schools, including colleges, vocational and technical training

5. Industrial Land Uses

- a. Laboratory and/or research facility
- b. Light industrial facility
- c. Manufacturing plants including assembly, sales and service of commodities
- d. Warehouse, distribution and wholesale uses
- e. Workshops and custom small industry including art studio with/without sales

B. Uses Requiring Additional Review:

1. Residential land uses

- a. Boarding and rooming houses
- b. Group homes
- c. Safe house for adults or children up to eight (8) persons
- d. Single family, detached dwellings
- e. Single room occupancy boarding house
- f. Two (2) family (duplex) dwellings
- g. Zero lot line single or two (2) family dwellings

2. Commercial, retail or service land uses

- a. Agricultural uses: ranching, farming, grazing, etc.
- b. Automobile service and repair - major
- c. Cremation facility
- d. Dry cleaning plants
- e. Equipment rental (heavy) establishments with outdoor sales
- f. Kennel - small animal
- g. Mini-storage facilities - enclosed
- h. Recycling facilities (including biofuel) processing and sales
- i. Retail and supply yard establishments with outdoor storage
- j. Roadside or temporary retail stand/tent
- k. Sales of farm implements, heavy equipment, mobile/manufactured homes
- l. Storage facilities, outdoor storage for RV's, boats, trailers, etc.
- m. Truck depot
- n. Truck maintenance

3. Public, quasi-public, other land uses

- a. Alternative power generation facilities
- b. Bus shelters
- d. Wireless telecommunications facility, no antenna

4. Industrial land uses

- a. Heavy industrial facility

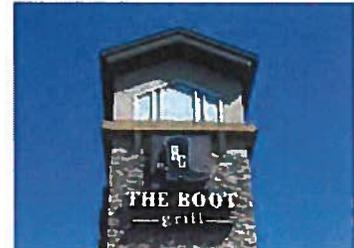
Note: Land uses not identified may be considered with additional review to be determined by planning staff at pre-application meeting. See Section 16.3.40 of this Code.

SECTION 6 - LAND USE - DEVELOPMENT NODES

16.6.40.4 Design Standards



Plazas and outdoor gathering spaces are encouraged.



Creative and appropriately scaled building signage is encouraged.



Varied setbacks to buildings are encouraged to create interest along the streetscape. Gathering spaces, outdoor dining, patios etc. are encouraged. Buildings on the south side of the road are encouraged to be setback from the ROW to reduce shading on the public sidewalk and street.



Sidewalk plantings, outdoor seating and activity on the public sidewalk is encouraged. A minimum of four (4) foot clear walkway needs to be maintained.



Street trees and dissection of large parking lots with landscape are encouraged.

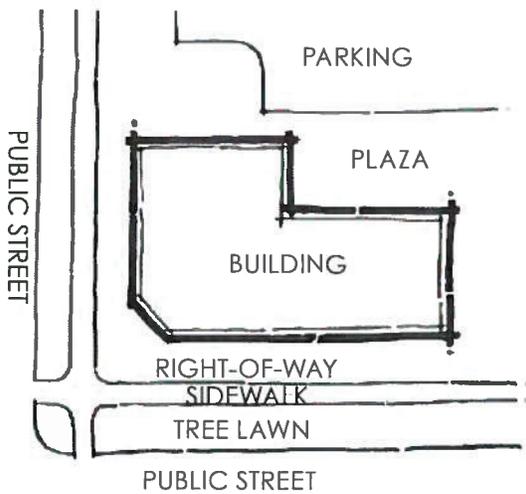
SECTION 6 - LAND USE - DEVELOPMENT NODES



Condensed and creative pedestrian scale signage is encouraged within projects.

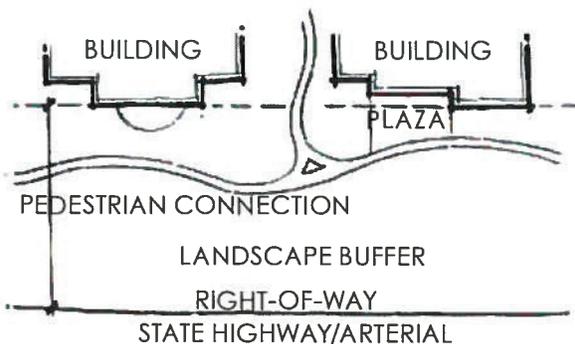


Pedestrian walks and spaces shall be provided as necessary to ensure that projects are easily navigated and enjoyable for the pedestrian.



Public Street Orientation Diagram

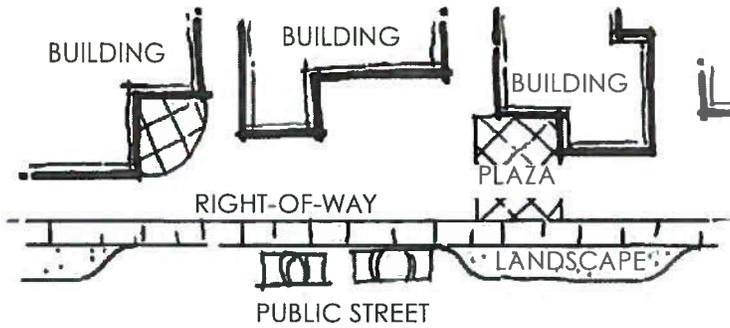
In areas where a State Highway or Arterial are not present, orient buildings toward the public right-of-way to keep parking lots behind the buildings.



State Highway/Arterial Orientation Diagram

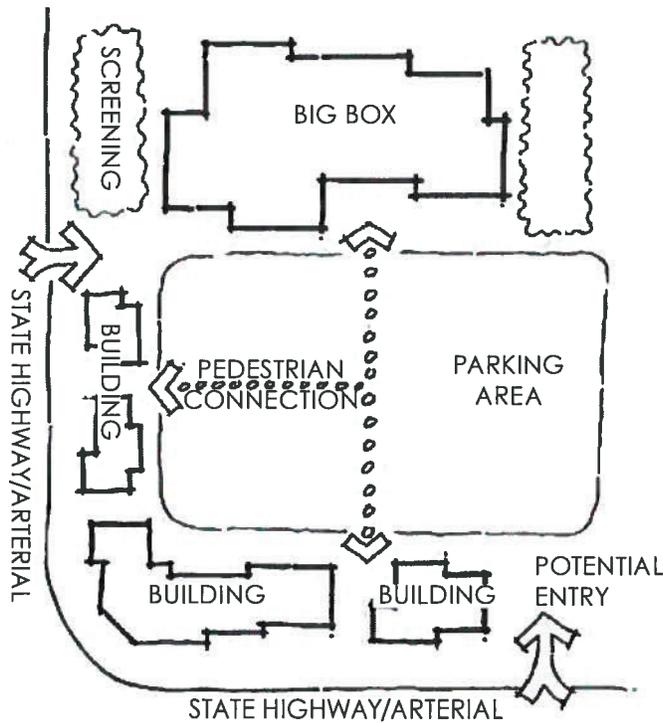
Where property abuts a State Highway or Arterial, large landscape buffers are encouraged. Delivery areas and trash enclosures shall also be screened from the public right-of-way.

SECTION 6 - LAND USE - DEVELOPMENT NODES



On-Street Parking Diagram

In areas where the R.O.W. is narrow, on-street parking, a variety of building setbacks and building edges articulated toward the street are encouraged.



Big Box Orientation Diagram

Orient big box retailers away from the right-of-way with frontage buildings to screen parking.



Buildings that back to public right of way, parking lots, utility pedestals and trash enclosures shall be buffered with landscape. Trash enclosures shall be located in a location that has the least impact on views from public right of way as practical. Trash enclosures shall be masonry with steel gates to match building architecture.

SECTION 6 - LAND USE - DEVELOPMENT NODES

16.6.40.5 Parking Standards

The number of parking spaces required shall be based upon the anticipated parking demand of individual uses and shall be as designated for specific uses and situations as follows:

Multifamily dwelling residence	One and a half (1.5) spaces per unit
Public assembly facilities, provided for seated audiences (churches, theaters, auditoriums, etc.)	One (1) space for every three (3) seats
Elementary schools (If the school includes an auditorium, the auditorium requirement shall govern if it is greater.)	Two (2) spaces for every classroom
Junior and senior high schools	Auditorium requirement or one (1) space for every five (5) students of maximum capacity
Hospitals	One (1) space for every two (2) beds
Clinics	Five (5) spaces for every practitioner on the staff
Industrial uses	One (1) space for every two (2) employees
Commercial office	One (1) space for every three hundred (300) square building feet of G.L.A.
Retail stores, customer service establishments, shopping centers and other similar uses	One (1) space for every two hundred and fifty (250) square feet of G.L.A.
Eating and drinking establishments	One (1) space for every two hundred (200) square feet of G.L.A., plus One (1) space for every two (2) employees, computed on the maximum service capacity
Hotel or motel	One (1) space for every room to be rented, plus one (1) space for every two (2) employees, computed on the maximum service capacity

For uses not included in the above list, the Review Process shall determine the appropriate parking requirements. For uses in the urban core, the number of parking spaces shall be determined on a case-by-case basis.

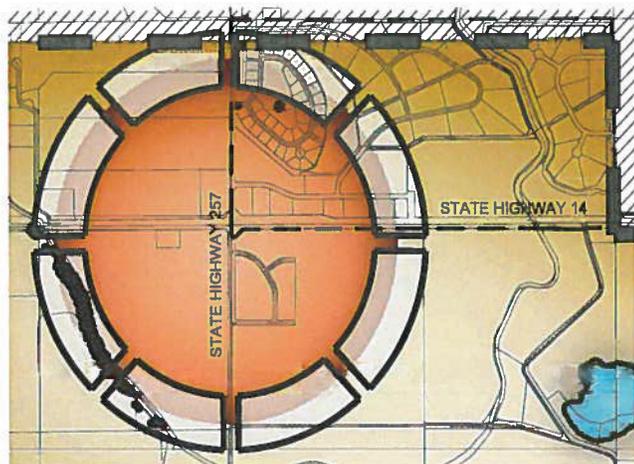
16.6.40.6 Street Standards

Street standards within the Development Nodes that are not a Colorado Highway shall comply with the standards set forth in Section 16.6.20.7 of the Land Use Code.

SECTION 6 - LAND USE - DEVELOPMENT NODES

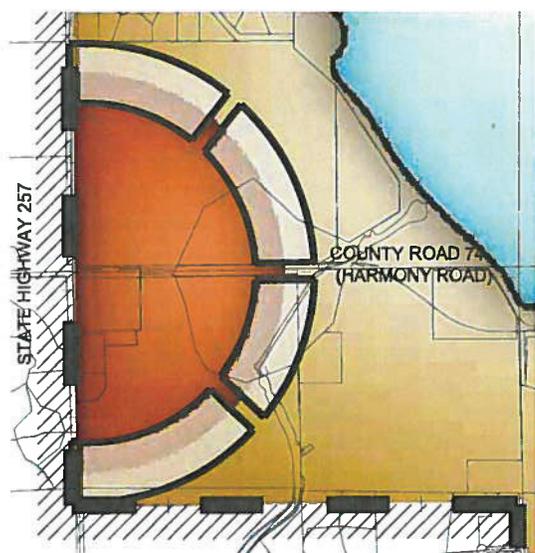
16.6.40.7 Description of Nodes

CORNER OF COLORADO HIGHWAY 14 & COLORADO HIGHWAY 257



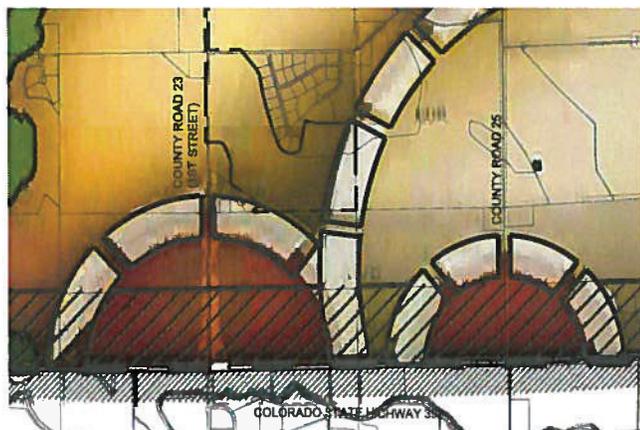
This intersection of two busy state highways has high traffic counts, good access into the north end of Fort Collins on Highway 14, south on Colorado Highway 257 to Severance and Windsor and East to Highway 14 to Ault and Highway 85. Landowner/ developer shall meet with Town of Severance and the Colorado Department of Transportation to determine allowable access points onto Colorado Highways located with the Development Node.

CORNER OF COLORADO HIGHWAY 257 AND WELD COUNTY ROAD 74 (HARMONY ROAD)



The west side of this intersection is in the Town of Windsor GMA. The east side of the intersection is in the Town of Severance GMA. The properties adjacent to this intersection are within the boundaries of an intergovernmental agreement with the Town of Windsor, that further defines the land uses, etc. This intersection has high traffic counts with Highway 257 being a key transportation link between Severance and Windsor and to Highway 14 to the north. Harmony Road is quickly becoming a very busy thoroughfare that becomes a key street in the Town Core area of Severance, connecting to the east to Eaton and to the West is becoming a heavily developed corridor through Timnath and Fort Collins with an important link to Interstate 25. The majority of the traffic from the Severance area going to Fort Collins or Interstate 25 will utilize the Harmony Corridor. Landowner/developer shall meet with Town of Severance, Town of Windsor, Weld County and the Colorado Department of Transportation to determine allowable access points onto Colorado Highways and County Roads located with the Development Node.

COLORADO HIGHWAY 392 CORRIDOR (NORTH SIDE)



The Highway 392 corridor development node is intended to be primarily commercial and industrial with surrounding higher intensity residential land uses. This corridor is governed by a land use and revenue sharing intergovernmental agreement between the Town of Severance and the Town of Windsor. Commercial and industrial land is a required use for a portion of the corridor. Landowner/developer shall meet with Town of Severance, Town of Windsor and the Colorado Department of Transportation to determine allowable access points onto Highway 392 within the Development Node.

SECTION 6 - LAND USE - DEVELOPMENT NODES

16.6.40.8 Architectural Standards



Creative and unique architecture and site design will be encouraged.



Distinctive architectural feature elements that create focal points and destination backdrops are encouraged.

Architecture that is reflective of the regional character of urban buildings is encouraged including red or tan brick, sandstone, exaggerated roof overhangs, awnings, etc.



Varied building heights, styles, colors and building details are encouraged.



In the development nodes, it is expected that deliveries, utilities and some parking will be behind the buildings and accessed by alleys. The screening of these facilities and transition from the development nodes to surrounding land uses needs to be addressed carefully and on a need-be basis.

SECTION 6 - LAND USE - DEVELOPMENT NODES

16.6.40.9 Edges / Landscape

Edges of commercial developments shall have high quality landscape. Berms, meandering walks, a mix of irrigated turf, shrub beds, ornamental trees, evergreen trees and shade trees are encouraged. Parking lots are required to have landscape per industry standards. The ends of parking bays shall have a landscape island. Landscape islands in parking lots shall be strategically placed to ensure that there are no more than twenty (20) contiguous parking spaces.



Parking lots shall be buffered from view from public right of way with practical landscaping.

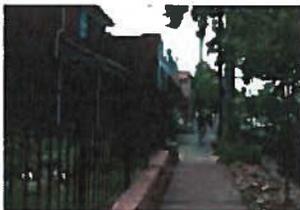


Entryways and areas visible from public streets shall have some type of landscape component.

Examples could include water features, fire pits, window boxes, hanging baskets, large pots and planting beds.

16.6.40.10 Fencing

Front yard fencing in the development nodes shall be open wood picket or wrought iron fencing not to exceed forty two (42) inches in height. Brick or stone columns are encouraged. Privacy fencing between users or to screen users shall be allowed per review and approval as a part of a final plat or site plan approval. Privacy fencing shall not exceed six (6) feet in height. Privacy fencing shall be minimized and shall be placed so that the visual impact to surrounding uses and the public right of way is minimized. Landscape buffering in place of or associated with privacy fencing is encouraged. Privacy fencing, if located adjacent to public right of way, shall be separated from public right of way by a landscaped buffer.



SECTION 6 - LAND USE - DEVELOPMENT NODES

16.6.40.11 Entries and Signage

Entries to commercial areas shall be identified by high quality ground mounted signs and/or monumentation. Landscape shall identify entries with enhanced plantings as shown (flower beds, ornamental trees, etc.). Signage shall be designed to be appropriate to the scale of the development.



16.6.40.12 Lighting



Lighting shall be consistent with the architecture and should consist of pedestrian scale cut-off lighting so that no light spills beyond the boundary of the project. Parking lots, pedestrian ways and building entries shall be appropriately lit.

Note: The Planning Group would like to thank Fort Collins, Loveland, Niwot, Highlands, Erie, Frisco, Carbondale, Aspen and Basalt for image examples used in this Code.

16.6.40.13 Utility Services

Below is a list of utility services that are available at each Development Node.

CORNER OF COLORADO HIGHWAY 14 AND COLORADO HIGHWAY 257

This intersection has localized sanitary sewer plant and is served by North Weld County Water District with potable water.

CORNER OF COLORADO HIGHWAY 257 AND WELD COUNTY ROAD 74 (HARMONY ROAD)

This intersection has planned sanitary sewer provided by the Town of Windsor and is served with potable water from North Weld County Water District. Although sanitary is planned for this area, it is recognized by the Town of Severance that limited commercial and industrial uses may still occur prior to the extension of centralized sanitary sewer facilities.

HIGHWAY 392 CORRIDOR (NORTH SIDE)

This area will be served by the Town of Severance for sanitary sewer and by the North Weld County Water District for potable water.

2013 MONTHLY FINANCIAL REPORT

Special points of interest:

- Single Family Residential (SFR) building permits total 53 through the end of February.
- Second highest February tax collection on record at \$468,505.

Highlights and Comments

- * We recorded our second highest gross sales tax collection for the single month of February.
- * February 2013 year-to-date gross sales tax increased 16% over February 2012.
- * Construction use tax up 19.87% over 2012.
- * Expenditure charts reflect February figures tracking as expected.
- * Year-to-date February revenue total exceeded expenditures by roughly \$1.3M.



Northern Lights Neighborhood Park
Conceptual Master Plan



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

Northern Lights Neighborhood Park Development

The Northern Lights Neighborhood Park in Winter Farm Subdivision was designed in 2012 and is in the process of being constructed by Designscapes of Colorado. The park should be substantially complete by July 9, 2013. The park will accommodate a skate area and a multi-use hardcourt with basketball hoops and court games. Total project cost of design and development of the park is expected to be just over \$1 million.

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 and look for live streaming of Town Board and Planning Commission meetings.

Sales, Use and Property Tax Update

February 2013

Benchmark = 16%	Sales Tax	Construction Use Tax	Property Tax	Combined
Budget 2013	\$5,502,998	\$1,316,618	\$4,096,598	\$10,916,214
Actual 2013	\$1,219,672	\$275,153	\$92,400	\$1,587,225
% of Budget	22.16%	20.90%	2.26%	14.54%
Actual Through February 2012	\$1,051,345	\$229,540	\$92,469	\$1,373,354
Change From Prior Year	16.01%	19.87%	-0.07%	15.57%

Ideally through the second month of the year you would like to see at least 16% 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 \$92,469 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

February 2013

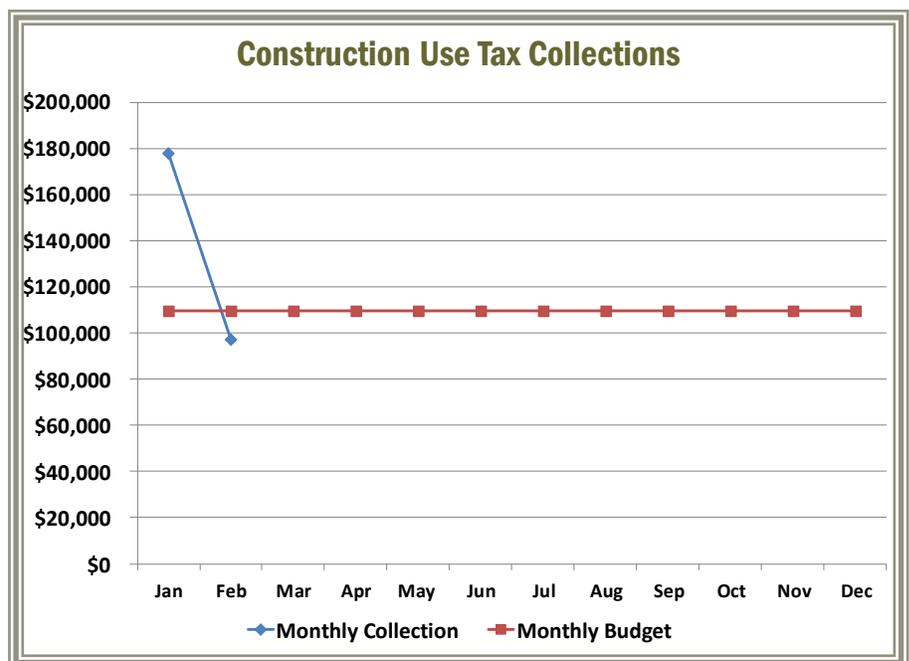
	SFR	Commercial	Industrial	Total
Through February 2013	53	0	3	56
Through February 2012	51	0	0	51
% change from prior year				9.80%
2013 Budget Permit Total				305
% of 2013 Budget				18.36%

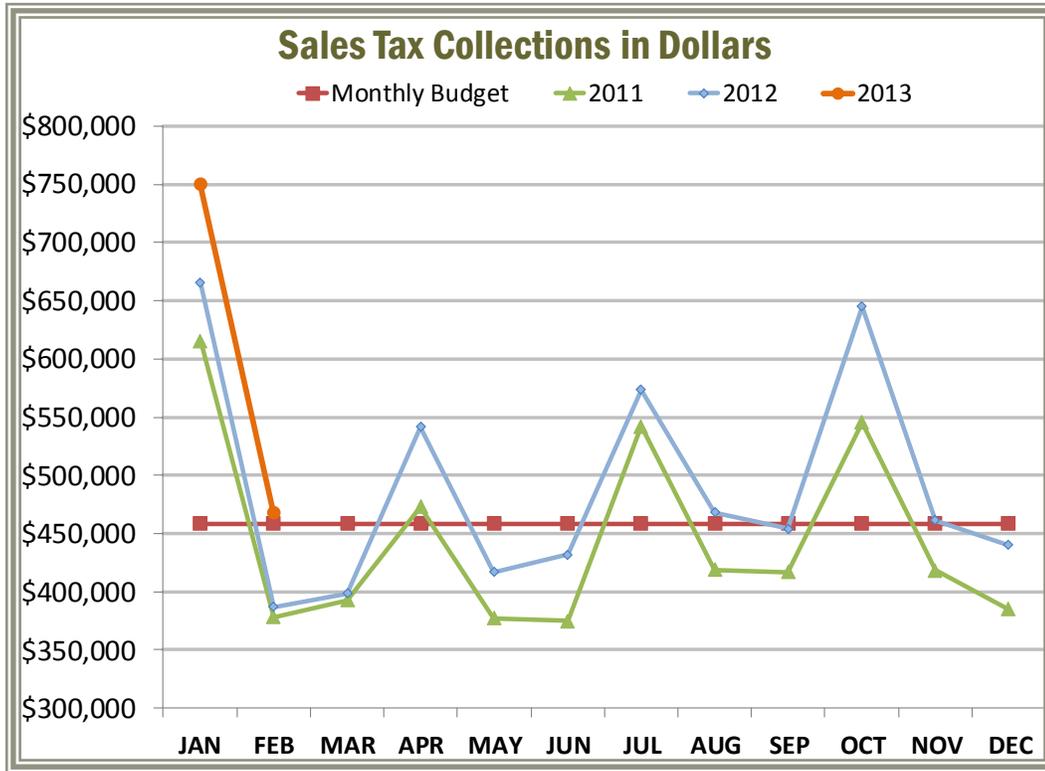
Building Permits and Construction Use Tax

We are showing a 9.8% increase in number of permits as compared to February 2012.

Construction use tax is well ahead of last year and easily cleared the 16% collection benchmark of total collections for the year. This revenue is a key factor in funding our Capital Improvement Plan (CIP).

We were slightly below our required average collection for the month of February but year-to-date we are ahead of the pace.





Gross Sales tax collections for February 2013 were approximately \$82,000 higher than February 2012.

February Facts

February is a “single collection” month, meaning that the collections are for sales made in January for monthly filers only. February is historically our lowest collection month, however this February was our second highest on record, producing roughly \$82,000 more in collections over February 2012.

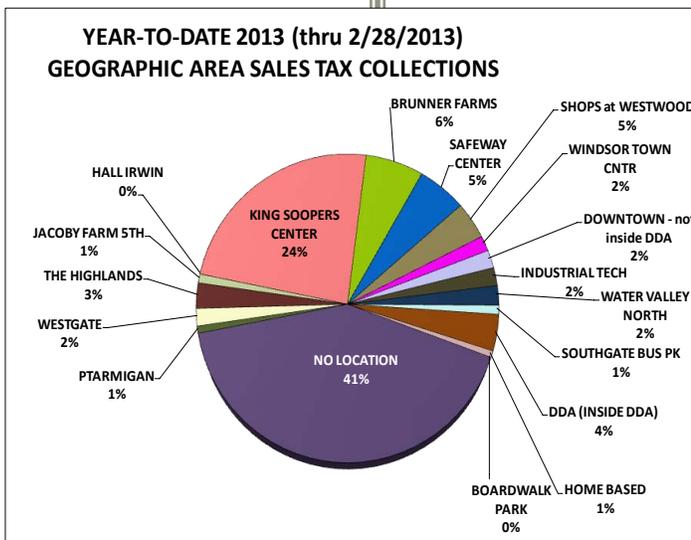
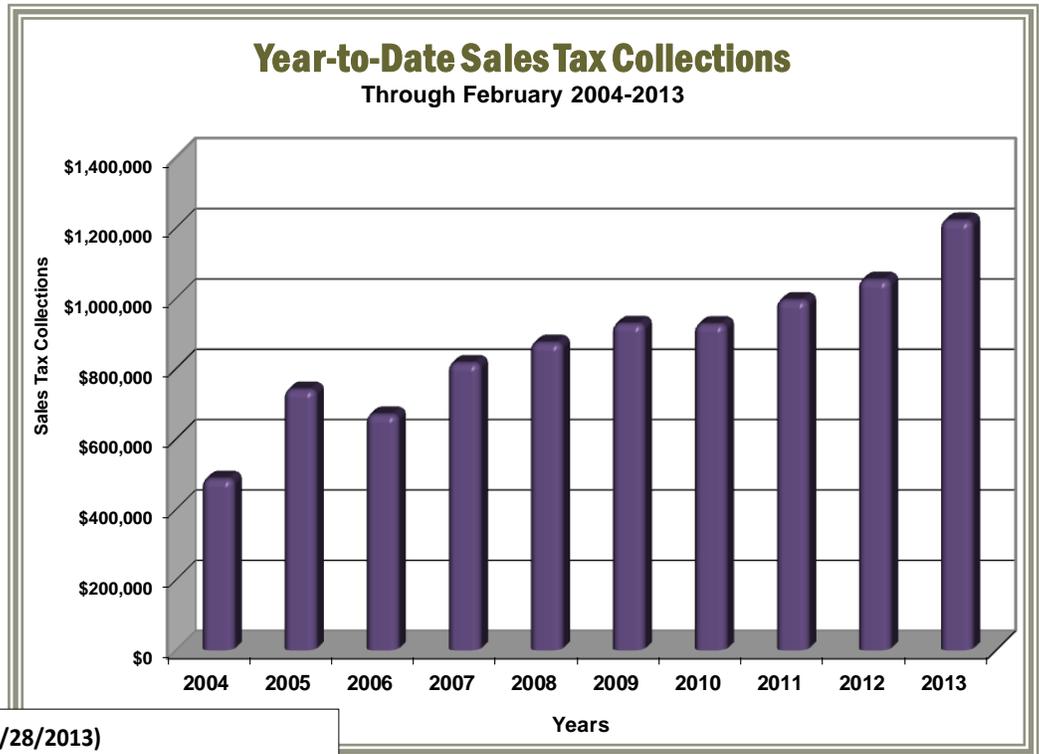
The numbers shown in the graphs reflect the gross collections for the month. We had one small refund in February. The gross monthly collection for February was \$468,505.

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.

February came in above our monthly budget line, which seemed unlikely last month. If collections for March land above the collection line, we may break the \$6 million collection mark for this year. If March collections land above last year’s but below the budget line, we should be in good shape for the rest of the year. If March comes in below last year, we need to plan corrective budgetary actions for later in the year.

Through February we have collected \$1.2M in sales tax, which again is a new Windsor record.

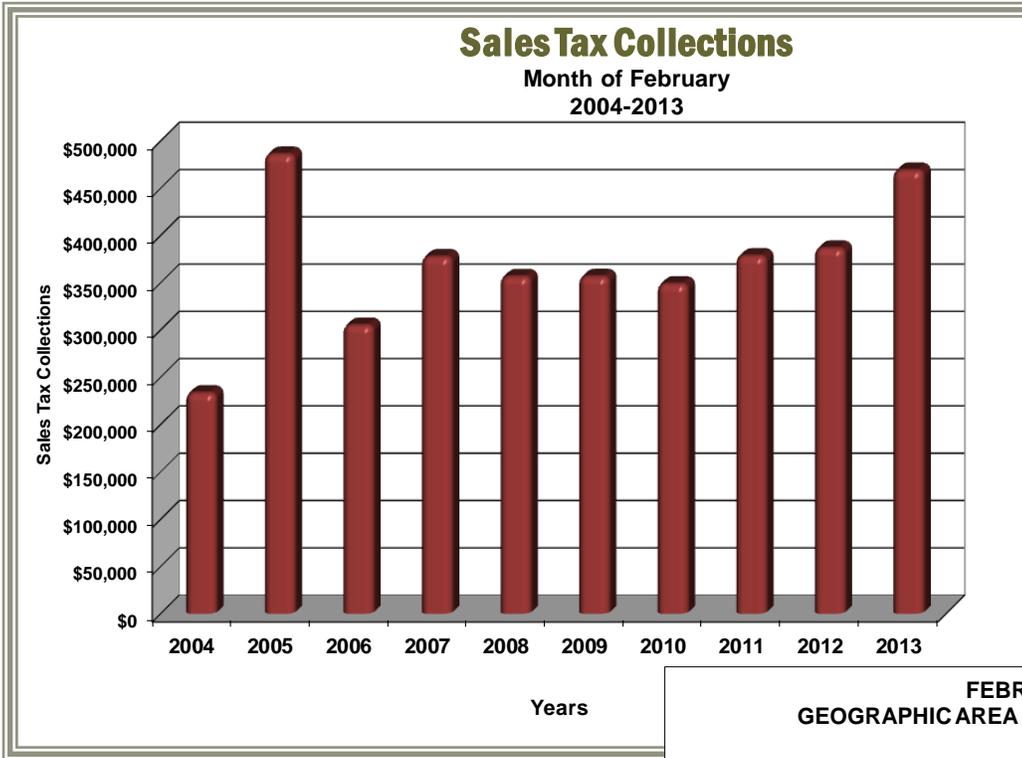


Our sales tax base is still anchored through groceries and utilities.

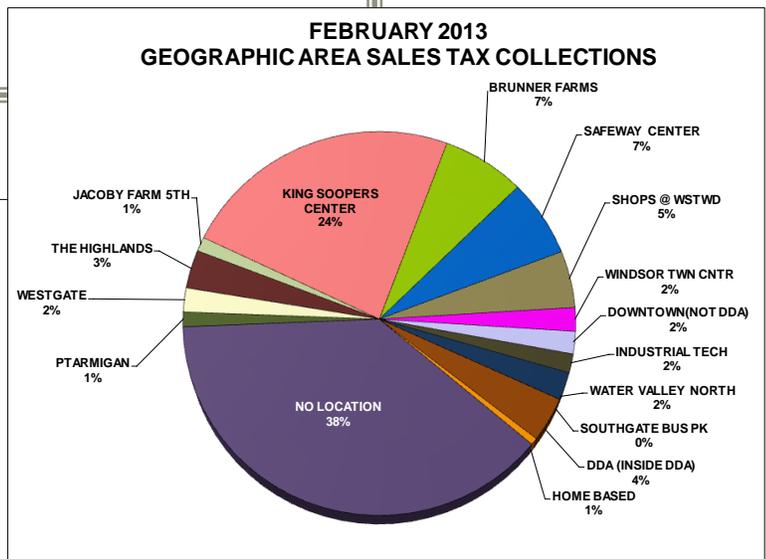
Year-to-Date Sales Tax

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 16% over February 2012 year-to-date collections described as follows.

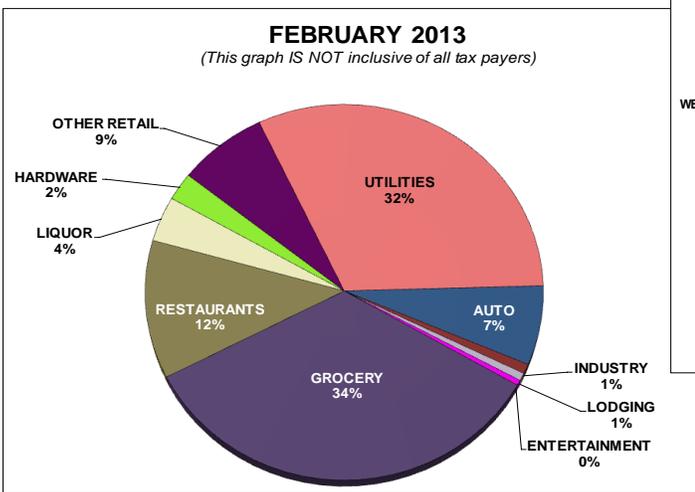
- Restaurants, groceries, liquor, general retail and utilities all increased collections over February 2012.
- Out of town vendors making sales in Windsor (mostly utility and telecom) represent the largest geographic sales base while the King Soopers Center represents the largest portion of collections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



In February 2013, we have collected \$468,505 in sales tax.



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



Monthly Sales Tax

- February 2013 gross collections of \$468,505 were 21.09% higher than February 2012 collections of \$386,910 .
- February 2013 was the second highest February gross sales collection on record.
- In February 2005, we received an “extra” payment from the State reflecting our remaining balance collected by the State. We began self collection in January 2005, and this extra payment was to clear our account.

All Funds Expense Chart

February 2013

Benchmark = 16%

General Government	Current Month	YTD Actual	2013 Budget	% of Budget
General Fund	\$857,361	\$1,861,767	\$12,338,917	15%
Special Revenue	\$59,560	\$130,560	\$2,753,029	5%
Internal Service	\$151,714	\$314,060	\$2,355,908	13%
Other Entities(WBA)	\$12,090	\$24,185	\$145,080	17%
Sub Total Gen Govt Operations	\$1,080,725	\$2,330,572	\$17,592,934	13%
Enterprise Funds				
Water-Operations	\$192,617	\$305,347	\$2,700,133	11%
Sewer-Operations	\$65,450	\$259,450	\$1,238,601	21%
Drainage-Operations	\$22,014	\$58,634	\$406,995	14%
Non-Potable Operations	\$6,261	\$10,968	\$387,780	3%
Sub Total Enterprise Operations	\$286,342	\$634,399	\$4,733,509	13%
Operations Total	\$1,367,067	\$2,964,971	\$22,326,443	13%

plus transfers to CIF and Non-Potable for loan

Operations expenditures are tracking as expected in the first two months of the year.

General Govt Capital	Current Month	YTD Actual	2013 Budget	% of Budget
Capital Improvement Fund	\$22,805	\$43,861	\$5,080,214	1%
Enterprise Fund Capital				
Water	\$0	\$82,500	\$2,673,542	3%
Sewer	\$24,614	\$44,939	\$787,250	6%
Drainage	\$0	\$0	\$856,000	0%
Non-Potable	\$0	\$0	\$380,700	0%
Sub Total Enterprise Capital	\$24,614	\$127,439	\$4,697,492	3%
Capital Total	\$47,419	\$171,300	\$9,777,706	2%
<i>plus transfer to Non-Potable for loan</i>				
Total Budget	\$1,414,486	\$3,136,271	\$32,104,149	10%

All Funds Expenditures

As a tracking tool, we would expend no more than 16% of our annual budgeted expenditures through the month of February. 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	\$40,041	\$85,188	\$527,426	16.2%
411	Mayor & Board	\$35,410	\$82,643	\$470,308	17.6%
412	Municipal Court	\$1,466	\$1,597	\$19,659	8.1%
413	Town Manager	\$19,687	\$42,752	\$277,826	15.4%
415	Finance	\$40,724	\$79,297	\$579,638	13.7%
416	Human Resources	\$24,853	\$45,117	\$345,699	13.1%
418	Legal Services	\$34,493	\$58,493	\$370,000	15.8%
419	Planning & Zoning	\$38,926	\$79,007	\$809,677	9.8%
420	Economic Development	\$20,554	\$43,023	\$182,527	23.6%
421	Police	\$210,377	\$492,219	\$2,685,654	18.3%
428	Recycling	\$1,949	\$3,185	\$41,470	7.7%
429	Streets	\$62,882	\$103,826	\$949,735	10.9%
430	Public Works	\$28,175	\$67,425	\$424,111	15.9%
431	Engineering	\$45,334	\$95,935	\$600,833	16.0%
432	Cemetery	\$6,487	\$17,873	\$112,878	15.8%
433	Community Events	\$2,414	\$4,462	\$106,411	4.2%
450	Forestry	\$16,388	\$45,796	\$309,139	14.8%
451	Recreation Programs	\$101,819	\$225,371	\$1,668,558	13.5%
452	Pool/Aquatics	\$1,692	\$17,272	\$189,884	9.1%
454	Parks	\$86,473	\$182,822	\$1,178,951	15.5%
455	Safety/Loss Control	\$67	\$67	\$15,510	0.4%
456	Art & Heritage	\$19,343	\$44,246	\$253,595	17.4%
457	Town Hall	\$17,807	\$44,151	\$219,429	20.1%
Total General Fund Operations		\$857,361	\$1,861,767	\$12,338,917	15.1%

General Fund Expenditures

The General Fund represents the bulk of our daily operations budget. Again judging by the second month 16% rule of thumb, expenditures are in line with where they should be after two months.

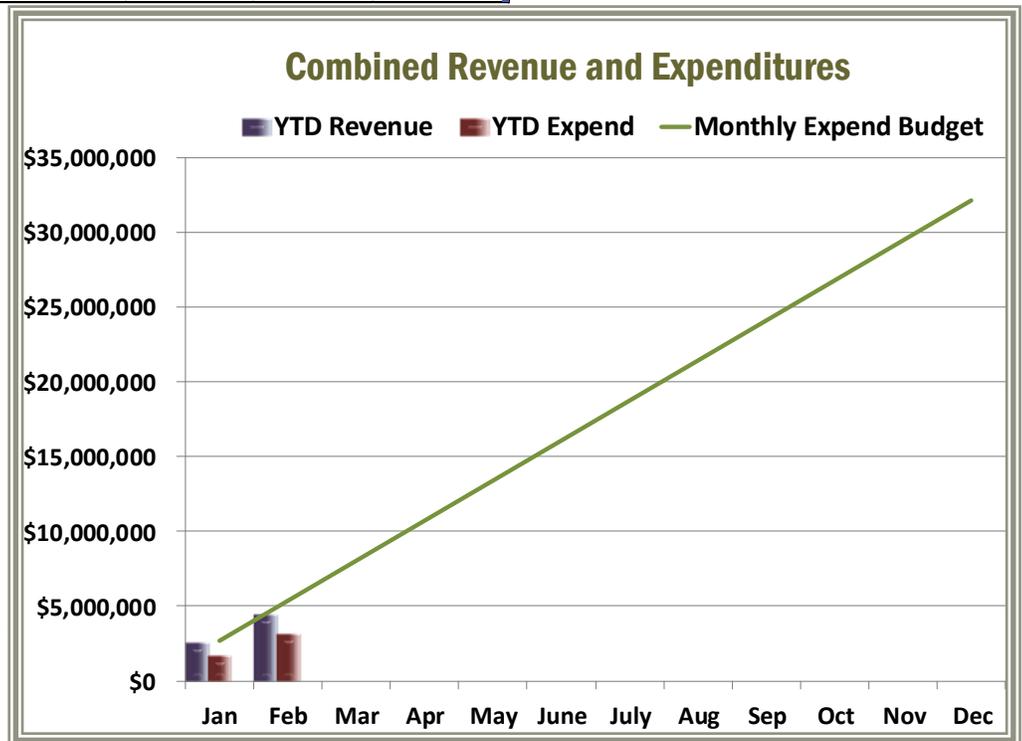
Some departments are slightly ahead of the 16% benchmark due mostly to the payment of our annual insurance premium being made entirely in January. The combined liability and workers comp premiums totaled \$350,829.

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.

February YTD revenue total exceeded expenditures by roughly \$1.3 million. Monthly expenditures spread evenly over 12 months equals \$2,675,346 per month. Our total revenue for February was \$1,865,105.



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 2013 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



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

February 22, 2013

Dean Moyer
Director of Finance and Information Systems
Town of Windsor
301 Walnut Street
Windsor CO 80550

Dear Mr. Moyer:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended **December 31, 2011** qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The Certificate of Achievement plaque will be shipped to:

Vicki K. Miller
Budget Analyst

under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,
Government Finance Officers Association

Stephen J. Gauthier, Director

Technical Services Center

SJG/ds



MEMORANDUM

Date: March 25, 2013
To: Mayor and Town Board
From: Amy Porter, Special Events Coordinator
Re: February Special Event Monthly Report

Events in Planning:

- Summer Concert Series- 3 Hours
- Farmers Market- 1.5 Hours
- Harvest Festival- 4.5 Hours
- USA Pro Cycling Challenge- 18.5 Hours
- Poudre River Trail-athlon- 1.5 Hours
- Relay for Life- 1.5 Hours
- Walk MS- .5 Hours
- Office Work-68.25 Hours
- Administrative Meetings- 5.5 Hours
- Plan Reviews- 1 Hour

Events Conducted:

- None

Monthly Fiscal Implications/Sales Tax:

Sales Tax:

No change from January

Town-Generated Revenue:

No change from January

Comments:

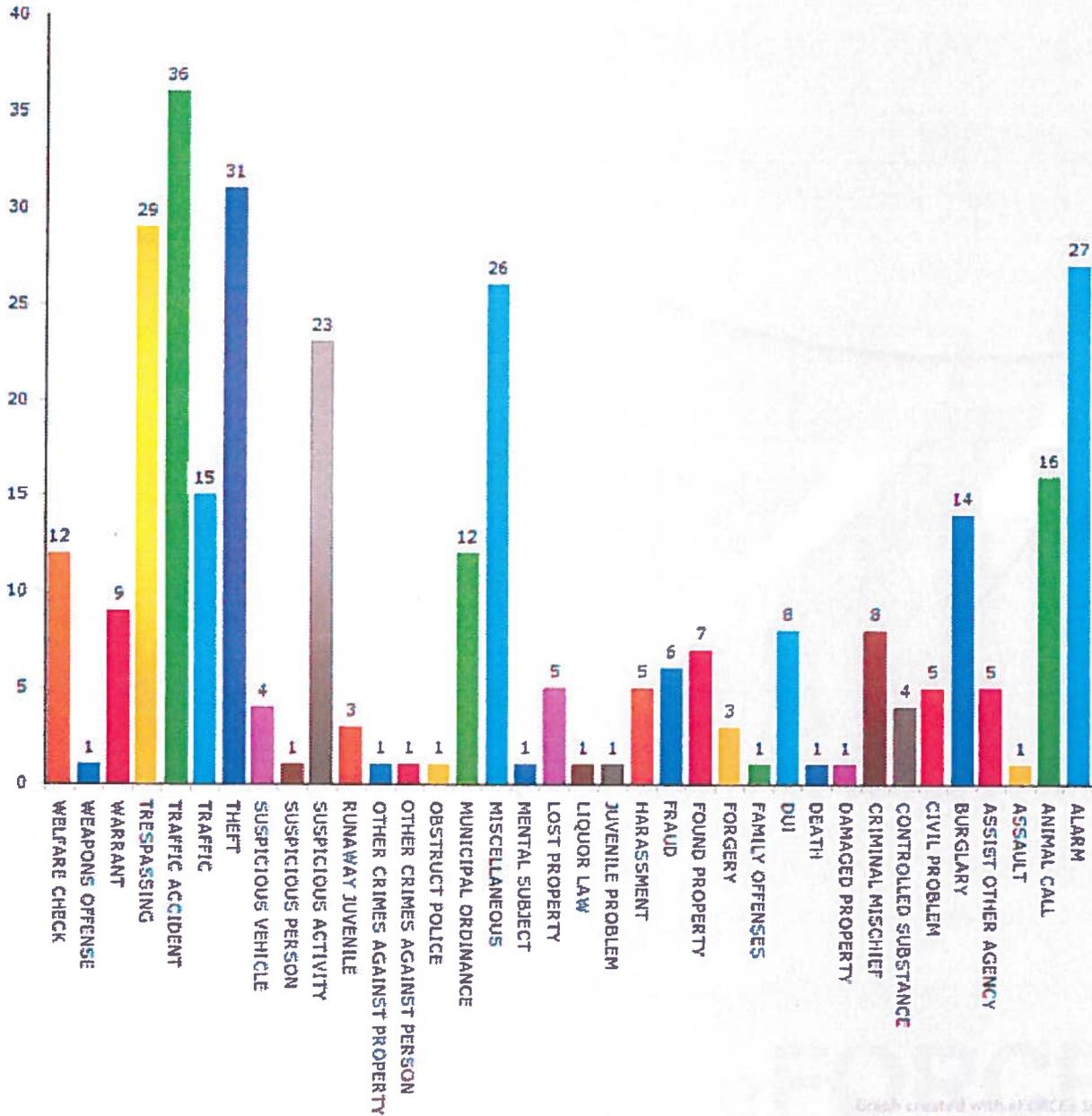
	FEBRUARY 2013			
	<u>Previous Month</u>	<u>Current Month</u>	<u>Year To Date</u>	<u>Y.T.D. 2012</u>
Misdemeanor Complaints				
911 Hang up Calls	14	7	21	20
Animal	19	16	35	55
Arson	0	0	0	0
Assault	0	1	1	8
Assist Other Department	9	5	14	7
Attempted Suicide	0	3	3	0
Checks	0	0	0	0
Child Abuse	3	0	3	2
Citizen Service	48	33	81	63
Civil Complaints	10	6	16	34
Contributing Delinq./ Minor	0	0	0	0
Crime Against At-Risk Adult	0	0	0	0
Criminal Mischief	7	8	15	21
Criminal Trespass Premises	0	2	2	3
Death	2	1	3	0
Drugs	4	4	8	22
DUI's	7	8	15	16
False Burglar Alarm	19	27	46	37
False Imprisonment	0	0	0	0
False Reporting	0	0	0	0
Found Property	11	7	18	11
Harassment	4	5	9	17
Indecent Exposure	0	0	0	1
A. Curfew	0	0	0	0
B. Runaway	0	3	3	5
C. Other	4	1	5	11
Juvenile Problems (total)	4	4	8	16
Liquor Violations	6	4	10	16
Lost Property	0	5	5	7
Menacing	2	0	2	0
MIC / MIP	0	0	0	6
Missing Persons	0	0	0	2
Obstructing Police	2	1	3	3
Obstructing Telephone Service	1	0	1	0
Open door	7	5	12	5
Ordinance Violations	24	14	38	62
Reckless Endangerment	0	0	0	0
Repossession	0	0	0	0
Sexual Assault	1	0	1	1
Sex Offender Violation	0	0	0	1
Soliciting	0	0	0	0
Suspicious Activity	40	28	68	58

	FEBRUARY 2013			
	<u>Previous Month</u>	<u>Current Month</u>	<u>Year To Date</u>	<u>Y.T.D. 2012</u>
Misdemeanor Complaints Cont'd				
Theft	17	21	38	26
Theft By Receiving	0	1	1	0
Towed - Abandoned	0	0	0	3
Towed - Traffic	4	19	23	6
Towed (Total)	4	19	23	9
Traffic Accidents (total)	25	36	61	51
A. Non-injury/Property damage	22	33	55	43
B. Injury	3	3	6	7
C. Fatal	0	0	0	0
D. DUI Accidents	0	0	0	1
Vehicle Laws	216	216	432	422
Violation of Restraining Order	1	1	2	2
Warrants - WPD	1	1	2	0
Warrants - Other Department	3	9	12	12
Warrants (Total)	4	10	14	12
Weapon Violation	0	1	1	1
Felony Complaints				
Armed Robbery	0	0	0	0
Arrests	2	0	2	15
Arson	0	0	0	0
Assault	4	0	4	0
Attempted Burglary	0	0	0	0
Auto Theft	0	0	0	0
Burglary	2	14	16	0
Checks	0	0	0	0
Child abuse	1	0	1	0
Child Neglect	0	0	0	0
Contrib./Delinq. of Minor	0	0	0	0
Criminal Impersonation	0	0	0	0
Criminal Mischief	0	0	0	3
Criminal Trespass - Dwelling	0	0	0	0
Criminal Trespass - Vehicle	13	26	39	11
Drugs	0	0	0	0
Forgery	3	3	6	1
Fraud	1	6	7	12
Homicide	0	0	0	0
Identity Theft	0	0	0	0
Intimidating Witness/Victim	0	0	0	1
Menacing	0	0	0	0
Recovery of Stolen Vehicle (ALL)	0	0	0	0
Robbery	0	0	0	0
Sexual Assault	0	0	0	0
Tampering with Evidence	0	0	0	0
Theft by Receiving	0	0	0	0
Theft	1	7	8	1
Warrant (Other Department)	0	0	0	2
Weapon Violation	0	0	0	0

	FEBRUARY 2013			
	<u>Previous Month</u>	<u>Current Month</u>	<u>Year To Date</u>	<u>Y.T.D. 2012</u>
Adult Arrest	25	20	45	69
Juvenile Detentions	6	3	9	14
Total Calls for Service	515	477	992	913
A. Criminal	342	340	682	668
B. Non-Criminal	173	137	310	245
Cases Filed (County Penal)	17	2	19	22
County Traffic Citations	66	73	139	127
Municipal Citation	159	158	317	285
A. Traffic	148	146	294	260
B. Ordinances	15	12	27	25
Warnings	392	284	676	547
Arrest Warrant Applications	5	5	10	1
Juvenile Filings	3	3	6	7
Parking Tickets	30	20	50	78
Juvenile Notification Forms	16	12	28	25
Misdemeanor Complaints Cleared by Arrest	29	17	46	68
Monetary Loss Misdemeanor Complaints	\$520	\$2,186	\$2,706	\$5,009
Monetary Recovery Misdemeanor Complaints	\$0	\$280	\$280	\$72
Felony Complaints Cleared by Arrest	2	6	8	15
Monetary Loss Felony Complaints	\$5,150	\$78,869	\$84,019	\$6,450
Monetary Recovery Felony Complaints	\$1,200	\$2,330	\$3,530	\$895

2/1/2013 - 2/28/2013

MONTHLY REPORTS FEBRUARY 2013



Graph created with eFORCE® Software

CITATION CHART FEBRUARY 2013

