



## TOWN BOARD REGULAR MEETING

April 22, 2013 - 7:00 P.M.

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

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

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### AGENDA

#### A. CALL TO ORDER

1. Roll Call
2. Pledge of Allegiance
3. Arbor Day Poster & Poetry Contest Recognition
4. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board
5. Board Liaison Reports
  - Town Board Member Baker – Parks, Recreation & 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. Proclamation National Preservation Month
6. 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 April 8, 2013 Regular Town Board Meeting – P. Garcia
2. Liquor License Modification of Premise – Los Compadres, Inc. dba Sol de Jalisco – P. Garcia
3. Liquor License Special Event Permit – Northern Colorado Youth Hockey Organization – P. Garcia
4. Resolution No. 2013-21 - A Resolution Ratifying, Approving, And Confirming The Terms And Conditions Of An Agreement For The Establishment Of The Northern Colorado Pro Challenge Local Organizing Committee – M. Chew

#### C. BOARD ACTION

1. 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
  - Second Reading
  - Legislative action
  - Staff presentation: Joe Plummer, Director of Planning
2. Ordinance No. 2013-1453 - An Ordinance Amending the Windsor Municipal Code to Increase the Per-Acre Value of Land for Purposes of Calculating School District Payments in Lieu of Land Dedication with Respect to Land Development within the Town of Windsor, Colorado
  - Second reading
  - Legislative action
  - Staff presentation: Ian McCargar, Town Attorney
3. Public Hearing – Ordinance No. 2013-1454 - Amending Chapter 16 of the Windsor Municipal Code with respect to building location requirements
  - Staff presentation: Scott Ballstadt, Chief Planner
4. Ordinance No. 2013-1454 - Amending Chapter 16 of the Windsor Municipal Code with respect to building location requirements, First Reading – S. Ballstadt
  - First Reading
  - Legislative action
  - Staff presentation: Scott Ballstadt, Chief Planner
5. Public Hearing – Conditional Use Grant for oil and gas well facilities in the General Commercial (GC) and Residential Mixed Use (RMU) zoning district – Great Western 2nd Annexation (Kodak Pad Site) – Approximately eight hundred-forty feet (840') east of State Highway 257 and eleven hundred feet (1,100') south of Eastman Park Drive – Clayton Doke, Tekton Windsor, LLC, applicant/Broe Land Acquisitions II, LLC, property owner
  - Staff presentation: Brett Walker, Associate Planner
6. Conditional Use Grant for oil and gas well facilities in the General Commercial (GC) and Residential Mixed Use (RMU) zoning district – Great Western 2nd Annexation (Kodak Pad Site) – Approximately eight hundred-forty feet (840') east of State Highway 257 and eleven hundred feet (1,100') south of Eastman Park Drive – Clayton Doke, Tekton Windsor, LLC, applicant/Broe Land Acquisitions II, LLC, property owner - B. Walker
  - Quasi-judicial action
  - Staff presentation: Brett Walker, Associate Planner
7. Public Hearing – Approval of Final Major Subdivision – Highland Meadows Subdivision, Eleventh Filing
  - Staff presentation: Scott Ballstadt, Chief Planner
8. Resolution No. 2013-22 - A Resolution of the Windsor Town Board Approving the Final Plat for the Highland Meadows Subdivision, Eleventh Filing in the Town of Windsor, Colorado
  - Quasi-judicial action
  - Staff presentation: Scott Ballstadt, Chief Planner
9. Resolution No. 2013-23 - A Resolution of the Windsor Town Board Approving a Site Plan of the Highland Meadows Subdivision, Eleventh Filing in the Town of Windsor, Colorado
  - Quasi-judicial action
  - Staff presentation: Scott Ballstadt, Chief Planner

10. Financial Report

- Staff Presentation: Dean Moyer

**D. COMMUNICATIONS**

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

**E. ADJOURN**

# Preservation Month Proclamation

*Whereas,* historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

*Whereas,* historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

*Whereas,* it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

*Whereas,* "See! Save! Celebrate!" is the theme for National Preservation Month 2013, cosponsored by Town of Windsor, Colorado and the National Trust for Historic Preservation.

NOW, THEREFORE, THE TOWN OF WINDSOR, COLORADO,  
DOES HEREBY PROCLAIM MAY 2013 AS

## *National Preservation Month*

IN RECOGNITION AND CELEBRATION OF WINDSOR'S RICH HERITAGE AND  
UNIQUE HISTORIC STRUCTURES.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2013

\_\_\_\_\_  
Mayor



TOWN BOARD REGULAR MEETING

April 8, 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 Adams led the Pledge of Allegiance.

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

Town Board Member Thompson motioned to approve the Agenda as presented; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:

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

4. Board Liaison Reports

- Town Board Member Baker – Parks, Recreation & Culture Advisory Board (PReCAB); Cache La Poudre Trail Board Alternate
Town Board Member Baker reported that officers were elected at the last PReCAB. The board members approved a resolution in support of the Community Recreation Center ad hoc committee recommendations along with the conservation easement levels of service
Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Authority
Town Board Member Thompson made note of the upcoming Arbor Day festivities scheduled for April 19 and 20 and the poster and poetry contest presentations on April 22. The Planning Commission approved signs for both Water Valley West and Eagle Crossing properties. There was no report for Great Western Trail Authority.

- Mayor Pro-Tem Melendez – Downtown Development Authority; Chamber of Commerce; North Front Range/MPO Alternate  
Mayor Pro-Tem Melendez reported that the Chamber of Commerce Annual Dinner was a success and Ms. Melendez thanked all who had attended and supported the event. The remodel taking place at the Chamber office is under way and new directories should be out soon. The All Town Barbeque is being planned for June 6 at Boardwalk Park. The MPO met in Windsor last Thursday and began with a media event regarding the Buy America Program (van program). Ms. Melendez provided an update regarding the MPO meeting.
  - Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate  
Town Board Member Rose reported the Water & Sewer Board would be meeting Wednesday morning.
  - Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board  
Town Board Member Bishop-Cotner stated that the Historic Preservation Commission would be meeting on Wednesday. The Library Board discussed the current adult programming which has been very successful; Mr. Bishop-Cotner recommended that citizens access the library's website where there is some great information. It was also noted that a proclamation for Library Week was included on the Town Board agenda.
  - Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)  
Town Board Member Adams reported the Cache La Poudre Trail Board met last Thursday at which they discussed the appraisal of land between 59<sup>th</sup> and 71<sup>st</sup> Street; the appraisal came in at \$1.2M which included all the mineral rights. A picnic shelter outside the Poudre Learning Center is being built and will be a nice addition to the trail. Mr. Adams also stated that May 11 is the Poudre River Trail-a-thon. SALT is keeping busy with the tutoring program and recently held an Easter egg hunt.
  - Mayor Vazquez – North Front Range/MPO  
No report.
5. Arbor Day Proclamation  
Mayor Vazquez read the proclamation.
  6. National Library Week Proclamation  
Mayor Vazquez read the proclamation.
  7. Economic Development Council of Colorado – Small Community of the Year Award  
Economic Development Manager Johnson provided an overview of the award and presented it to the Mayor and Town Board.
  8. Public Invited to be Heard

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

## B. CONSENT CALENDAR

1. Minutes of the March 25, 2013 Regular Town Board Meeting – P. Garcia
2. Liquor License Renewal – Los Compadres, Inc. dba Sol de Jalisco, Hotel & Restaurant License – P. Garcia
3. Resolution No. 2013-19 - Vacating a twenty-five foot access easement located parallel to the southern boundary of Lot 2 of the Westwood Village Subdivision, Third Filing in the Town of Windsor, Colorado – J. Olhava
4. Resolution No. 2013-20 – A Resolution Approving an Intergovernmental Agreement Between the Town of Windsor, Colorado, and the Larimer County Department of Human Services with Respect to Protocols for the Investigation of Child Abuse and Neglect and Authorizing the Mayor to Execute the Same – J. Michaels
5. Report of Bills March 2013 –D. Moyer

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

## C. BOARD ACTION

1. Short Form Grant Request – DiGGers Demonstration (Treasure Island) Garden
  - Staff introduction: Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture
  - Agency presentation: Bill Pratt

Director of Parks, Recreation & Culture Chew reported the DiGGers are a group of certified master gardeners and Ms. Chew provided an overview of how their efforts have progressed over the year with the Treasure Island demonstration garden. Ms. Chew inquired of the Town Board if the request is more of a partnership request as opposed to a funding request as it would be a contribution of staff time and materials that the Town already has.

Bill Pratt, represented the DiGGers, was present to address any questions from the Town Board.

Town Board Member Bishop-Cotner stated that he was in favor of the partnership would entertain looking at a “wish list” from the group during the Town’s annual budget review.

Town Board Member Thompson concurred that the partnership was the right direction to go. If additional items such as landscaping are added, then those types of requests should be brought forward during budget season. Signage options were discussed along with ideas on implementation; they will work with the Parks, Recreation & Culture department.

Mayor Vazquez recognized the benefit they bring to the community.

**Town Board Member Adams motioned to approve a partnership between the Town of Windsor and the DiGGers, authorizing the use of staff time and materials for 2013 in line with past practices;**

**Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:**

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

2. 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
  - Second reading
  - Legislative action
  - Staff presentation: Ian McCargar, Town Attorney

**Mayor Pro-Tem Melendez 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 second reading; Town Board Member Adams seconded the motion.**

Town Attorney McCargar stated that 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. The ordinance does not reach into protected activity under Amendment 64; it goes straight to the business.

Town Board Member Baker inquired if Windsor schools would be eligible for grants that may be made available using the excise tax from the marijuana sales. Mr. McCargar reported that there has been differing opinions if the collection of excise tax would be permitted due to TABOR requirements. Assuming that the excise tax for school building construction grants does take place, Mr. McCargar stated that by prohibiting under 64 it would not deny the opportunity for schools to apply for the grants.

Town Board Member Rose expressed concern regarding the preamble during first reading and voiced his belief that the language is unnecessary and a stretch; specifically the 8<sup>th</sup> "Whereas" which states that the voters expressed overwhelming opposition to the establishment and operation of marijuana enterprises. Mr. McCargar stated that information relates to the first two votes on medical marijuana in Windsor; those votes were 2-1 and 3-1 in opposition. Amended 64 was opposed by not overwhelming in Windsor from the records that were retrieved.

Mayor Pro-Tem Melendez stated that the conversations she has had to date has been overwhelming in prohibiting the operation of any marijuana business enterprise.

Town Board Member Baker noted that the most recent information was related to Amendment 64 and it was not overwhelming in opposition.

Mayor Vazquez commented that he does not believe that the preamble makes the law and supports the language as presented.

Town Board Member Thompson offered that he has not been approached by anyone asking him not to support the ordinance.

Mayor Vazquez opened the meeting for public comment.

Francine Henderson, representing Weld Count Prevention Partners, voiced support of the prohibition of all areas of the marijuana business.

J.D. Ruybal stated that passage of the ordinance will not change anything as it is now legal and believes that it should be managed as opposed to closing it off.

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

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

**Nays – None. Motion passed.**

3. Ordinance No. 2013-1449 - An Ordinance Prohibiting the Establishment and Operation of Private Marijuana Clubs Within the Town of Windsor, Colorado

- Second reading
- Legislative action
- Staff presentation: Ian McCargar, Town Attorney

**Mayor Pro-Tem Melendez motioned to approve Ordinance No. 2013-1449, An Ordinance Prohibiting the Establishment and Operation of Private Marijuana Clubs Within the Town of Windsor, Colorado on second reading; Town Board Member Thompson seconded the motion.**

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. It does not penalize assemblies of people, but does penalize an assembly of people in a commercial business with the intent of consuming marijuana. 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.

Mayor Pro-Tem Melendez stated she would support the ordinance on behalf of the constituents she has heard from and received emails from. Town Board Member Adams concurred with Ms. Melendez and stated that children and youth do not need to see this in our community.

Town Board Member Baker stated that when he took his oath of office he was given a copy of the Constitution. Referring to the Constitution, he questioned the authority and logic in banning the assembly of adults to participate in a legal activity in a private setting; whether in their own home or other private venue.

Town Board Member Rose added the he had recommended some alternative language at first reading that would have banned marijuana clubs that would not have infringed on private activity. He is not in support of the ordinance. Town Attorney McCargar stated he understands Mr. Rose's point but is not sure that he could explain the difference between a commercial building and a residence.

Mayor Vazquez reported the challenge is to protect our image and culture. Businesses have been invested in and there have been problems with the medical marijuana due to odor, etc. Mr. Rose stated he understood the importance of keeping our image but steps can be taken to provide for citizen's rights. Mr. Rose noted concern regarding "incidental" in Section 10-4-210 which states that "It shall be unlawful for any persons assembled within a commercial or industrial structure, where such consumption is permitted, encouraged, promoted, enabled, or condoned by persons assembled therein, whether such consumption is the primary intended purpose or an intended purpose incidental to other reasons for assembly therein". Town Attorney McCargar stated that a motion could be made to strike the reference to incidental use although if a primary purpose is removed the ordinance loses its strength.

Mayor Vazquez opened the meeting for public comment.

Francine Henderson inquired about the Colorado Clean Air Act to which Mr. McCargar stated that it did not address marijuana use.

J.D. Ruybal owns commercial property in Windsor and believes it is an infringement on a person's right if the he was told he could not smoke marijuana in his commercial building.

Jason Brown asked about the Clean Air Act; it is unsure if it is violated after a business is closed. Mr. Brown recommended passage of the ordinance.

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

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

4. Ordinance No. 2013-1450 - An Ordinance Prohibiting the Establishment and Operation of Certain Marijuana Cultivation Facilities Within the Town of Windsor, Colorado
  - Second 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 on second reading; Town Board Member Adams seconded the motion.**

Town Attorney McCargar reported that 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. Amendment 64 does not affect anything related to medical marijuana. 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 opened the meeting for public comment.

J.D. Ruybal stated the issue is complex and appreciated the work done by the Town Board and staff.

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

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

**Nays – None. Motion passed.**

5. 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

- Second reading
- Legislative action
- Staff presentation: Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture and John Michaels, Chief of Police

**Town Board Member Thompson motioned to approve 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 on second reading; Town Board Member Bishop-Cotner seconded the motion.**

Director of Parks, Recreation & Culture Chew stated the ordinance was presented on first reading on March 25, 2013. A request was made to clarify restrictions regarding charcoal grills separate propane grill use. The intent has not changed but the information has been clarified. If the ordinance passes, the educational piece will begin immediately.

Town Board Member Baker inquired how a neighborhood could hold a local barbeque in one of the Town's parks; how could they bring and use grills. Ms. Chew responded that a request for permission of that type of use at a neighborhood park could be made.

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

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

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

**Nays – None. Motion passed.**

6. Ordinance No. 2013-1453 - An Ordinance Amending the Windsor Municipal Code to Increase the Per-Acre Value of Land for Purposes of Calculating School District Payments in Lieu of Land Dedication with Respect to Land Development 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. 2013-1453, An Ordinance Amending the Windsor Municipal Code to Increase the Per-Acre Value of Land for Purposes of Calculating School District Payments in Lieu of Land Dedication with Respect to Land Development within the Town of Windsor, Colorado on first reading; Town Board Member Adams seconded the motion.**

Town Attorney McCargar stated the ordinance is an amendment to the code which requires land developers in Windsor to either dedicate school land in association with certain types of development or pay a fee in lieu of the land dedication. The Town has an intergovernmental agreement with each of our school

districts. This request is based on a specific request made by the Poudre School District which approved an increase from \$89,000 per acre to \$95,000 per acre. The result is an increase the fee that developers would pay in lieu of land dedication to the Poudre School District for development. The Town does not collect these fees, the developers advise the Town that they have met the requirements of each school district for the fees or land dedication.

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

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

**D. COMMUNICATIONS**

1. Communications from the Town Attorney  
Town Attorney McCargar reported on difficulties he was having in serving a landowner; he will keep the Town Board apprised of any new developments.
2. Communications from Town Staff  
Director of Parks, Recreation & Culture stated the monthly Special Event Report was included in the Town Board packet.
3. Communications from the Town Manager  
Town Manager Arnold stated that he would be attending the spring water users meeting on Thursday at the Ranch along with the Friday board meeting of the Water Conservation District at which the water allocation will be decided.
5. Communications from Town Board Members  
Town Board Member Bishop-Cotner reported he rode in a snowplow during the last storm; he was amazed at the experience and time involved in plowing. He stated it was a great experience and recommended others to take advantage of the opportunity during the next snow storm.

The Town Board recognized the achievements of the Windsor High School Winter Guard who placed third at the state competition and the girls soccer team who remains undefeated.

**E. ADJOURN**

**Town Board Member Bishop-Cotner motioned to adjourn the meeting at 8:32 p.m.; Town Board Member Adams seconded the motion.**

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

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



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## MEMORANDUM

**Date:** April 22, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk  
**Re:** Liquor License Modification of Premise – Los Compadres, Inc. dba Sol de Jalisco, Hotel/Restaurant liquor license  
**Item #:** B.2.

**Background / Discussion:**

Sol de Jalisco, located at 1345 Water Valley Parkway #300 has applied for a modification of premise, adding an outside fenced patio. 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.

**Financial Impact:**

None

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

3.A.

**Recommendation:**

Staff recommends approval of the liquor license modification of premise.

**Attachments:**

Application  
Diagram

## PERMIT APPLICATION AND REPORT OF CHANGES

CURRENT LICENSE NUMBER 43011740000  
 ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN  
 LOCAL LICENSE FEE \$ 150<sup>00</sup>  
 APPLICANT SHOULD OBTAIN A COLORADO LIQUOR & BEER CODE BOOK TO ORDER CALL (303) 370-2165

1. Applicant is a		PRESENT LICENSE NUMBER
<input checked="" type="checkbox"/> Corporation ..... <input type="checkbox"/> Individual <input type="checkbox"/> Partnership ..... <input type="checkbox"/> Limited Liability Company		
2. Name of Licensee	3. Trade Name	
<u>Los Compadres Inc.</u>	<u>Sol De Jalisco Mexican Restaurant</u>	
4. Location Address		
<u>1345 Water Valley Parkway #300</u>		
City	County	ZIP
<u>Windsor</u>	<u>Weld County</u>	<u>80550</u>

**SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.**

Section A – Manager reg/change	Section C
• License Account No. _____  <b>1983-750 (999)</b> <input type="checkbox"/> Manager's Registration (Hotel & Restr.)..\$75.00  <b>2012-750 (999)</b> <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses) NO FEE	<b>2210-100 (999)</b> <input type="checkbox"/> Retail Warehouse Storage Permit (ea) \$100.00  <b>2200-100 (999)</b> <input type="checkbox"/> Wholesale Branch House Permit (ea).... 100.00  <b>2260-100 (999)</b> <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) .50.00  <b>2230-100 (999)</b> <input type="checkbox"/> Change Location Permit (ea)..... 150.00  <b>2280-100 (999)</b> <input checked="" type="checkbox"/> Change, Alter or Modify Premises \$150.00 x _____ Total Fee <u>150<sup>00</sup></u>
Section B – Duplicate License	
• Liquor License No. _____  <b>2270-100 (999)</b> <input type="checkbox"/> Duplicate License .....\$50.00	<b>2220-100 (999)</b> <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____  <b>1988-100 (999)</b> <input type="checkbox"/> Addition of Related Facility to Resort Complex \$75.00 x _____ Total Fee _____

**DO NOT WRITE IN THIS SPACE – FOR DEPARTMENT OF REVENUE USE ONLY**

DATE LICENSE ISSUED	LICENSE ACCOUNT NUMBER	PERIOD
-750 (999)	-100 (999)	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p><b>TOTAL AMOUNT DUE</b></p> <p>\$ .00</p> </div> <div style="font-size: small;"> <p>The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.</p> </div> </div>

CHANGE OF MANAGER	<p><b>8. Change of Manager or to Register the Manager of a Tavern or a Hotel and Restaurant liquor license.</b></p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R and Tavern only)</p> <p>Former manager's name _____</p> <p>New manager's name _____</p> <p>(b) Date of Employment _____</p> <p>Has manager ever managed a liquor licensed establishment?..... Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Does manager have a financial interest in any other liquor licensed establishment?..... Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, give name and location of establishment _____</p>
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MODIFY PREMISES OR ADDITION OF OPTIONAL PREMISES OR RELATED FACILITY	<p><b>9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility</b></p> <p>NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.</p> <p>(a) Describe change proposed <u>Adicional to patio</u></p> <p>_____</p> <p>_____</p> <p>(b) If the modification is temporary, when will the proposed change:</p> <p>Start _____ (mo/day/year) End _____ (mo/day/year)</p> <p>NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00</p> <p>(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?</p> <p>(If yes, explain in detail and describe any exemptions that apply) ..... Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(d) Is the proposed change in compliance with local building and zoning laws?..... Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>(e) If this modification is for an additional Hotel and Restaurant Optional Premises or Resort Complex Related Facility, has the local authority authorized by resolution or ordinance the issuance of optional premises?</p> <p>..... Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.</p> <p>(g) Attach any existing lease that is revised due to the modification.</p>
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**OATH OF APPLICANT**

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature <u>Wynne Ojeda</u>	Title <u>owner - partner</u>	Date <u>3-21-13</u>
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**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY / COUNTY)**

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Articles 46 and 47, C.R.S., as amended. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority (City or County)	Date filed with Local Authority
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Signature	Title	Date
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**REPORT OF STATE LICENSING AUTHORITY**

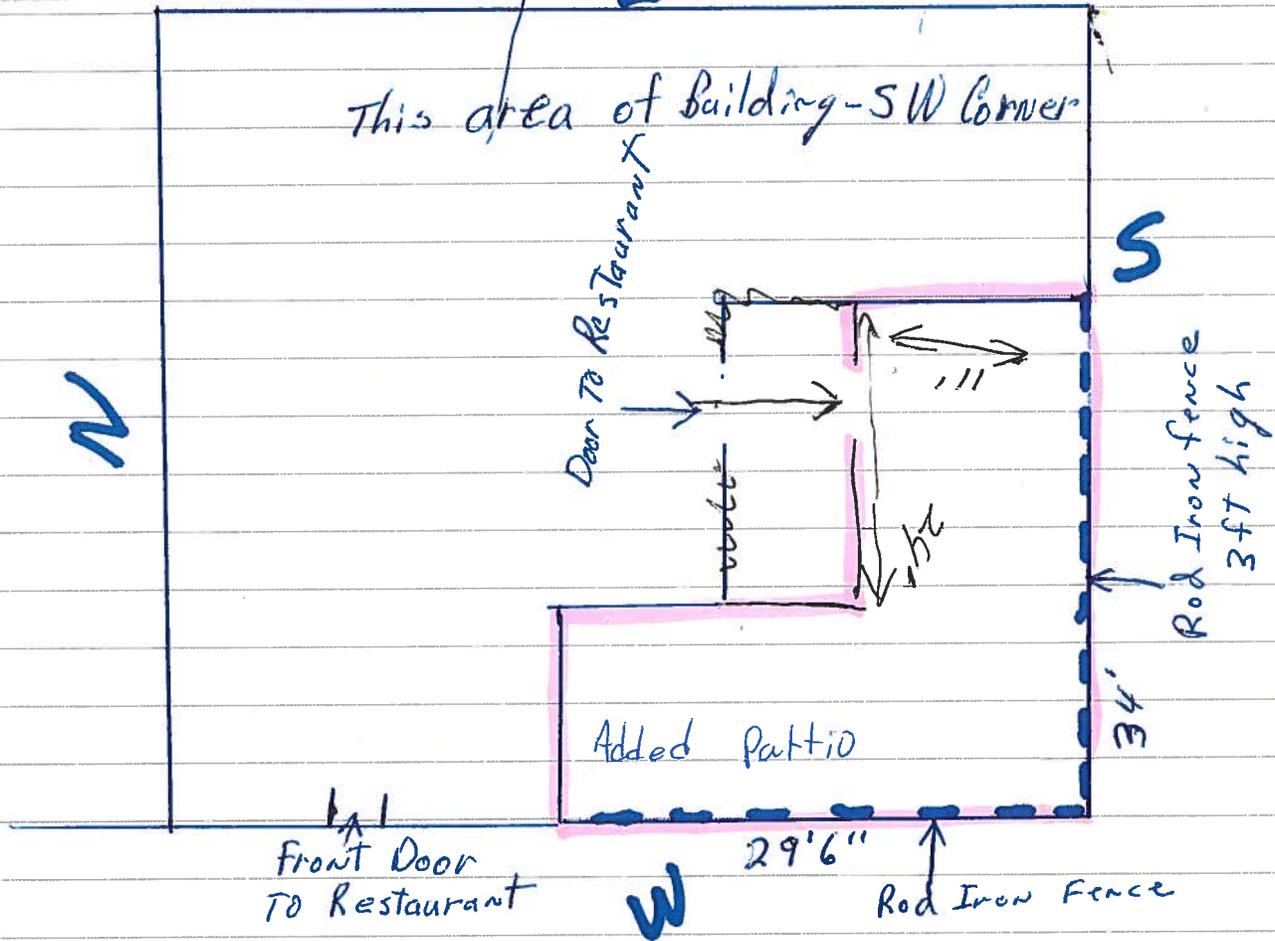
The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.

Signature	Title	Date
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1345 Water Valley Pkwy.  
Windsor, CO 80550

Water Valley Village  
Uncorked Liquor / Restaurant  
54,054 SF Site 8,035 SF Bldg.



3FT Gate  
outside you can't get IN  
inside you can get out



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## MEMORANDUM

**Date:** April 22, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk  
**Re:** Liquor License Special Event Permit – Northern Colorado Youth Hockey Organization  
**Item #:** B.3.

**Background / Discussion:**

Northern Colorado Youth Hockey Organization, located at 7900 Fairgrounds Avenue, Windsor, CO, has applied for a Special Event Liquor License for the 2013 Knocking' Rocks Brooms & Brewfest to be held on June 29, 2013 from 12:00 p.m. to 5:00 p.m. The location of the event will be in the field north of the NOCO building in a vacant field. The licensed premise will be a delineated area of 220' x 300' with limited access to the area; they will also be providing their own security for the event which is expected to draw up to 1,000 attendees.

The application has been reviewed and is in order. Required posting of the premise and publication of the application has been done in accordance with state liquor law requirements. The respective license fee has been submitted to the Town Clerk's office. The application was turned over to the Windsor Police Department for investigation. The Department's records reflect no adverse information that would affect this license.

A special event permit may not be issued to any organization for more than fifteen days per calendar year - CRS 12-48-105(3). If approved, this will be considered as one special event permit for the Northern Colorado Youth Hockey Organization for calendar year 2013.

Pursuant to the adoption of Resolution No. 2011-31, the final approval of the application is considered by the local licensing authority (Town Board). Information regarding the decision of the local licensing authority will be forwarded to the state liquor enforcement office.

**Financial Impact:**

None

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

3.A.

**Recommendation:**

Staff recommends approval of the request.

**Attachments:**

Application and Premise Diagram

Town of Windsor  
 Town Clerk  
 301 Walnut Street  
 Windsor, CO 80550

## APPLICATION FOR A SPECIAL EVENTS ALCOHOL PERMIT

Department Use Only

In order to Qualify for a Special Events Permit, you MUST BE NONPROFIT  
 AND ONE OF THE FOLLOWING:

- |                                    |   |  |
|------------------------------------|---|--|
| <input type="checkbox"/> Social    | <input checked="" type="checkbox"/> Athletic                | <input type="checkbox"/> Philanthropic Institution           |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate                 |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society   | <input type="checkbox"/> Municipality owning Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution              |  |

**TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:**

- MALT, VINOUS AND SPIRITUOUS LIQUOR     \$100  
 FERMENTED MALT BEVERAGE (3.2% BEER)     \$100

**DO NOT WRITE IN THE SPACE**

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT

Northern Colorado Youth Hockey

State Sales Tax Number

2. MAILING ADDRESS (of Organization or Political Candidate)

7900 Fairgrounds Ave.  
 Fort Collins, CO 80528

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT

← Same

NAME

DATE OF BIRTH

HOME ADDRESS

PHONE NUMBER

4. PRES. /SEC OF ORG. OR POLITICAL CANDIDATE

Robert Smith

10/31/73

5408 Copernicus  
 FC CO 80528

970-396-0837

5. EVENT MANAGER

Chris Brodzinski

4/8/85

948 Juniper Dr.  
 Windsor CO 80550

970-691-0497

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR

NO      YES     HOW MANY DAYS? \_\_\_\_\_

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE

NO      YES     TO WHOM? \_\_\_\_\_

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED      YES      NO

Date 6/29/13

Date

Date

Date

Date

Hours 12:00-5:00

Hours

Hours

Hours

Hours

**OATH OF APPLICANT**

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct and complete to the best of my knowledge

SIGNATURE



TITLE

President

DATE

3/21/13

**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY**

The forgoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provision of Title 12, Article 48, C.R.S., as amended

SIGNATURE

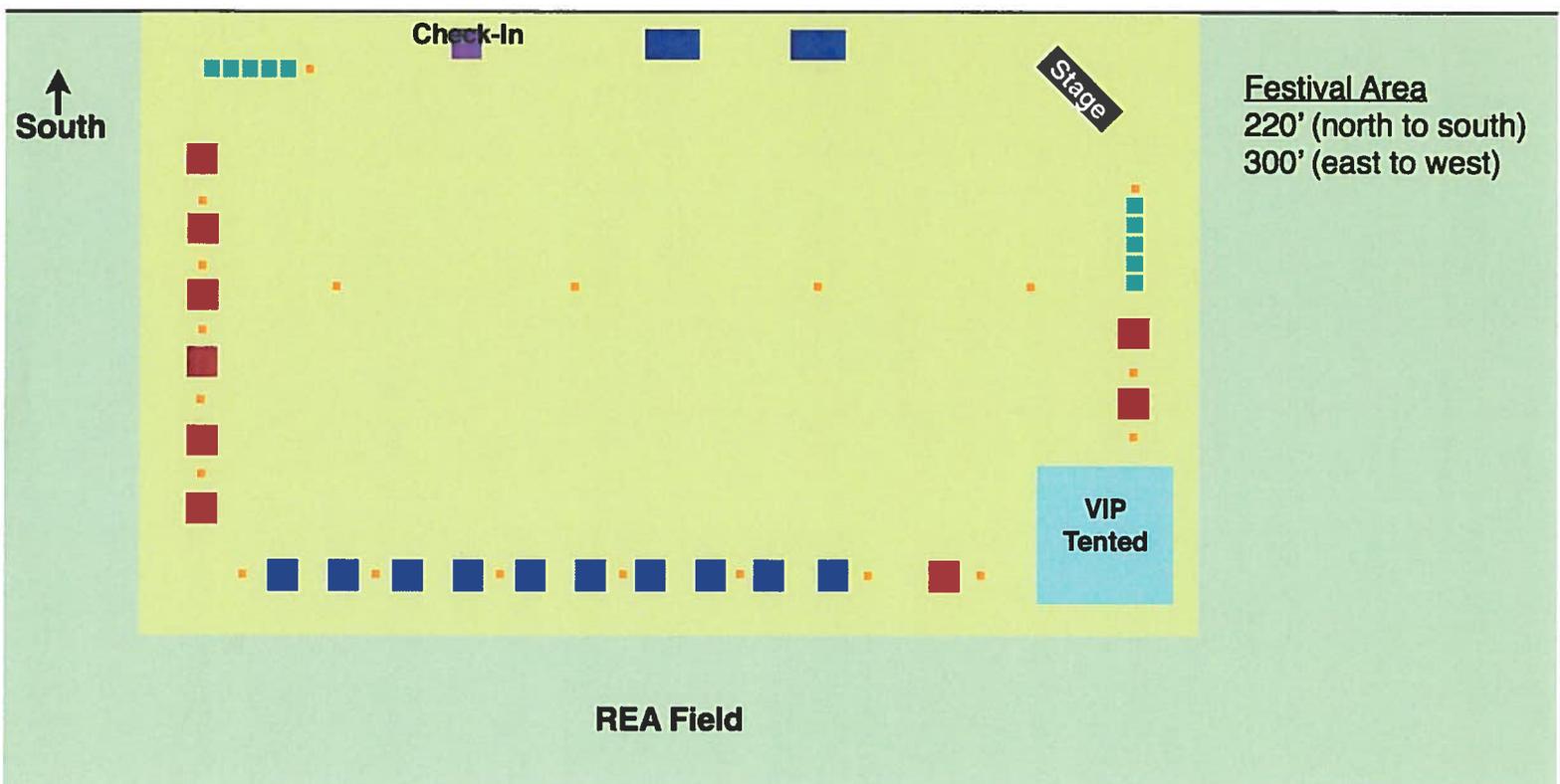
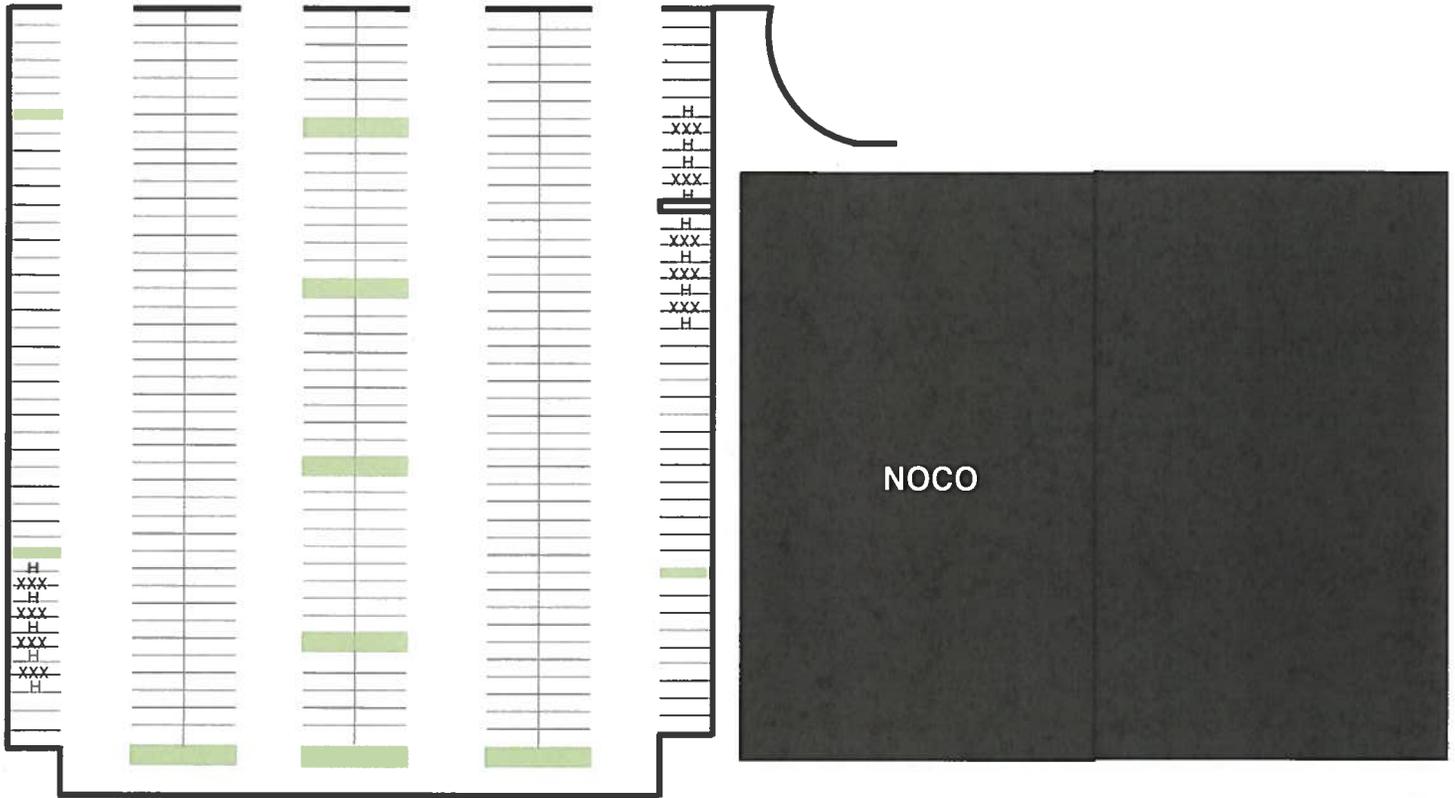
TITLE

DATE

# 2013 Knockin' Rocks Brooms & Brewfest

## Sat, Jun 29, 2013

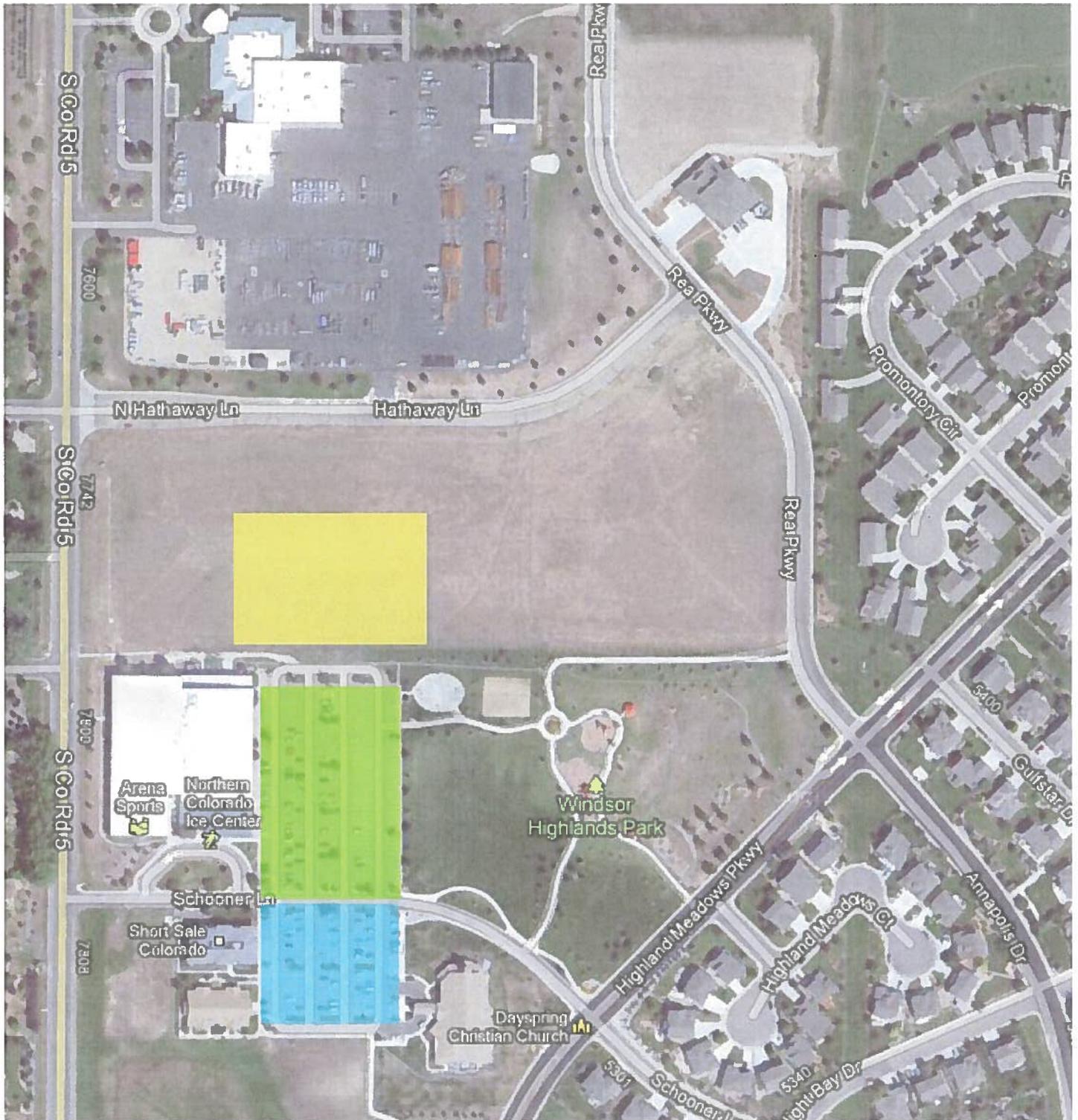
- Portable Toilet
- Beer Booths
- Food/Merchandise Vendors
- Trash Cans/Recycling
- Designated Roped off Festival Area 190' (north to south) / 260' (east to west) with "No Alcohol Beyond this Point" signs



# 2013 Knockin' Rocks Brooms & Brewfest

Sat, Jun 29, 2013

- Designated Festival Area 220' (north to south) / 300' (east to west)
- Parking -- NoCo Ice Center lot is primary parking
- Parking -- Office/Church lots are secondary parking





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## MEMORANDUM

**Date:** April 22, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture  
**Re:** PRO Challenge IGA  
**Item #:** B.4.a.

**Background / Discussion:**

The IGA to form a Local Organizing Committee in response to the USA PRO Challenge was presented to Town Board at work session on 4-15-13. There have been no changes to the IGA since that time. The IGA should be adopted by resolution, attached.

As noted, the IGA allows for equal representation from each agency with the sole purpose of executing an agreement with Classic Bicycle Race, owner of the USA Pro Challenge, to host the race in 2013. The IGA is being approved by the Fort Collins, Larimer County, Loveland, Estes Park, and Windsor. The IGA will cease to exist after the event is closed and audited, however, nothing prohibits it from being used for another event if it were updated and approved. Legal counsel has helped form the IGA and will be present to answer any questions.

While the final route of the race has not been made public as yet, it will generally enter Windsor from the west on Main Street and head south through a residential area prior to the rail road tracks. Racers will exit town headed west. Chief Michaels and Terry Walker have both been involved in reviewing the course within town limits and the needs associated with such.

**Financial Impact:**

\$10,000 was allocated in the 2013 Budget for the Town's contribution to bid for this event. It was understood that there would be in-kind and other costs associated with day of event needs.

**Relationship to Strategic Plan:**

Goal 1.E.

**Recommendation:**

**Move to approve Resolution 2013 – 21, Being A Resolution Ratifying, Approving, And Confirming The Terms And Conditions Of An Agreement For The Establishment Of The Northern Colorado Pro Challenge Local Organizing Committee.**

**Attachments:**

- b. Resolution 2013 - 21
- c. Intergovernmental Agreement

TOWN OF WINDSOR

**RESOLUTION NO. 2013-21**

BEING A RESOLUTION RATIFYING, APPROVING, AND CONFIRMING THE TERMS AND CONDITIONS OF AN AGREEMENT FOR THE ESTABLISHMENT OF THE NORTHERN COLORADO PRO CHALLENGE LOCAL ORGANIZING COMMITTEE.

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

1. That the Town of Windsor hereby ratifies, approves and confirms the terms and conditions of an Agreement For the Establishment of the Northern Colorado Pro Challenge Local Organizing Committee, a copy of which is attached hereto and made a part hereof.

2. That the Town of Windsor hereby authorizes the Mayor of the Town to execute said Agreement on behalf of the Town.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 22nd day of April, 2013.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

**AGREEMENT FOR THE ESTABLISHMENT OF THE NORTHERN COLORADO  
PRO CHALLENGE LOCAL ORGANIZING COMMITTEE**

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into this \_\_\_\_\_  
\_\_\_\_\_ among the following public entities which shall collectively be referred to as the “Parties”, or individually as a “Contracting Party”: County of Larimer, Town of Estes Park, the City of Fort Collins, the City of Loveland, the Town of Windsor.

WITNESSETH:

WHEREAS, the Colorado Constitution, Article XIV, Section §18 and §29-1-201, C.R.S., *et seq.* provide for and encourage political subdivisions of the State of Colorado to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with each other; and

WHEREAS, §29-1-203, C.R.S., as amended, authorizes any political subdivisions or agency of the State of Colorado to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting entities, including the sharing of costs, imposition of taxes, or incurring of debt; and

WHEREAS, §29-1-203(4) permits the establishment of a separate governmental entity by agreement; and,

WHEREAS, the Parties agree that it is in the best interests of the Parties and their citizens to promote and conduct the August 24, 2013, Loveland-Fort Collins Stage of the USA Pro Challenge (The Event) to be conducted by Classic Bicycle Racing, LLC (CBR); and,

WHEREAS, the Parties desire to enter into this Intergovernmental Agreement for the purposes of establishing a separate Public Entity (Public Entity) to promote and conduct The Event and to define the purpose of such Entity and to state the manner in which each of the Parties hereto will participate; and,

WHEREAS, the Parties intend that the Public Entity shall fall within the definition of a “public entity” under the Colorado Governmental Immunity Act, §24-10-101, C.R.S; and,

WHEREAS, the Parties intend that those individuals providing services to the Public Entity, either as employees or volunteers are Public Employees within the scope of §24-10-103 C.R.S.; and,

WHEREAS, the Parties intend that the Public Entity created by this agreement is an Enterprise within the meaning of Article X, §20 of the Constitution of the State of Colorado; and,

WHEREAS, the Parties intend that the Public Entity is not subject to the revenue and spending limitations imposed by Article X, §20(2)(d) of the Colorado Constitution; and,

WHEREAS, the Parties intend that the Public Entity and its activities all be in furtherance of a public purpose;

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the Parties agree as follows:

### I. PREAMBLE

The Parties agree that the recitals set forth above are true and correct and those recitals are hereby incorporated in the body of this Agreement as operative provisions.

### II. ESTABLISHMENT OF THE NORTHERN COLORADO PRO CHALLENGE LOCAL ORGANIZING COMMITTEE

1. The Parties hereby establish the Public Entity to be known as the Northern Colorado Pro Challenge Local Organizing Committee ("LOC") which shall be responsible for planning funding, promoting, and conducting The Event.
2. The LOC is hereby created as a Colorado public entity established pursuant to §29-1-203, C.R.S. *et seq.* and pursuant to the Colorado Governmental Immunity Act, §24-10-101, C.R.S., *et seq.*
3. The LOC is an independent legal entity, separate and distinct from the Parties, but subject to their ownership and control.

### III. ESTABLISHMENT OF THE LOC BOARD

1. **Governing Board.** The LOC shall be governed by an Executive Committee (EC) which shall have the power to perform all acts necessary, whether express or implied, to fulfill the purpose, and to provide the functions, services and facilities, for which the LOC was created.
2. **Composition of the Executive Committee.** The EC shall consist of nine (9) members. The members of the EC shall be appointed as follows:
  - a. One member shall be appointed by each of the parties for a total of five (5) members.
  - b. The five members so appointed shall appoint four (4) additional members using whatever process and criteria the five members deem advisable keeping in mind the fundraising, public relations, and technical expertise needed to put on the Event.
  - c. Members shall serve until this agreement terminates.
  - d. Vacancies to the EC shall be filled either by the parties or members making the original appointment.
  - e. Members shall serve without compensation.
3. **Voting and Quorum.** Each member of the EC shall have one (1) vote. A quorum of the EC shall consist of five members. No official action may be taken by the EC on any matter

unless a quorum is present. The affirmative vote of a majority of the EC members present at the time of the vote shall be required for the EC to take action. The EC may meet, vote and act through electronic means. The EC is subject to the Colorado Open Meetings Law.

4. **Bylaws.** The EC may either adopt bylaws or it may adopt an organizing resolution or rules establishing officers and detailing all matters in connection therewith, including the election, duties and terms of officers and the filling of any officer vacancies, the establishment and responsibilities of committees, scheduling of meetings, and standing operating and fiscal procedures, as it deems necessary, provided the bylaws or rules are in compliance with Articles I and II of Title 29, C.R.S., as amended, and this Agreement.

#### IV. POWERS OF THE LOC

1. **Plenary Powers.** Except as otherwise limited by this Agreement, the LOC, in its own name and as provided herein, shall have and may exercise all powers lawfully authorized to any of the Parties and may exercise such powers pursuant to §29-1-203, this Agreement, as amended, including all incidental, implied, expressed or such other powers as necessary to execute the purposes of this Agreement. These powers include the authority to receive and expend funds from any source, to apportion costs and obligations to the Parties as stated herein or as may from time to time be agreed to, and to enter into contracts. The LOC shall act through the EC, officers and agents as authorized by this Agreement, the bylaws or other resolution of the EC. The LOC shall not have the power to levy taxes on its own behalf or on behalf of any Contracting Party or to bind any Party to a debt or obligation without the specific consent of the Party, nor shall the LOC have the power of eminent domain.

2. **Enumerated Powers.** The LOC is authorized to undertake all actions reasonably necessary to planning, funding, promoting, and conducting the Event, and to carry out the intent and purpose of this Agreement, including but not limited to:

a. Negotiate, enter into and perform contracts, agreements and other obligations with the USA Pro Challenge for the purpose of promoting and conducting The Event.

b. Collect, hold, and spend funds from any source including donations, sponsorships, advertising, product sales, fees, ancillary events, and other spectator charges.

c. Acquire, hold, lease (as lessor or lessee), sell, or otherwise dispose of any legal or equitable interest in personal property in connection with The Event.

d. Enter into, make and perform contracts and agreements with other governmental, non-profit, and private entities which are reasonably necessary to stage The Event.

e. Employ individuals, engage in employee borrowing arrangements, and contract with others as the EC deems necessary for the promotion and staging The Event or to otherwise perform the obligations of agreements related to The Event.

- f. Conduct the business and affairs of the LOC.
- g. Incur debts, liabilities or obligations to the extent and in the manner permitted by law. However, the LOC shall not incur debt in excess of Twenty-Five Thousand Dollars (\$25,000.00) without agreement of the Parties.
- h. Sue and to be sued in its own name.
- i. Receive contributions, gifts, bequests, grants, cash, equipment or services from the Parties or any other public or private individual or entity for the furtherance of the intent and purpose of this Agreement, and the LOC's performance of its obligations under this Agreement.
- j. Undertake any other actions or services that the LOC believes are reasonably necessary for the exercise of its powers and the performance of its obligations under this Agreement.

#### V. RULES AND REGULATIONS

The EC may promulgate and adopt rules, regulations, policies and procedures which the EC deems necessary to carry out the intent and purposes of this Agreement, and to exercise the LOC's powers and perform the LOC's obligations. After their initial adoption, the rules, regulations, policies and procedures may be modified or amended, provided any such modification or amendment: (a) is approved by a majority vote of the EC; (b) is consistent with the purpose and intent of this Agreement; (c) is not in conflict with any of the provisions of this Agreement; and (d) is in compliance with any and all applicable state and federal laws.

#### VI. FINANCIAL COMMITMENT OF THE PARTIES

1. **Funding.** The Parties agree to provide initial funding, which funds may be in cash transfers or in-kind services to the LOC as follows:

The City of Fort Collins:	Fifty-thousand dollars (\$50,000.00) plus \$50,000 in-kind.
The City of Loveland:	Fifty-thousand dollars (\$50,000.00) plus \$50,000 in-kind.
The Town of Windsor:	Ten-thousand dollars (\$10,000.00).
The Town of Estes Park:	Fifteen-thousand dollars (\$15,000).
Larimer County:	In-kind only.

2. **Future Funding.** It is understood that the LOC's budget is continuing to evolve. It is the goal of the EC to manage the event on a zero-based budget, where no profit is gained and expenses do not exceed revenue. To provide accountability, the EC shall meet on May 15, June 15, and July 15 to review the budget. If on these dates the LOC's budget is not accomplishing this goal, then the LOC will take the following actions:

- a. Refine the budget by reducing expenses or seek additional private funding so the goal may be attained; and

- b. Offset expenses by increasing the in-kind services being provided by the Parties.

In the event that these actions are not sufficient to provide adequate funding for the LOC's necessary expenses, each of the Parties agrees to return to their respected governing bodies to request supplemental funding.

#### VII. USE OF FUNDS – CONTRIBUTIONS

The LOC shall use the funds generated in connection with contributions, sponsorships, advertising revenue, ticket sales and any revenue from any source solely for the purpose of promoting and conducting The Event and LOC operations including any expense obligated to CBR.

#### VIII. BOOKS AND RECORDS

The LOC shall provide for the keeping of accurate and correct books of account showing in detail the revenue and expenses in connection with The Event. The LOC's books of account shall correctly show any and all revenues, costs, or charges paid to or to be paid by each of the Parties, and all funds received by, and all funds expended by the LOC. The LOC's books and records shall be open to inspection during normal business hours upon reasonable notice by the Parties. The books and records of the LOC shall also be made available to the public in accordance with the provisions of §24-72-201, C.R.S., *et seq.* (the "Open Records Act").

The LOC shall cause an audit to be conducted by an independent Certified Public Accountant licensed to practice in the State of Colorado. The LOC shall comply with the provisions of §29-1-601, C.R.S. *et seq.*, The Local Government Audit Law, as may be amended from time to time. The LOC shall comply with all federal and state financial reporting requirements.

#### IX. REPORTS TO PARTIES

On a monthly basis, the LOC shall submit a comprehensive financial report to the Parties summarizing the, revenue, expenses, obligations and other activities of the LOC starting the end of the month following approval of this Agreement.

#### X. ASSETS OF THE LOC

1. **Assets.** Any assets purchased or received by the LOC subsequent to the formation of the LOC shall be owned by the LOC for the mutual benefit of the Parties. Assets purchased with funds of the LOC and one or more Parties shall be owned jointly in proportion to the amounts contributed.
2. **Asset Inventory Schedules.** The LOC shall maintain an asset inventory list for any and all real and personal property acquired by the LOC.

## XI. OTHER REPRESENTATIONS AND OBLIGATIONS OF THE PARTIES

1. The Parties have read and understand the agreements, obligations, and undertakings of the LOC with respect to CBR. The Parties agree to use their best efforts and to participate in good faith for the LOC to comply with such agreements, obligations and undertakings.
2. The Parties understand and agree that individual agreements, obligations and undertakings of each of them for its portion of the Event will be required. The parties shall use their best efforts and to participate in good faith for themselves individually and for the LOC to comply with those agreements, obligations and undertakings.
3. The Parties understand and agree that the CBR will issue an Event Handbook that contains additional obligations and conditions for promoting and staging the Event. The parties agree to use their best efforts and to participate in good faith for the LOC and the Parties to comply with the terms and conditions of the Handbook.
4. The Parties waive all claims for indemnification and damages against each other for any claims arising out of the performance of this agreement or the performance of any agreement or undertaking with CBR.

## XII. DEFAULT OF PERFORMANCE

1. In the event any Contracting Party fails to perform any of its covenants and undertakings under this Agreement, the LOC may terminate this Agreement as to such Contracting Party. The LOC shall cause written notice of the LOC's intention to terminate said Agreement as to such Contracting Party to be given to that party's governing body identifying the matter in default. Upon failure to cure any such default within thirty (30) days after such notice is given, the membership in the LOC of the defaulting party shall thereupon terminate and said Contracting Party shall thereafter have no voting rights as a member of the LOC, nor be entitled to representation on the EC, and said Contracting Party may thereafter be denied service by the LOC. Furthermore, any Contracting Party whose participation is terminated under the provisions of this article of the Agreement shall forfeit all right, title and interest in and to any property of or within the LOC to which it may otherwise be entitled upon the dissolution of the LOC. Subject to Section XI (4), this article is not intended to limit the right of the LOC or any Contracting Party under this Agreement to pursue any and all other remedies it may have for breach of this Agreement.
2. In the event of litigation between any of the Parties hereto concerning this Agreement (or between the LOC and any Contracting Party), the prevailing party may recover its costs and reasonable attorney fees incurred therein.

## XIII. DURATION OF AGREEMENT

This Agreement shall be in effect from the time it is fully executed and shall continue December 31, 2013. At that time the Agreement shall terminate, the entity created by this agreement shall dissolve and financial affairs of the LOC shall be wound up.

#### XIV. WITHDRAWAL AND DISSOLUTION

1. **Individual Party's Withdrawal.** No Contracting Party may withdraw from this LOC.
2. **Dissolution of LOC.** Upon the termination of this Agreement pursuant to Section XIII above, the LOC Board and the Parties shall take such actions necessary to finalize and conclude the LOC's operations and effect the orderly dissolution of the LOC.
3. **Distribution of Assets.** All contributions of real and personal property, all net cash proceeds received by the LOC and existing on December 31, 2013, and all assets of the LOC shall be distributed on a proportional basis in accordance with the original contributions of the parties under Section VI, taking into consideration supplemental and additional contributions if any have been made. No consideration shall be given for in-kind services provided to the LOC for purposes of this distribution. The EC shall be responsible for inventorying the revenues, property and assets of the LOC, making distributions to the Parties and concluding the affairs of the LOC. A Contracting Party which has made a contribution toward a jointly owned asset (as defined in Section X) would be entitled to retain ownership of the asset upon termination; however, the Contracting Party must account to the LOC for the amount of the LOC's contribution toward purchase of the asset upon distribution of the other assets of the LOC.

#### XV. LIABILITY OF THE BOARD OF DIRECTORS, OFFICERS AND EMPLOYEES OF THE LOC

As a public entity, the LOC and its directors, officers and employees shall be immune from civil liability in accordance with, and the extent provided by §24-10-101, C.R.S., *et seq.* (the Governmental Immunity Act) and any other applicable law. In addition, and pursuant to the Governmental Immunity Act, the LOC will defend, indemnify, and hold harmless all officers, directors, and employees for claims arising from activities within the scope of their duties of such individuals. The LOC may purchase insurance for this purpose.

#### XVI. AMENDMENTS

This Agreement may be amended upon the affirmative vote of three Parties.

#### XVII. SEVERABILITY

In the event any provision of this Agreement is determined to be illegal or invalid for any reason, all other provisions of this Agreement shall remain in full force and effect unless and until otherwise determined. The illegality of any provision of this Agreement shall in no way affect the legality and enforceability of any other provision of this Agreement.

#### XVIII. SUCCESSORS AND THIRD PARTIES

This Agreement shall be binding upon and shall inure to the benefit of the successors of the Parties. This Agreement is not intended to, and does not, inure to the benefit any individual or entity who is not a Party.

XIX. ASSIGNMENT AND DELEGATION

No Contracting Party shall assign any of the rights nor delegate any of the duties created by this Agreement without the written approval of three quarters (3/4) of the other Parties to this Agreement, and any assignment without said approval is void.

XX. INTERPRETATION

a. This document represents the entire agreement of the parties and is deemed prepared by all of the parties.

b. Performance of this agreement is subject to the Constitution and laws of the State of Colorado and the charters of the municipal parties. Venue for any judicial action under this Agreement shall be in Larimer County District Court.

IN WITNESS WHEREOF, the Parties hereto have caused their representatives to affix their respective signatures hereto, as of the day and year hereinafter set forth.

**COUNTY OF LARIMER,  
STATE OF COLORADO**

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Date: \_\_\_\_\_

**CITY OF FORT COLLINS,  
COLORADO**

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Date: \_\_\_\_\_

**CITY OF LOVELAND, COLORADO**

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Date: \_\_\_\_\_

**TOWN OF WINDSOR, COLORADO**

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_

**TOWN OF ESTES PARK, COLORADO**

ATTEST:

By \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

Date: \_\_\_\_\_



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## MEMORANDUM

Date: April 22, 2013  
To: Mayor and Town Board  
Via: Kelly Arnold, Town Manager  
From: Joseph P. Plummer, AICP, Director of Planning  
Re: Ordinance No. 2013 – 1452 Adopting the 2012 International Building Codes, the 2009 International Energy Conservation Code and the 2011 National Electric Code – Second Reading  
Item #: C-1

Discussion Item:

Per the enclosed minutes, the Town Board held a public hearing on March 25, 2013 to receive testimony on the proposed adoption of the 2012 Series of International Building Codes, the 2009 International Energy Conservation Code and the 2011 National Electric Code. Mr. Jeff Schneider, representative of the Homebuilders Association of Northern Colorado (HBA), addressed the Town Board stating the HBA supports what has been presented. The one component of the ordinance that the HBA would like to see revised is the need or necessity for per-lot bore test holes to determine the ground water table elevation. As such, the HBA is requesting an amendment to use a subdivision bore test or look at the proximity of homes to test holes since he believes that the cost for drilling each test hole is between \$400 and \$500, which could become cost prohibitive for homebuilders, particularly for production home builders.

Staff and Mr. Russ Weber, Building Official for the Town's contract inspection agency Safebuilt, Colorado, have met with Mr. Schneider on the concept of a single test bore being used to detect the ground water table for all lots within a subdivision. On those occasions staff stated that since subdivisions can be very expansive, it is not feasible to rely on a single test bore for the entire subdivision to determine the ground water table for all of the lots within a subdivision. Staff and Mr. Weber have, however, corresponded with Mr. Schneider and Mr. Schneider asked if a distance requirement from test holes to foundations could be added to the ordinance in order to provide builders with the option of using a single test hole for two adjacent lots, thereby mitigating the cost of drilling two test holes. Mr. Schneider and staff agreed that since ground water tables could fluctuate from time to time that it would also be appropriate to add a maximum time period for the use of data obtained from any test hole.

Based upon this correspondence, staff has drafted, and Mr. Schneider agrees with, the addition of new criteria to Section R-405-2.3 of the ordinance which (a) will allow a single test hole to be used for two lots if the test hole is no further away than fifteen feet (15') from either foundation, and (b) only allows the data from any test hole to be valid for one year from the date the open-hole inspection was certified by the Licensed Profession Engineer. These new criteria are highlighted and may be reviewed on page 11 of the enclosed ordinance.

Additionally, Mr. J.D. Ruybal, 224 North 6<sup>th</sup> Street, has submitted the enclosed letter pertaining to the adoption of the proposed ordinance 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 Ordinance, as it was presented, and staff concurs with the recommendation for approval of the Ordinance on second reading subject to the enclosed amendment to Section R-405-2.3 as described above.

Attachments: March 25, 2013 town board minutes  
Letter from J.D. Ruybal  
Ordinance No. 2013-1452

Notices: March 8, 2013 Notice on Town website and Windsor Beacon  
March 15, 2013 Notice on Town website and Windsor Beacon  
March 22, 2013 Notice to Northern Colorado Homebuilders Association  
March 22, 2013 Notice to local homebuilders  
April 19, 2013 Notice to Northern Colorado Homebuilders Association  
April 19, 2013 Notice to local homebuilders

pc: Russ Weber, Building Official, Safebuilt Colorado  
Northern Colorado Homebuilders Association  
Local homebuilders  
J.D. Ruybal, 224 North 6<sup>th</sup> Street



## 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.

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### MINUTES

#### A. CALL TO ORDER

Mayor Pro-Tem Melendez called the regular meeting to order at 7:02 p.m.

##### 1. Roll Call

	Mayor Pro-Tem Kristie Melendez
	Myles Baker
	Don Thompson
	Jeremy Rose
	Ivan Adams
Absent:	Mayor John Vazquez
	Robert Bishop-Cotner
Also present:	Town Manager Kelly Arnold
	Town Attorney Ian McCargar
	Town Clerk Patti Garcia
	Director of Planning Joe Plummer
	Chief Planner Scott Ballstadt
	Director of Public Works Terry Walker
	Director of Parks, Recreation & Culture Melissa Chew
	Economic Development Manager Stacy Johnson
	Chief of Police John Michaels
Absent:	Director of Finance Dean Moyer
	Director of Human Resources Mary Robins
	Director of Engineering Dennis Wagner

##### 2. Pledge of Allegiance

Town Board Member Baker 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 Thompson motioned to approve the agenda as presented; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Melendez, Thompson, Adams**

**Nays – None. Motion passed.**

##### 4. Board Liaison Reports

- Town Board Member Baker – Parks, Recreation, and Culture Advisory Board; Cache La Poudre Trail Board Alternate  
Town Board Member Baker stated the next meeting of the Parks, Recreation and Culture Advisory Board would be held Tuesday, April 2, 2013.
- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Authority

Town Board Member Thompson reported the Arbor Day poster contest winners were selected at the last Tree Board meeting; the winners will be recognized at the April 22 Town Board meeting. Their next meeting will focus on Arbor Day events and the tree sale. The Planning Commission reviewed a request for off-street parking for a proposed family entertainment center that would be located southeast corner of Fairgrounds Avenue and Steeplechase Drive; the Planning Commission accepted the parking configuration as presented.

- Mayor Pro-Tem Melendez – Downtown Development Authority (DDA); Chamber of Commerce; North Front Range/MPO Alternate  
Mayor Pro-Tem Melendez stated the Chamber of Commerce did not hold a meeting this month but reported that their Annual Dinner was well attended. Several local businesses and citizens were recognized for their service at the event. Ms. Melendez reported at the DDA meeting on March 20 a sponsorship was approved for the Swing Dance event being held in August, Ron Lauer was present and stated he was looking at requirements for investment purposes for his property, and underground preliminary design for undergrounding between 4<sup>th</sup> and 5<sup>th</sup> Streets was brought forward. The Marketing Committee would be meeting on Wednesday and would be discussing event options for the DDA during the Pro Cycling Challenge. Ms. Melendez also reported on the MPO and noted that the April 4 meeting would be held in Windsor. The MPO has invited the Colorado Congressional Delegation to the VanGo Vanpool Services press conference which will be held at 5 pm at the Windsor Community Recreation Center. Ms. Melendez encouraged the Town Board members to attend the event. The regular meeting of the MPO has a presentation from CDOT regarding funding for railway projects. Additional items that will be discussed include the reconstruction of their personnel policies, managed lane information and stated the CDOT RAMP pre-applications are available and due to CDOT regions by May 1.
- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate  
Town Board Member Rose stated the Windsor Housing Authority held a ground breaking last Monday night for the work force housing they have been working on. Mr. Rose also attended the Clearview Library Board meeting at which there was a presentation on adult programming. Mr. Rose noted that there is a range of diverse programs offered at the local library.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board  
No report.
- Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)  
Town Board Member Adams stated the Cache La Poudre Trail Board had met and discussed land acquisition, mostly in the Greeley area along with the May 11 Poudre Trail-a-thon. The Board also discussed memorials and how they should be taken care of. The SALT group will be hosting an Easter egg hunt; the group has continued with the clean-up of the Poudre Trail along with the tutoring program. SALT is currently looking at fundraising ideas in order to defray the costs of prizes being distributed at the Easter egg hunt.

- Mayor Vazquez – North Front Range/MPO  
No report.

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.*

Mayor Pro-Tem Melendez opened the meeting for public comment to which there was none.

**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

**Town Board Member Thompson motioned to approve the Consent Calendar as presented; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Melendez, Thompson, Adams**

**Nays – None. Motion passed.**

**C. BOARD ACTION**

1. Short Form Grant Application – Northern Colorado Energy Star Homes

- Applicant presentation: Vicki Wagner

Vicki Wagner, Director, Northern Colorado Energy Star Homes addressed the Town Board and provided an overview of the purpose of the program. Energy Star was introduced by the U.S. Environmental Protection Agency in 1992 as a voluntary partnership with builders to reduce greenhouse gas emissions through increased energy efficiency. It was noted that Windsor had been part of the program for several years. The goals of Energy Star Homes include the opportunity to provide training and mentoring for builders, HVAC contractors, and trade allies on

ways to increase energy efficiency in homes. Ms. Wagner requested the \$1,000 sponsorship so the Energy Star Program can continue to be offered.

Town Board Member Thompson stated he was not clear why communities are expected to pay for the program as opposed to funding from the industry. Ms. Wagner noted the funding from communities shows support for the energy star program.

Mayor Pro-Tem Melendez asked how many hits the Northern Colorado Energy Star Homes gets on their website to which Ms. Wagner reported approximately 1,000 hits per month. Ms. Melendez stated that the Town Board had heard from a SAFEbuilt representative who noted that many builders are very energy conscience. She believes the program is a good cause but is not sure how it supports builders in Windsor.

Town Board Member Baker commented that the Town of Windsor vision statement states that the Town will be a good environmental steward and that this program is evidence of that.

Town Board Member Rose stated that he appreciates the fact that the program is voluntary; it meets all the stated requirements for funding and supports the request.

Town Board Member Thompson stated that this should be an industry endeavor.

**Town Board Member Baker motioned to approve the funding request of \$1,000 to Northern Colorado Energy Star Homes; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Adams,**

**Nays – Melendez, Thompson. Motion passed.**

2. Short Form Grant Application – Relay for Life (American Cancer Society)

- Applicant presentation: Megan Clarkson, Relay for Life Chairperson

Special Event Coordinator Porter reviewed the application and noted the request for funding due to the show stage not being available for their event and the need to rent other equipment. As a town-partnered event, the use of the show stage has been provided in the past at no charge.

Megan Clarkson representing Relay for Life addressed the Town Board and made the request for the funding to cover the expenses of renting tents, etc. since the show stage was unavailable for their event.

Mayor Pro-Tem Melendez stated that she has participated in the Relay for Life event and supports their endeavor.

**Town Board Member Thompson motioned to approve the funding request of \$1,000 to Relay for Life (American Cancer Society); Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Melendez, Thompson, Adams**

**Nays – None. Motion passed.**

3. Long Form Grant Application – Harvest Fest

- Applicant presentation: Casey Johnson, Harvest Festival Chairman

Special Event Coordinator Porter provided an overview of the request noting that Harvest Fest is a long standing event for Windsor. 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, a list of additional items requested by the Harvest Festival Committee was included which total \$10,720 of additional funding. Staff has evaluated those items and made suggestions as to which requests they believe should be accommodated and others that should be the responsibility of the organizer; the funding recommended by staff is \$9,760 and is itemized in the Town Board packet under “Amended Additional Requests for Harvest Festival 2013”.

The Town Board discussed the Grant Application request noting the value of the standard sponsorship package is \$1,750 and reviewed the additional items being requested. Director of Parks, Recreation and Culture Chew reported that sales tax generated from the event in 2012 was just under \$2,700. The Town Board noted that this request is about Windsor and part of Windsor’s history; it is the use of Windsor funds and investing them back into Windsor.

**Town Board Member Adams motioned to approve the sponsorship request of \$9,760 for items as noted in “Amended Additional Requests for Harvest Festival 2013”; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Melendez, Thompson, Adams  
Nays – None. Motion passed.**

4. Special Event Partnership Request – Windsor Severance Library Foundation Board - Clearview Library District

- Applicant presentation: Carol Heinkel, Library Book Sale Chair

Special Event Coordinator Porter reported on the request and stated the Library Foundation Board will be conducting a book sale in the common area at the Community Recreation Center. The Board is seeking a partnership with the Town regarding the fair, using the Community Recreation Center common areas without cost, and using the marquee signs for announcing the book fair to the community. Carol Heinkel was in attendance representing the Library Board and stated the proceeds from the book sale go into an endowment fund that will support the library.

Mayor Pro-Tem Melendez stated that there is no monetary request; it is a partnership request in order to use the marquee.

**Town Board Member Rose motioned to approve the Special Event Partnership Request for the Windsor Severance Library Foundation Board; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Melendez, Thompson, Adams  
Nays – None. Motion passed.**

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

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.

Mayor Pro-Tem Melendez opened the meeting for public comment to which there was none.

**Town Board Member Rose 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 second reading; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Melendez, Thompson, Adams  
Nays – None. Motion passed.**

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

Director of Parks, Recreation & Culture Chew reviewed the proposed parks regulations. The regulations prohibit charcoal grills, provide specifications as to the size of propane grills that can be used at the parks, removal of tents by 6 pm along with minor exceptions for glass bottles, hours of operations and certain types of motor vehicles that could be authorized by the Town of Windsor for specific events. Ms. Chew noted the regulations would be adopted by resolution and then incorporated into an ordinance so they would be included in the Municipal Code.

**Town Board Member Thompson motioned to approve Resolution No. 2013-16; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Melendez, Thompson, Adams  
Nays – None. Motion passed.**

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

Director of Parks, Recreation & Culture Chew stated the ordinance for consideration takes the rules and regulations that were approved in the previous resolution and adds them to the Municipal Code.

Town Board Member Thompson inquired about Section 11-8-120 of the ordinance regarding the limitations on cooking devices and recommended that the ordinance clarify that charcoal grills are prohibited and that specific sizes of propane cooking devices are permitted. Town Attorney McCargar concurred with the request and will submit an amended ordinance for second reading which will be published in full.

**Town Board Member Baker motioned to approve 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 on first reading; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Melendez, Thompson, Adams**

**Nays – None. Motion passed.**



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

**Town Board Member Thompson motioned to open the Public Hearing; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Melendez, Thompson, Adams**

**Nays – None. Motion passed.**

Director of Planning Plummer reported that the Town Board had reviewed the recommended updates to the building code at their March 18, 2013 work session. Russ Weber, Building Official for SafeBuilt, was present at the work session and had provided a power point presentation regarding the proposed codes and amendments. Mr. Weber was present at the meeting and provided the presentation again for public information; the power point was included in the Town Board packet. Mr. Weber noted that minimum standards would have to be adopted related to any items adopted by the Energy Office.

Mr. Plummer requested that items included in the Town Board packet related to this agenda item be included as part of the record.

Mayor Pro-Tem Melendez opened the meeting for public comment.

Jeff Schneider, Chair, Homebuilders Association of Northern Colorado, addressed the Town Board stating they support what has been presented. The one caveat they would like to see revised is the need or necessity for per lot bore test holes to determine water elevation or they would entertain a friendly amendment to use a subdivision bore test or look at the proximity of homes; the cost is \$400 - \$500 per test for each lot and gets cost prohibitive particularly for production builders.

Jon Turner, Windsor developer, stated that nothing is more reassuring than a builder doing a test hole on each lot.

J.D. Roybal, Windsor resident, provided an overview of his concerns and experience regarding the proposed dryer vent length.

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

**Yeas – Baker, Rose, Melendez, Thompson, Adams**

**Nayes – None. Motion passed.**

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

Director of Planning Plummer stated at their March 7, 2013 Planning Commission recommended approval of the proposed codes and amendments as presented; staff concurs.

Town Board Member Baker inquired as to the 35' dryer venting hose length to which Mr. Weber noted that for every 90 degree elbow a deduction of five feet is required which alleviates fire concerns provided the vent is cleaned on a regular basis.

**Town Board Member Thompson motioned to approve 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 on first reading; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Melendez, Thompson, Adams  
Nayes – None. Motion passed.**

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

Chief Planner Ballstadt reported on the resolution noting the applicant is proposing to amend the existing Windsor Highlands 9<sup>th</sup> 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. Use of the Commercial Corridor Plan (CCP) will provide for more consistency throughout town. Mr. Ballstadt reviewed Exhibit B and noted the differences between it and the CCP. The CCP is more flexible than the current standards in the current Exhibit B and will allow the applicant more design options as site plans are submitted to the Town.

Staff recommends approval of the resolution as presented.

**Town Board Member Thompson motioned to approve Resolution No. 2013-17; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Melendez, Thompson, Adams  
Nayes – None. Motion passed.**

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  
Director of Planning Plummer reviewed the agenda item and also submitted a letter into the packet which was received from a property owner that would be affected by the terms of the Intergovernmental Agreement (IGA). The proposed use by the property owner is closed storage units.

Mr. Plummer provided an overview of the process that was undertaken with the Town of Severance which included work sessions between the two boards and planning commissions. Mr. Plummer reviewed Exhibit A, Intersection Cooperative Planning and Revenue Sharing Area map along with the list of land uses. The land uses listed in Exhibit B which were reviewed and recommended for approval by both planning commissions would be the only permitted uses without further review by both boards. The Windsor Planning Commission recommended approval of the resolution and IGA as presented. The Severance Board of Trustees approved the resolution and exhibits on March 4, 2013.

The Town Board discussed the proposed land uses with Town Board Member Thompson noting that closed storage units were brought up and that they were excluded from the list. Mr. Plummer reported that the list of proposed uses is similar to other IGA's that are in place. He also indicated that property owners were contacted but cannot state specifically that this particular owner was contacted and on what date or time.

**Town Board Member Thompson motioned to approve Resolution No. 2013-18; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Melendez, Thompson, Adams  
Nays – None. Motion passed.**

12. February Financial Report

- Staff Presentation: Kelly Arnold, Town Manager  
Town Manager Arnold provided an overview of the financial report noting that revenue and collections are strong. The February 2013 sales tax collection was the second highest gross sales tax collection for the single month of February. Construction use tax is 19.87% over year to date 2012 and property tax is similar to last year due to assessed valuations being unchanged. Mr. Arnold reported that the economy is healthy in Windsor and that the population growth is evident in the number of building permits that have been issued. Mr. Arnold will also ask Director of Finance Moyer to do a cost of living analysis for Town Board review. . highest KA – report by dean and staff. Revenue/collections are strong. ST collections we are at 1.2M for Feb – construction use tax, property tax same as last year due to assessed valuation not changing.

**D. COMMUNICATIONS**

1. Communications from the Town Attorney

Town Attorney McCargar stated that a metropolitan district inclusion and exclusion may come before the Town Board for action. Mr. McCargar offered to host a Metro District 101 for interested Town Board members.

2. Communications from Town Staff

Police Chief Michaels states that he had included two graphs in the Communications portion of the packet; one graph is related to calls for service and another is related to traffic issues. Chief Michaels also reported that on April 27 the police department would be hosting the 5<sup>th</sup> annual National Drug Take Back Day.

3. Communications from the Town Manager  
Town Manager Arnold reported the heat pump in the ceiling above the finance department had sprung a leak and that the damage was being assessed.
4. Communications from Town Board Members  
The Town Board discussed the Outside Agency Fund and its purposes. Town Manager Arnold offered that the name of the fund might need to be changed as the funds should be for purposes needed as directed by the Town Board.

Mayor Pro-Tem Melendez requested that the Town Board members that had attended the Congressional City Conference relay the information they had received during the next work session.

**E. ADJOURN**

**Town Board Member Thompson motioned to adjourn the regular meeting at 9:15 p.m.; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Baker, Rose, Melendez, Thompson, Adams**

**Nays – None. Motion passed.**

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

Windsor Mayor and Town Board members

J.D. Ruybal  
224 Nth 6<sup>th</sup> Windsor  
phone: 686-5836  
email: dneruy@aol.com

Mr. Mayor and Town Board members:

**I ask to be included in conjunction with and during the discussion on the proposed changes to the building code.**

I am somewhat perplexed by the proposed changes to the building code. My understanding is the building codes were written and are written with safety in mind.

When the building code was written and subsequently modified throughout the years they concentrate on minimal standards and modify for new technology. Not cost cutting or profit margins!

The codes being "minimum requirements" makes me wonder why would any one want to detract from any building standard or safety measure? And from what I have seen and understand from working around the industry the code is definitely not written with any over kill or excessive waste.

I truly do not understand why Safe Built is even behind the new purposed changes. It is my understanding that Safe Built is contracted by the city, Us, to insure safe habitat for Windsor residents. Safe Built is our community's watch dog and our first and last defense against shoddy workmanship. The builder will build to the minimum standards but it will be the home owner who will have to live with that minimal standard. Safe housing standards for our families need to be paramount.

Regarding the purposed changes to the building code: Clothes Dryer vents. I concur that keeping the dryer vent clean is a major step in preventing related fires and carbon monoxide poisoning. I know from experience and looking at various manufacture specifications; Vent length truly is an issue. The mechanics of a dryer motor and impeller is not designed to push air, moister and or lint up, over and through long duct runs and associated bends and elbows.

When implementing any regulation you must consider any number of scenarios, like the ease of operation and maintenance. Compare the furnace, a furnace is set in place and is self reliant. Changing a furnace filter, you simply pull the old one out and put a new one in. Sometimes the hardest part is going into the crawlspace to do it.

A clothes dryer on the other hand can have any number of scenarios; Each requiring varying degrees of difficulty. Accessing the venting in itself can be cumbersome, the dryer can be in a basement, on a main floor or any floor above, they can be in hallways, utility closets or garages, they can be large or small stacked with or separate from washers. You could be drying clothes for a single person to a large family. A child or a disabled senior can be operating the dryer. The dryer could be used once a month or daily and hourly. The operator could be a renter, owner or caretaker. They can be gas or electric.

Take a look at the after market venting goods available. It is not uncommon to see plastic flex venting used on gas dryers and dryer vents simply vented into a crawl space. A person may think cleaning the flex tube is all that is needed. It is not. Realize a family on a tight budget, home maintenance is the first thing to be neglected.

Understandably people do not truly grasp the mechanics of drying clothes, nor should they be expected to. Ease of operation is key. The design of any dwelling should not be burdensome to the home owner. Under no circumstances should a dryer vent be allowed to vent into a crawl space and the vent length should never be more than 15' less elbow. 20' is pushing the envelope as it is.

See related information: [www.cpsc.gov](http://www.cpsc.gov)-- fire safety publication doc 5022. Also see [www.cpsc.gov](http://www.cpsc.gov)-- home page. go to research & stats, then fire, then 2008-2010 residential fire loss estimate (see tables) this sight has a lot of very useful information for the consumer.

The next issue that I would like to address is the spacing of the floor joists. Consider this, a floor joist can be either for a floor or ceiling depending on where you are in your home.

If you do the math, by adding an inch of spacing all that you would be saving is two or three joist in a standard floor span and if your span is increased you would probably feel more secure with the added structural support. The code change will only benefit the builder not the home owner and to my knowledge there is no mechanical advantage to the extra spacing. The current spacing adds to structural integrity. Why would you detract from this?

That brings me to the installation of the Gypsum board, drywall/firewall, at the ceiling of the basement. The tighter the joist spacing the tighter the drywall span, this would help prevent warping and sagging of the gypsum board/ceiling.

The furnace and or water heater is typically placed in the basement, a source of combustion. Typically homeowners store paint and other such combustibles in the basement. Aside from that, when you consider the cost of drywall it is one of the cheapest forms of insurance that money can buy. Note: The gypsum board may not keep your house from burning to the ground but it will definitely give you time to get yourself and your kids out alive! A one time cost at around \$20+/- a sheet of 4x12 drywall installed is pretty cheap insurance, Consider the number of drywall sheets needed to cover the ceiling, Four? Six? You can not buy cheaper insurance.

That brings us to drywall inspections. The reasons for the drywall inspection is to insure adequate, stable and secure fastening to the house framing studs and ceiling joists. When you install gypsum board it is imperative that you do not break, cut, or tear the thin paper membrane that encompasses the chalky fibrosis material on the inside. That thin layer of paper truly is all that keeps a sheet of drywall together and it is the drywall's overall strength. If the fastening screw or nail is forced beyond that paper and or if the paper is broken or torn the integrity of the application and the drywall both are compromised. Placing paper and or mud over any compromised area does nothing to stabilize the drywall, it simply blends the the flaw into the wall.

The inspection is in place to insure that the drywall will stay in place over the long run. That and of course the fire wall portion of the application needs to be adequate. My biggest problem with not having this inspection is the fact that there are those who have no pride in their workmanship there are dishonest contractors and subcontractors as well as the independent house flipper who remodels houses simply for resale. Of course we cannot forget the weekend build/remodel. Some try hard but they need some guidance. We need to insure consistency and confidence for the new home owner and our new neighbor. Doing the inspection may also help to catch potential issues that may have been other wise missed and or hidden behind the drywall.

Keep in mind the home buyer ultimately incurs any and all subsequent costs.

Chairman of the home builders association, Jeff Schneider's, attempt at forgoing the formal hearing process was insulting and disrespectful when he tried to have the board reconsider the test hole requirement. His action shows little to no respect for Windsor and or our established procedures. It is very admirable for Jon Turner to step up and publicly disagree with the notion of eliminating test holes at every lot.

Sincerely:



J.D. Ruybal

Please feel free to contact me with any questions or concerns. leave a phone message if no answer.

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.\*

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\* SOURCE: Section 106.4.4 1997 Uniform Building Code

**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”.

**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”.

**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”.

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

**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 4<sup>th</sup> 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 m<sup>2</sup>), 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, subject to the following criteria:

- a. Such open-hole shall be drilled within fifteen feet (15') of the lowest point of the foundation;
- b. The use of the data from the open-hole inspection shall be valid for one (1) year from the date the open-hole inspection was certified by the Licensed Professional Engineer; and
- c. At the expiration of the aforesaid one-year time period a new open-hole must be drilled and the data from the new open-hole must be used for any further open-hole inspections and must also meet the criteria set forth in subparagraphs a. and b. above.

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 4<sup>th</sup> 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

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John S. Vazquez, Mayor

ATTEST:

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Patti Garcia, Town Clerk

Passed on second reading, and ordered published this 8<sup>th</sup> day of April, 2013.

TOWN OF WINDSOR, COLORADO

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John S. Vazquez, Mayor

ATTEST:

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Patti Garcia, Town Clerk

TOWN OF WINDSOR

ORDINANCE NO. 2013-1453

AN ORDINANCE AMENDING THE *WINDSOR MUNICIPAL CODE* TO INCREASE THE PER-ACRE VALUE OF LAND FOR PURPOSES OF CALCULATING SCHOOL DISTRICT PAYMENTS IN LIEU OF LAND DEDICATION WITH RESPECT TO LAND DEVELOPMENT WITHIN THE TOWN OF WINDSOR, COLORADO

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

WHEREAS, the Town has entered into intergovernmental agreements with each of the three school districts within whose boundaries the Town’s corporate limits lie (“Districts”); and

WHEREAS, the intergovernmental agreements between the Town and each of the Districts calls for the Town to serve as the conduit through which the developers of land are required to address the impact of land development on each District’s finances and facilities; and

WHEREAS, as a result of the said intergovernmental agreements, the *Windsor Municipal Code* (“Code”) was amended in 1999 by the addition of Article XIV to Chapter 17, under which the Town requires land developers to come to terms with the Districts regarding the impact of land development on the Districts’ finances and facilities; and

WHEREAS, the aforementioned provisions within Chapter 17, Article XIV of the Code call for the developer to by formula either dedicate land for school sites or, in lieu thereof, pay impact fees based on a per-acre land valuation determination by each District; and

WHEREAS, the impact fees assessed pursuant to Chapter 17, Article XIV of the Code are not received by the Town, but are instead received and retained by each District in accordance with the terms of the intergovernmental agreements with each District; and

WHEREAS, pursuant to the intergovernmental agreements and Code requirements, each District is expected to periodically examine the valuation of land for school site and payment-in-lieu purposes, to assure that the assessment of impact fees in this context is fair in relation to the value of land within each District; and

WHEREAS, the Town Board has in the past amended the land valuation calculations found within the aforementioned Chapter 17, Article XIV, upon re-evaluation by each of the Districts; and

WHEREAS, the Poudre School District (“PSD”) has presented the Town with a valuation report which includes the attached Exhibits A and B, which exhibits are incorporated herein by this reference as if set forth fully; and

WHEREAS, Exhibits A and B contain the methodology and planning standards relevant to the calculation of PSD's per-acre land valuation at present; and

WHEREAS, Exhibits A and B support an increase of the per-acre value for payments in lieu of land dedication to PSD under the provisions of Chapter 17, Article XIV of the Code; and

WHEREAS, the Town Board has conducted a public hearing on this question as required by the Code, and has received all input necessary to make the determination; and

WHEREAS, in keeping with the provisions of the intergovernmental agreement between the Town and PSD, the Town Board wishes to increase the per-acre valuation of land for PSD payments in lieu of land dedication while leaving unchanged the valuation of land within the other two school districts.

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

**Section 1.** Section 17-14-230 of the *Windsor Municipal Code* is hereby repealed, amended and readopted to read as follows:

**Sec. 17-14-230. Fees initially established.**

(a) The Town Board has reviewed and hereby approves the School District Planning Standards and methodology for calculating land dedication requirements and cash-in-lieu payments proposed by Poudre School District and reflected in Exhibits A and B below.

(b) Based on the School District Planning Standards contained in Exhibit A, calculation of land dedication or in-lieu payments uses the following procedures:

(1) The student yield is determined by the number of attached dwelling units (*e.g.*, Category A, Elementary School = 0.35).

(2) The amount of land required per student is calculated by dividing the acreage by the capacity (*e.g.*, Elementary School = 15 acres/525 students = 0.029).

(3) The acreage per dwelling unit is determined by multiplying the student yield by the per student land requirement (*e.g.*, 0.35 yield x 0.029 acres = 0.010).

(4) To convert the land dedication requirement into in-lieu payments, the acreage per dwelling unit is multiplied by the developed land value (e.g., 0.010 acres x \$95,000.00 = \$950.00).

**Section 2.** Exhibit A attached hereto (including its three numbered footnotes) shall appear in table format immediately below sub-section (b) (4) of the foregoing amendments to Section 17-14-230.

**Section 3.** Exhibit B attached hereto (including its single numbered footnote) shall appear in table format immediately below the footnotes segment of Exhibit A, except that the single numbered footnote within Exhibit B shall appear immediately below the table in Exhibit B and immediately above the paragraph that begins with “To determine the land or in-lieu payments...”.

**Section 4.** The within Ordinance shall not in any way affect land dedication requirements or the formula for payments in lieu thereof for any District other than PSD.

Introduced, passed on first reading, and ordered published this 8<sup>th</sup> day of April, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

Introduced, passed on second reading, and ordered published this 22<sup>nd</sup> day of April, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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



## MEMORANDUM

**Date:** April 22, 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:** Public Hearing and Ordinance No. 2013-1454 amending Chapter 16 of the Windsor Municipal Code with respect to building location requirements (First Reading)  
**Item #s:** C.3 & C.4

### Discussion:

This ordinance is proposed as a “house-keeping” amendment associated with the adoption of the building codes intended to align the building location requirements of the Municipal Code with those in the International Residential Code (IRC) and the International Building Code (IBC).

Table R302.1(1) of the 2012 IRC allows building eaves to extend no closer than two (2) feet from a property line and this is consistent with Section 16-11-50(b)(2) of the Municipal Code currently states, “Roof structures, including eaves, cornices, canopies and similar architectural features, may extend to within two (2) feet of the lot line.” The IRC also requires that any eaves extending closer than five (5) feet to a property line include 1-hour protection on the underside of the eave. This is also consistent with the 2012 IBC relating to eaves in table 705.2.

Therefore, in order to eliminate redundant requirements and follow one consistent condition, the proposed ordinance would delete Section 16-11-50(b)(2) from the Municipal Code as follows:

### **Sec. 16-11-50. Building location.**

(b) Offsets. No building shall hereafter be erected, structurally altered or relocated so that any portion thereof is closer to any lot line than the offset distance hereinafter specified by the regulations for the district in which it is located, ~~except as follows:~~

~~(1) In any case of multifamily, commercial or industrial use structures, where two (2) or more buildings on adjoining lots may be erected with common or directly adjoining walls, provided that the requirements of building codes relative to such construction are complied with and provided that, at both ends of such row-type buildings, the applicable offset requirements shall be complied with.~~

~~(2) Roof structures, including eaves, cornices, canopies and similar architectural features, may extend to within two (2) feet of the lot line.~~

Please note that this amendment would not change the building location setback or offset requirements in each respective zoning district, as those sections would remain intact.

**Fiscal Impact:** None

**Relationship to Strategic Plan:** N/A – The Comprehensive Plan does not address building codes

**Conformance with Vision 2025:** N/A - The Vision 2025 document does not address building codes

**Recommendation:**

At the April 17, 2013 regular meeting, the Planning Commission voted to recommend to the Town Board approval of the enclosed Ordinance on first reading and staff concurs with this recommendation.

**Notification:**

- Notice of April 17, 2013 Planning Commission public hearing published in April 5, 2013 Windsor Beacon
- Notice of April 22, 2013 Town Board public hearing published in April 5, 2013 Windsor Beacon
- Notice of both public hearings posted on Town bulletin board
- Notice of both public hearings posted on Town website

encl: Draft ordinance

TOWN OF WINDSOR

ORDINANCE NO. 2013 - 1454

AN ORDINANCE AMENDING THE WINDSOR MUNICIPAL CODE WITH RESPECT TO BUILDING LOCATION REQUIREMENTS

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

WHEREAS, the Town has in place a comprehensive system of land development and building code regulations, the purpose of which is to ensure the public health, safety and welfare; and

WHEREAS, the Town’s adoption of the International Building Codes family (“IBC”) assures that the location of buildings is regulated in a consistent and sensible manner; and

WHEREAS, *Windsor Municipal Code* Section 16-11-50 (b) overlaps and restates the requirements of the IBC with respect to the location of buildings on adjoining lots; and

WHEREAS, the Planning Department has recommended that these redundant Code provisions be eliminated, so that a single reference to building location requirements will serve as the Town’s policy in this regard; and

WHEREAS, following a public hearing, the Windsor Planning Commission has recommended that the within Ordinance be adopted; and

WHEREAS, the Town Board concludes that redundant and overlapping Code provisions should be eliminated wherever possible to promote ease of reference for the building community and Town staff; and

WHEREAS, the Town Board concludes the within Ordinance promotes the public health, safety and welfare.

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

Section 16-11-50 (b) of the Windsor Municipal Code is hereby repealed, amended and readopted to read as follows:

(b) Offsets. No building shall hereafter be erected, structurally altered or relocated so that any portion thereof is closer to any lot line than the offset distance hereinafter specified by the regulations for the district in which it is located, except in any case of multifamily, commercial or industrial use structures, where two (2) or more buildings on adjoining lots may be erected with common or directly adjoining walls, provided that the requirements of building codes relative

to such construction are complied with and provided that, at both ends of such row-type buildings, the applicable offset requirements shall be complied with.

Introduced, passed on first reading, and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

Introduced, passed on second reading, and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

DRAFT



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## MEMORANDUM

**Date:** April 22, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
Joseph P. Plummer, AICP, Director of Planning  
**From:** Brett Walker, Associate Planner  
**Subject:** Public Hearing – Conditional Use Grant for oil and gas well facilities to be located in the General Commercial (GC) and Residential Mixed Use (RMU) zoning district – Great Western Second Annexation (Kodak Pad Site)  
**Location:** Approximately one-thousand one-hundred feet (1,100) south of Eastman Park Drive, and eight hundred forty feet (840') east of State Highway 257.  
**Item #s:** C.5 & C.6

### Summary

Clayton Doke, Peterson Energy, and Jerry Sommer, Tekton Energy, have requested that the public hearing for consideration of Conditional Use Grant (CUG) approval for the Great Western 2<sup>nd</sup> Annexation Kodak Pad Site be continued to the May 13, 2013 Town Board meeting. Jerry Sommer, CEO of Tekton Energy, is not available for the April 22, 2013 meeting, and would like to be present to answer any questions of the Town Board or Windsor residents. A letter from the applicant requesting the continuance is attached.

Additionally, I have attached the staff memo and all attachments should the Town Board decide to have the public hearing and take action on this CUG application.

### Recommendation

Staff recommends that the Town Board continue Items C.4 & C.5, Public Hearing and Board Action for the Great Western 2<sup>nd</sup> Annexation Kodak Pad Site, to the May 13, 2013, 7:00 P.M. Town Board meeting.

pc: Clayton Doke, applicant, Peterson Energy  
Jerry Sommer, applicant, Tekton Energy  
Alex Yeros (property owner), Broe Land Acquisitions II, LLC



2154 West Eisenhower Boulevard

Loveland, Colorado 80537

970-669-7411

info@petersonenergy.com

555 17th Street, Suite 845

Denver, Colorado 80202

303-297-6900

www.petersonenergy.com

04/15/2013

VIA ELECTRONIC TRANSMISSION

TOWN OF WINDSOR  
ATTN: TOWN BOARD  
301 WALNUT ST  
WINDSOR, CO 80537

**RE: Request for Continuance;** Conditional Use Grant Application for Oil & Gas Facilities to be located in the Residential Mixed Use (RMU) and General Commercial (GC) zoning district in the northwest  $\frac{1}{4}$  of Section 27, Township 6 North, Range 67 West, approximately 840 feet east of State Highway 257 and approximately 1,100 feet south of Eastman Park Drive in the Great Western 2nd Annexation (Kodak Pad).

Dear Town Board of Windsor, CO

The Windsor Town Board will hold a public hearing on Monday, April 22, 2013, and the above facility. Tekton Windsor, LLC (TW) respectfully requests the town board continue the item to the town board meeting on May 13<sup>th</sup>, 2013. Please contact the undersigned at 303-216-0703 or 720-560-2700 with any questions.

Sincerely,

Clayton L. Doke  
Senior Engineer  
Peterson Energy, a Division of IPT  
Consultants to Tekton Windsor, LLC



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## MEMORANDUM

**Date:** April 22, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
Joseph P. Plummer, AICP, Director of Planning  
**From:** Brett Walker, Associate Planner  
**Subject:** Public Hearing – Conditional Use Grant for oil and gas well facilities to be located in the General Commercial (GC) and Residential Mixed Use (RMU) zoning district – Great Western Second Annexation (Kodak Pad Site)  
**Location:** Approximately one-thousand one-hundred feet (1,100) south of Eastman Park Drive, and eight hundred forty feet (840') east of State Highway 257.  
**Item #s:** C.5 & C.6

### Summary

The applicant, Tekton Energy, is requesting conditional use grant approval to drill sixteen (16) horizontal oil and gas wells in the Great Western 2<sup>nd</sup> Annexation Kodak Pad Site. Other improvements include sixteen (16) three-phase separators, sixteen (16) emissions control devices, thirty-two oil tanks, and eight (8) water tanks. The applicant has permits pending with the Colorado Oil and Gas Conservation Commission (COGCC).

A copy of the meeting attendance sheet and meeting notes are attached. The neighborhood meeting was held on March 6, 2013.

### Discussion:

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

In accordance with Section 16-7-60(a) of the Windsor Municipal Code, "Oil and gas facilities, as defined in this Chapter, shall be permitted as a conditional use in all zoning districts." The subject site is zoned General Commercial (GC) and Residential Mixed Use (RMU).

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

According to Section 16-7-60(c), based upon specific site characteristics, which shall include but shall not be limited to: nature and proximity of adjacent development; prevailing weather patterns, including wind direction; vegetative cover on or adjacent to the site; and topography of the site, the

Town Board may, as a condition of approval of any conditional use grant, require any or all of the following methods to mitigate adverse impacts on surrounding properties:

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

- a. **Use structures of minimal size to satisfy present and future functional requirements.** The applicant shall comply with this section of the Code in order to mitigate visual impacts.

The applicant is proposing to utilize up to sixteen (16) three-phase separators, sixteen (16) emission control devices, thirty-two (32) oil tanks, and eight (8) water tanks. The applicant is proposing to use storage tanks that are low-profile, with a maximum height of nine and one-half (9.5) feet. The zoning on the site is Residential Mixed Use (RMU) and General Commercial (GC). Tanks and separators will be painted in uniform, non-reflective, earth tone colors. A berm will be constructed around the oil and water tanks to hold 110 percent of the capacity of the largest tank located within the berm.

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

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

According to the applicant, the site will be maintained to prevent the accumulation of trash and noxious weeds. All weeds will be prevented from growing or will be removed from the tank battery site, access road and wellhead pad. Weed spraying by a licensed applicator will be conducted annually, and any fugitive weeds will be removed manually.

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

- c. **Construction of buildings or other enclosures may be required where facilities create visual impacts that cannot be mitigated because of proximity, density and/or intensity of adjacent residential land use.** The subject property is zoned Residential Mixed Use (RMU) and General Commercial (GC) and is currently undeveloped land. The applicant has a surface use agreement with the property owner to minimize impacts of surface activities. The application materials state that an earth berm will be constructed around the oil and water tanks with a capacity that will contain 110% of the largest tank located within the berm.

**(2) Landscape requirements. Groundcover, shrubs and trees shall be established and maintained in order to adequately buffer the facility.** The subject property is zoned

Residential Mixed Use (RMU) and General Commercial (GC). The site is currently being cultivated with crops and there are additional approved oil and gas wells in proximity to the site. The nearest residences are located approximately nine hundred (900) feet west of the site on the west side of State Highway 257. There are commercial and industrial uses on the north side of Eastman Park Drive, over 1,000 feet north of the site. Given the distance to residential and commercial uses, landscaping will not be required.

According to the applicant, the site will be maintained to prevent the accumulation of trash and noxious weeds. All weeds will be prevented from growing or will be removed from the tank battery site, access road and wellhead pad. Weed spraying by a licensed applicator will be conducted annually, and any fugitive weeds will be removed manually.

- (3) Floodplain requirements. The oil and gas facilities shall comply with all applicable federal, state and local laws and regulations when located in a floodway or a one-hundred-year floodplain area. All equipment at oil and gas facilities located within a one-hundred-year floodplain area shall be anchored as necessary to prevent flotation, lateral movement or collapse or shall be surrounded by a berm with a top elevation at least one (1) foot above the level of a one-hundred-year flood. Any activity or equipment at any oil and gas facility within a one-hundred-year floodplain shall comply with the Federal Emergency Management Act and shall not endanger the eligibility of residents of the Town to obtain federal flood insurance.** The subject property is not located in a floodplain or floodway.

#### **Conformance with Vision 2025:**

The proposed use is consistent with the economic vitality goals of the Vision 2025 document.

#### **Notification:**

##### March 6, 2013 neighborhood meeting:

- September 7, 2012 - notification letters mailed to the adjacent property owners
- September 12, 2012 - notice published in the Windsor Beacon
- September 9, 2012 - notice published in the Windsor Now

##### April 17, 2013 and April 22, 2013 public hearings:

- April 5, 2013 - legal notice for Planning Commission and Town Board public hearings posted on the Town of Windsor website
- April 5, 2013 - Property posted with a notification sign
- April 5, 2013 - legal ad for Planning Commission and Town Board public hearings published in the Windsor Beacon
- Mach 20, 2013 - letters for Planning Commission and Town Board public hearings mailed to the adjacent property owners

**Recommendation:** At their April 17, 2013 regular meeting, the Planning Commission voted to recommend approval of the Conditional Use Grant to the Town Board, subject to the following conditions, and staff concurs with this recommendation:

1. Prior to the commencement of drilling, the applicant shall submit comprehensive "Drilling and Site Improvement Plans" for review and approval by the Town. Such plans shall

address initial drilling activities, initial installation of site improvements and details, and on-going perpetual maintenance of the subject site including, but not limited to, the following:

- a. Site access plan. The Drilling and Site Improvement Plans and supplemental information shall address site access points and haul routes for review and approval.
- b. Public street clean-up and tracking prevention. The Drilling and Site Improvement Plans and supplemental information shall include a tracking pad for review and approval.
- c. Site grading. The Drilling and Site Improvement Plans and supplemental information shall address site grading, including any earth berms for emergency containment.
- d. Site lighting. The Drilling and Site Improvement Plans and supplemental information shall include details regarding site lighting fixtures and locations. Security and other site lighting shall utilize full cutoff light fixtures to mitigate light pollution.
- e. Temporary screening. The applicant shall install a buffer to screen the initial drilling activities and installation of site improvements from surrounding neighborhoods and streets. The temporary buffer shall include hay bales to enclose the drilling operations to provide noise mitigation.
- f. Permanent screening. Given the distance to residential and commercial development, long-term screening materials are not required with this proposal. Additionally, the site is located in the middle of a field actively cultivated with crops.
- g. Fencing. The Drilling and Site Improvement Plans shall depict fencing of the perimeter of the site. Fencing materials shall be reviewed for approval by the Town based upon the character of the surrounding neighborhood.
- h. Oil and gas equipment.
  - (1) The applicant shall utilize electric motors in order to mitigate the noise impacts to the neighboring properties.
  - (2) The applicant shall ensure that the wells and tanks are of the minimum size required to satisfy present and future functional requirements to mitigate visual impacts.
  - (3) Low profile tanks shall be utilized and shall be installed in the least visible manner possible.
  - (4) All tanks and equipment shall be painted to blend-in with the surrounding landscape.
- i. Air quality.
  - (1) The applicant shall participate in any required Environmental Protection Agency (EPA) air quality monitoring and/or testing by allowing EPA to install equipment on site for said monitoring and testing.
  - (2) The applicant shall install and operate an emissions control device (ECD) capable of reducing Volatile Organic Compound (VOC) emissions on the subject oil and gas equipment in accordance with Colorado Oil and Gas Conservation Commission (COGCC) and/or the Colorado Department of Public Health and Environment (CDPHE) rules and regulations.

- (3) The applicant shall submit to the Town copies of all air emissions reporting as required by the COGCC and/or the CDPHE's Air Pollution Control Division.
- j. Water quality.
- (1) The applicant shall ensure that any hydrocarbon discharges from the site comply with all state and federal water quality requirements.
  - (2) The applicant shall participate in the Colorado Oil and Gas Association (COGA) Baseline Groundwater Quality Sampling Program utilizing independent third party sampling and laboratories and shall provide to the Town test results obtained before and after drilling operations.
- k. Emergency containment. The secondary containment berm surrounding all storage vessels shall be designed and constructed to contain a minimum of 110% of the volume of the largest vessel located within the containment area or to State of Colorado standards, whichever requirements are more stringent.
- l. Waste disposal. The applicant shall submit to the Town copies of all waste management reports as required by the COGCC and/or the CDPHE rules and regulations.
- m. The following certification blocks shall be included on the Drilling and Site Improvement Plans:
- (1) A signed owner's acknowledgement certification block.
  - (2) A signed drilling operator's acknowledgement certification block.
- n. The following notes shall be included on the Drilling and Site Improvement Plans:
- (1) The applicant shall comply with all rules and regulations of the Colorado Oil and Gas Conservation Commission (COGCC).
  - (2) The applicant shall comply with all rules and regulations of the Colorado Department of Public Health and Environment (CDPHE).
  - (3) The applicant shall maintain on-going compliance with all conditions of the Town and Windsor-Severance Fire Rescue.
  - (4) The facilities shall be kept clean and otherwise properly maintained at all times.
  - (5) The existing access may be utilized for oil and gas well activities. This access point is temporary and will be required to be removed at such time that permanent access is available in the future.
2. The applicant shall address and comply with the conditions of Windsor-Severance Fire Rescue.
  3. The applicant shall address and comply with the comments and conditions of the Town of Windsor Engineering Department.

**Enclosures:** PowerPoint slides, application materials, Engineering Department comments

pc: Jery Sommer (applicant), Tekton Energy  
Clayton Doke (applicant), Peterson Energy  
Alex Yeros (property owner), Broe Land Acquisitions II, LLC

### TEKTON KODAK PAD SIGN-IN SHEET

	Name	Phone	Email
1	JESUS M. ESPARZA	690-5039	n/a
2	SARA ESPARZA	690-5039	sara.gomez@student.ibmc.edu
3	MIKE RAIS	219-7299	mraiss66@hotmail.com
4	KIM RAIS	219-8427	" "
5	JAMES DYKES	970-749-2954	Caymansburg38@gmail.com
6	DAVID CISMOSKI	970-686-6275	SKI_JUNE@MSN.COM
7	ART PATERSON SHANNAN DEJERUS	970 674-9898	
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9	PAT DAVEY	9706865881	
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**Notes on Neighborhood Meeting; Town of Windsor CUG, Tekton Kodak (Great Westernn 2<sup>nd</sup> Annexation) Site.**

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Jerry Sommer commenced the meeting slightly after 7:00 pm March 6<sup>th</sup> at Austin's. Nine members of the public signed the attendance sheet, a copy of which is attached herewith. Introductions were made. The presentation given for informational purposes included maps and an overview of the site.

It was noted that the access point is currently being negotiated with the surface owner.

Jerry opened the floor to questions following the presentation, which included concerns over visual, noise, nuisance dust, and truck traffic. Several citizens appeared satisfied with the answers to these concerns. There were some questions pertaining to the practices and procedure for drilling for and extracting oil and gas, which centered on well mechanical integrity and the isolation of hydrocarbons from sensitive formations or zones.

A citizen noted an error in the directions as provided on the letter. This was discussed with the Town of Windsor representative.

## Great Western 2<sup>nd</sup> Annexation (Kodak Pad Site) Neighborhood Meeting Notes

Jerry Sommer, Tekton Energy gave a presentation of the proposed oil and gas facilities. During the presentation, several questions were asked regarding the drilling process. Also present representing the applicant were:

Andy Peterson;	Peterson Energy
Clayton Doke;	Peterson Energy
Robert Gardner;	Peterson Energy
Patrick McMeekin;	Water Valley Land Company

- Q. What is the drilling process? Jerry Summers explained the drilling process from pre-drilling through the life of a well.
- Q. What type of steel pipe is used? A seamless steel that is stronger than schedule 80. The life expectancy of the pipe is 40 years.
- Q. What happens if wells leak? Who is responsible for fixing it? If a well leaks, the steel pipe would be replaced. The operator is responsible for fixing any leaks.
- Q. Question regarding tap water catching on fire? There is a sign that methane is present in the water well. This occurs at a shallow depth. The proposed wells will be at a deep depth. Thermogenic gas vs. biogenic gas.
- Q. Statement regarding an error on the neighborhood meeting notice sent. The notice stated that the meeting would be held in the Loft Room at Austin's Homestead. The meeting was held in a different meeting room at Austin's Homestead. Also, the well locations on the neighborhood meeting notice were misrepresented.
- Q. Statement from an audience member regarding his sump pump. He states that since wells were first drilled in Water Valley, his sump pump has been constantly running. It rarely turned on before wells were drilled.
- Q. Question regarding who get included in well leases? The State determines the well area unit. This determines whose mineral rights are included.
- Q. Question regarding the visual effects of the wells. There is a daycare to the north, houses in Water Valley. Mr. Sommer stated that the daycare is 3,410 feet from the well site, and there are existing wells closer to the daycare. Tekton has a surface use agreement with Broe Land requiring concealments in the form of landscaping, berms, or fencing.
- Q. Question regarding leases and forced pooling. Mr Sommer briefly explained the State rules regarding forced pooling.
- Q. What does the Town get as a benefit of the wells? Tax revenue.

- Q. How much noise do the wells make? Once they are drilled – little sound. During the drilling process, the operator implements sound mitigation efforts – berming, sound walls, etc.
- Q. How are you going to monitor methane? Methane is monitored by the CDPHE. The State has a process to ensure compliance. Emission Control Devices (ECDs) burn fugitive methane.
- Q. How much truck traffic? When moving in the rig – approximately 25 trucks. During the hydraulic fracturing process – approximately 500 trucks, equal to 10 truckloads of water/day.
- Q. When was the last time your company had an accident. Mr. Sommer stated that they are a fairly new company, and have not had any accidents to date. Andy Peterson, Peterson Energy, stated that he has not had any reportable incidents in 22 years.



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# Conditional Use Grant for Oil and Gas Well Facilities Great Western Second Annexation Kodak Pad Site

Tekton Energy

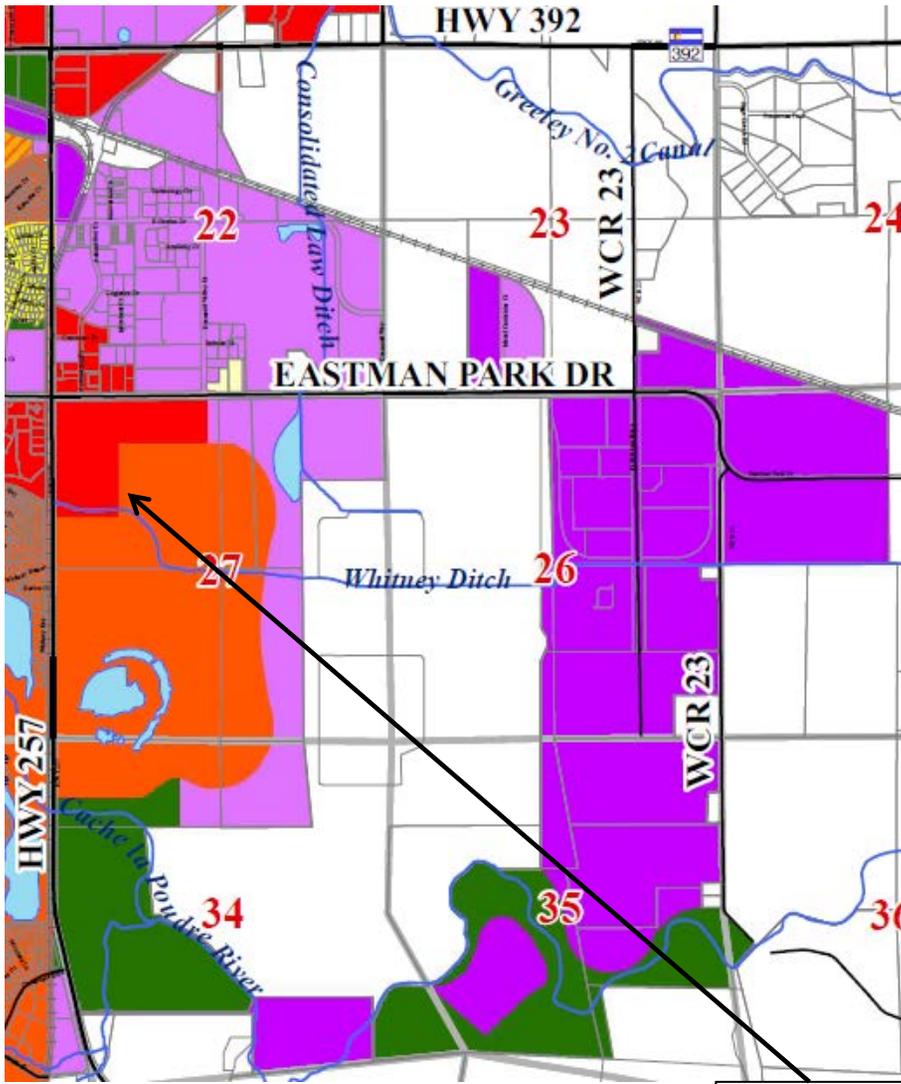
Brett Walker

April 22, 2013

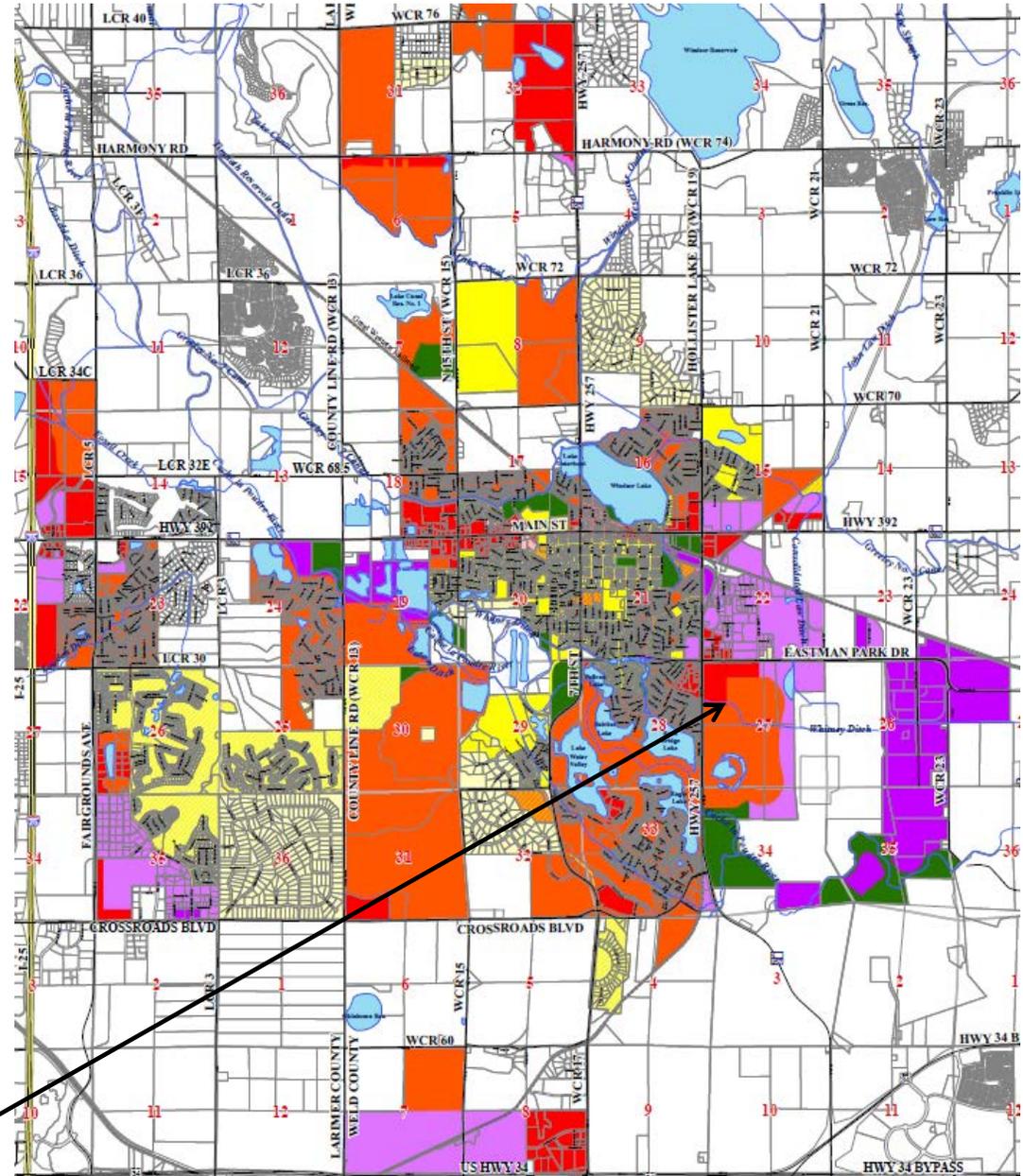
Town Board

C.5 & C.6

# Vicinity Map/Zoning



Subject Site





# Neighborhood Context

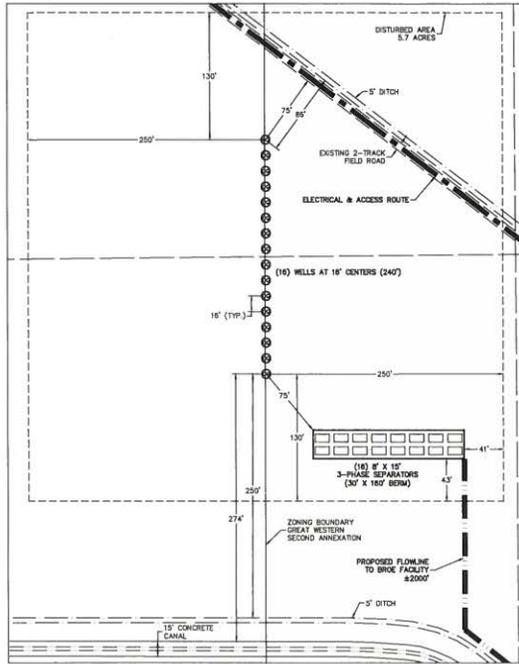




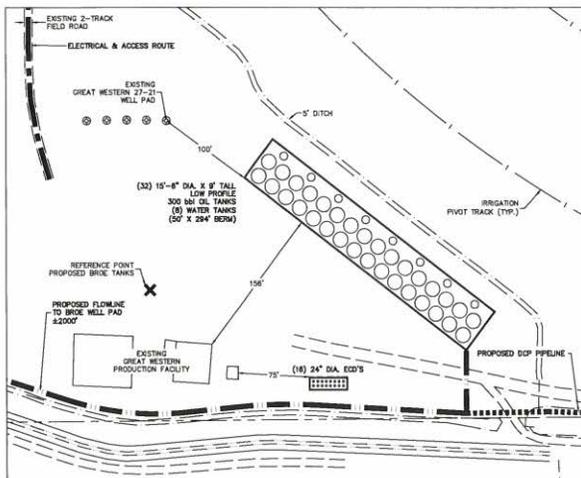
# Proposed Drilling Plan

## BROE FACILITY DETAIL

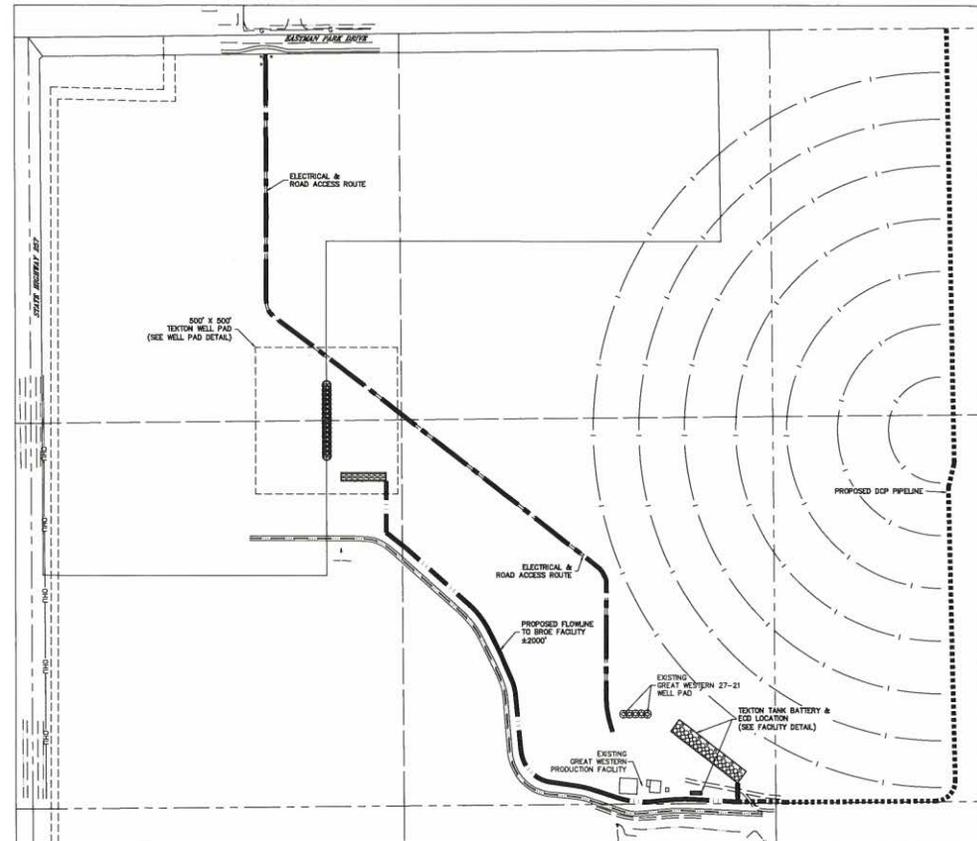
A PORTION OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M. (GREAT WESTERN 2ND ANNEXATION) TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



WELL PAD DETAIL  
SCALE: 1" = 60'



FACILITY DETAIL  
SCALE: 1" = 60'



OPERATIONS MAP  
SCALE: 1" = 200'



Lat40, Inc.  
Professional Land Surveyors  
1635 Foxtrail Drive, Suite 325  
Loveland, CO 80537  
O: 970-776-3321

DATE:	12/11/12	FILE NAME:	2012167WELL.dwg	DRAWN BY:	BTB	CHECKED BY:	BTB	SCALE:	AS NOTED	PROJECT #:	2012167
REVISIONS:		DATE:									
REVISE FLOWLINES	BTB	12/21/2012									
ADD OPERATIONS MAP	BTB	12/21/2012									

BROE FACILITY DETAIL  
FOR  
TEKTON ENERGY, LLC  
640 PLAZA DRIVE, SUITE 290  
HIGHLANDS RANCH, CO 80129

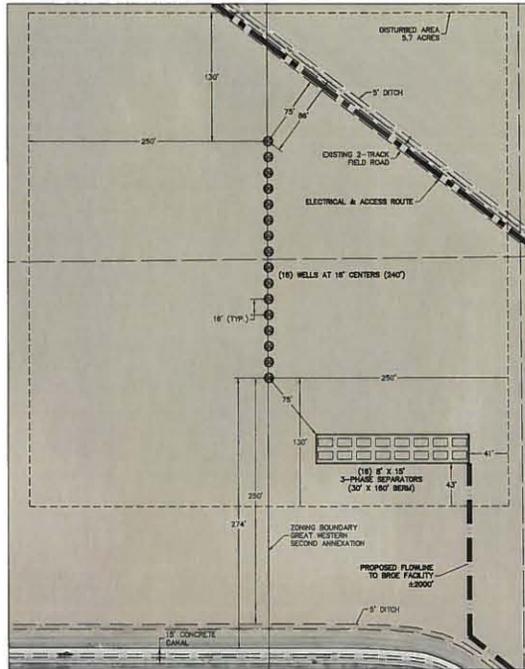
**1**  
SHEET 1 OF 1



# Proposed Drilling Plan

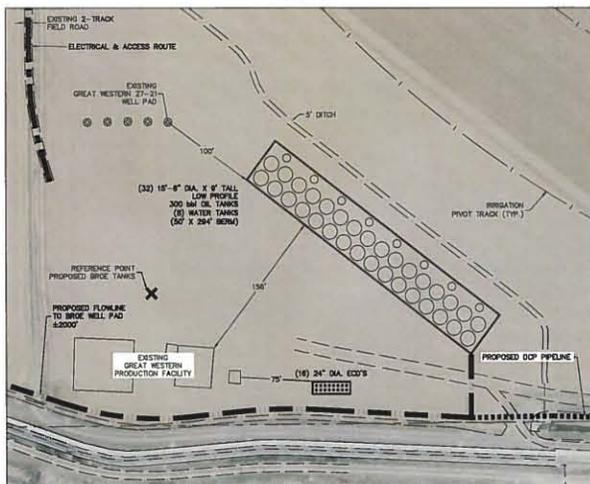
## BROE FACILITY DETAIL

A PORTION OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M. (GREAT WESTERN 2ND ANNEXATION) TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



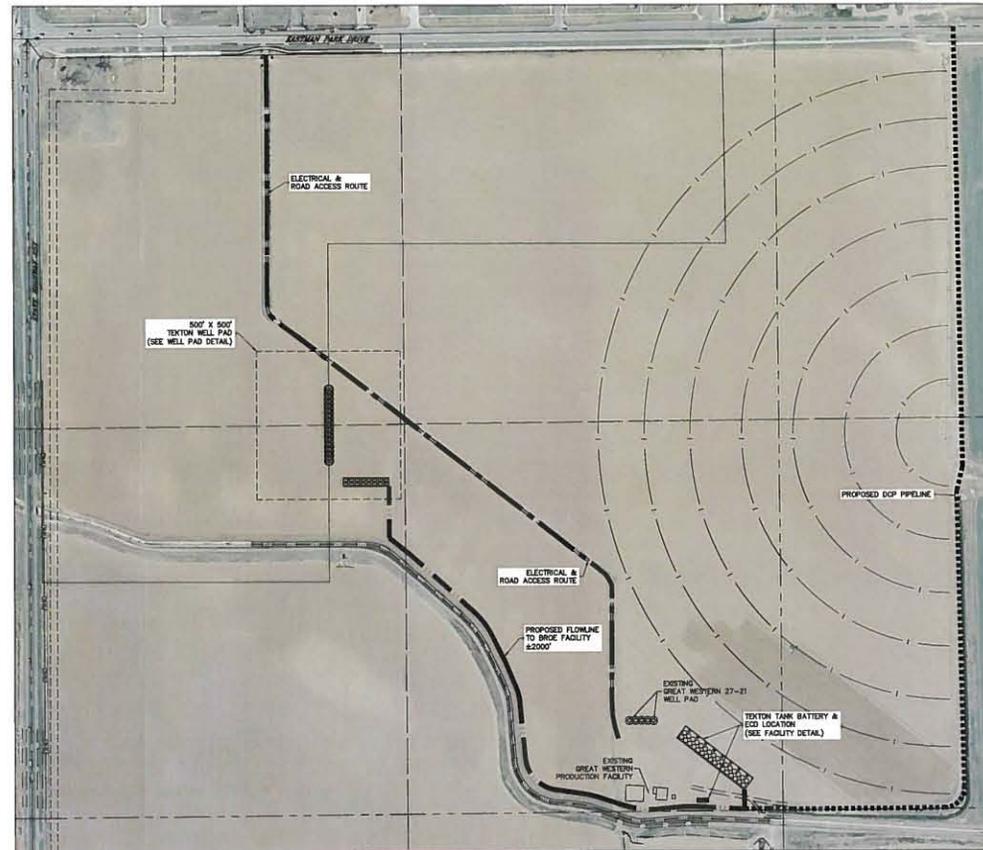
WELL PAD DETAIL

SCALE: 1" = 60'



FACILITY DETAIL

SCALE: 1" = 60'



OPERATIONS MAP

SCALE: 1" = 200'

	Lat40, Inc. Professional Land Surveyors 1635 Foxtrail Drive, Suite 325 Loveland, CO 80537 O: 970-776-3321		DATE: 12/11/12 REVISIONS: REVISE FLOWLINES BTB 12/21/2012 ADD OPERATIONS MAP BTB 12/21/2012	FILE NAME: 2012167WELL.dwg DRAWN BY: BTB CHECKED BY: BTB SCALE: AS NOTED PROJECT #: 2012167	DATE: 12/21/2012 BROE FACILITY DETAIL FOR TEKTON ENERGY, LLC 640 PLAZA DRIVE, SUITE 290 HIGHLANDS RANCH, CO 80129	<b>1</b> SHEET 1 OF 1



# Conditions of Approval

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1. Prior to the commencement of drilling, the applicant shall submit comprehensive “Drilling and Site Improvement Plans” for review and approval by the Town. Such plans shall address initial drilling activities, initial installation of site improvements and details, and on-going perpetual maintenance of the subject site including, but not limited to, the following:
  - a. Site access plan. The Drilling and Site Improvement Plans and supplemental information shall address site access points and haul routes for review and approval.
  - b. Public street clean-up and tracking prevention. The Drilling and Site Improvement Plans and supplemental information shall include a tracking pad for review and approval.
  - c. Site grading. The Drilling and Site Improvement Plans and supplemental information shall address site grading, including any earth berms for emergency containment.
  - d. Site lighting. The Drilling and Site Improvement Plans and supplemental information shall include details regarding site lighting fixtures and locations. Security and other site lighting shall utilize full cutoff light fixtures to mitigate light pollution



# Conditions of Approval

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- e. Temporary screening. The applicant shall install a buffer to screen the initial drilling activities and installation of site improvements from surrounding neighborhoods and streets. The buffer shall include hay bales to enclose the drilling operations to provide noise mitigation.
- f. Permanent Screening. Given the distance to residential and commercial development, long-term screening materials are not required with this proposal. Additionally, the site is located in the middle of a field actively cultivated with crops.
- g. Fencing. The Drilling and Site Improvement Plans shall depict fencing of the perimeter of the site. Fencing materials shall be reviewed for approval by the Town based upon the character of the surrounding neighborhood.
- h. Oil and gas equipment.
  - 1) The applicant shall utilize electric motors in order to mitigate the noise impacts to the neighboring properties.
  - 2) The applicant shall ensure that the wells and tanks are of the minimum size required to satisfy present and future functional requirements to mitigate visual impacts.
  - 3) Low profile tanks shall be utilized and shall be installed in the least visible manner possible.
  - 4) All tanks and equipment shall be painted to blend-in with the surrounding landscape.



# Conditions of Approval

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- i. Air quality.
  - 1) The applicant shall participate in any required Environmental Protection Agency (EPA) air quality monitoring and/or testing by allowing EPA to install equipment on site for said monitoring and testing.
  - 2) The applicant shall install and operate an emissions control device (ECD) capable of reducing Volatile Organic Compound (VOC) emissions on the subject oil and gas equipment in accordance with Colorado Oil and Gas Conservation Commission (COGCC) and/or the Colorado Department of Public Health and Environment (CDPHE) rules and regulations.
  - 3) The applicant shall submit to the Town copies of all air emissions reporting as required by the COGCC and/or the CDPHE's Air Pollution Control Division.
  
- j. Water quality.
  - 1) The applicant shall ensure that any hydrocarbon discharges from the site comply with all state and federal water quality requirements.
  - 2) The applicant shall participate in the Colorado Oil and Gas Association (COGA) Baseline Groundwater Quality Sampling Program utilizing independent third party sampling and laboratories and shall provide to the Town test results obtained before and after drilling operations.



# Conditions of Approval

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- k. Emergency containment. The secondary containment berm surrounding all storage vessels shall be designed and constructed to contain a minimum of 110% of the volume of the largest vessel located within the containment area or to State of Colorado standards, whichever requirements are more stringent.
- l. Waste disposal. The applicant shall submit to the Town copies of all waste management reports as required by the COGCC and/or the CDPHE rules and regulations.
- m. The following certification blocks shall be included on the Drilling and Site Improvement Plans:
  - 1) A signed owner's acknowledgement certification block.
  - 2) A signed drilling operator's acknowledgement certification block.
- n. The following notes shall be included on the Drilling and Site Improvement Plans:
  - 1) The applicant shall comply with all rules and regulations of the Colorado Oil and gas Conservation Commission (COGCC)
  - 2) The applicant shall comply with all rules and regulations of the Colorado Department of Public Health and Environment (CDPHE)
  - 3) The applicant shall maintain on-going compliance with all conditions of the Town and Windsor-Severance Fire Rescue.



# Conditions of Approval

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- 4) The facilities shall be kept clean and otherwise properly maintained at all times.
  - 5) The existing access may be utilized for oil and gas well activities. This access point is temporary and will be required to be removed at such time that permanent access is available in the future.
- 
2. The applicant shall address and comply with the conditions of Windsor-Severance Fire Rescue.
  3. The applicant shall address all of the enclosed comments from the Town Engineering Department.



# Kodak Pad Site

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Staff requests that the following be entered into the record:

- Application materials
- Staff memorandum and supporting documents



# Conditional Use Grant Application

## Town of Windsor, CO

### KODAK PAD SITE

Project Start Date: **3rd & 4th Quarter 2013 (Est.)**

Well(s): **Sixteen (16) Oil and Gas Wells**  
API #: TBD  
Operator: TEKTON WINDSOR LLC  
SHL: E/2 NW/4  
Section 27--T6N-- R67W  
Weld County, Colorado

Prepared For: **Tekton Windsor, LLC**  
*640 Plaza Drive #290*  
*Highlands Ranch, Colorado 80129*

Author(s): Clayton Doke, Petroleum Engineer

Copies: Town of Windsor (1 copy), Tekton Windsor, LLC (1 copy), Electronic File (1 file)

**TOWN OF WINDSOR APPLICATION FOR CONDITIONAL USE**

**KODAK PAD**

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**Section 3            Required Permits** COGCC Forms 2 & 2A with survey plat, improvements, site photos & directional plans, Etc.

**Section 4            Water and Air Quality Assessment and Control Best Management Practices**

**Section 5            Emergency Response and Fire Protection Plan**

**Section 6            COGCC 600 and 900 Series Rules**

**Section 7            Proposed Facility Detail**

**Section 8            Other Documents, Leases, Plats Etc.**

## SECTION 1 SUMMARY OF PROPOSED OPERATIONS

Tekton Windsor, LLC ("TW") proposes to drill sixteen (16) horizontal oil wells to a true vertical depth of approximately 7,500' at the location set forth in in this booklet. The wellheads will be located 16' apart at the surface per the facility diagram in Section 7. The wells will be drilled directionally to bottom-hole locations yet to be determined under permits to be approved by the Colorado Oil and Gas Conservation Commission (COGCC). As of the time of this submittal no permits have been submitted to the COGCC. Operations are set to commence in the 3<sup>rd</sup> or 4<sup>th</sup> quarter of 2013. A pad will be prepared for a conventional drilling rig. Drilling operations are expected to take 10-14 days of around-the-clock operations per well, followed by 8-10 weeks of daylight-only completion operations. The producing life of the well is expected to be twenty years. All operations will be under the supervision of experienced company and contract supervisors, and will be conducted per COGCC, CDPHE, Weld County and Town of Windsor regulations.

The surface owner of the parcel is subject to a Surface Use Agreement. The wellhead pad and tank battery sites were selected in order to minimize surface disturbance and comply with the surface owner's wishes.

## WELL, SURFACE OWNER AND OPERATOR INFORMATION

WELL NAMES:	Sixteen (16) as yet unnamed wells.
DRILL PAD LOCATION:	Township 6 North, Range 67 West, 6 <sup>th</sup> PM Section 27: W/2 NW/4, Weld County, CO Directions: Highway 257 & Eastman Park Drive, E 870', S 1,100' to location.
SURFACE OWNER:	Broe Land Acquisitions II, LLC. Parcel Tax ID# 080727200016. The surface owner is subject to an SUA, a MOSUA has been included in Section 8.
OWNER/OPERATOR OF WELL:	Tekton Windsor, LLC 640 Plaza Dr. #290, Highlands Ranch, CO 80129
SUBDIVISIONS:	This location is within the Great Western (2 <sup>ND</sup> Annex) subdivision. The surface location at the wellheads is zoned Residential Mixed Use (RMU). Sections of the pad site are zoned General Commercial (GC & GC-PUD)
VICINITY MAP	Please see attached maps
STATEMENT OF COMPLIANCE:	TW will comply with all requirements of the Town of Windsor Code 16-7-60 and C.R.S. §34-60-127 and all applicable regulations. Detailed compliance issues are discussed in the Operations Plan which follows
VISUAL & NOISE MITIGATION	The proposed site meets the requirements of Town of Windsor Code 16-7-60 and all applicable COGCC setback requirements. As a result, no special visual or noise mitigation is planned at this time, but may be required by the state or negotiated with the Town.
WASTE DISPOSAL:	Drilling mud will be hauled off-site following drilling operations. A trash bin will be used for solid waste; no trash will be buried on site. Human waste will be handled by portable sanitary facilities. Produced water from the well will be disposed of at a site approved by the COGCC.
LEASEHOLD OWNERSHIP:	TW acquired the right to explore for and produce hydrocarbons from multiple leases in the area which are to be developed from this site. The surface owner of both parcels is the same and is subject to a Surface Use Agreement.

## **SECTION 2**

### **GENERAL OPERATING PLAN**

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#### **SITE PREPARATION**

Construction begins with creating the access road from the access point on Eastman Park Drive, leveling the site and constructing water and fluid handling pits where applicable. The attached Rig Plan Layout shows the immediate area to be disturbed by drilling operations. A temporary fence will be constructed inside this to ensure trucks do not go outside the boundary. The tank battery and wellhead access road will be constructed of 6" gravel compacted to minimum density of 95% and will be graded to provide drainage from the roadway surface. Any grading will have all topsoil horizons segregated per COCGG regulations to facilitate proper backfilling.

#### ***EROSION AND DRAINAGE CONTROL***

Culverts for cross-drainage will be installed as warranted and in conjunction with consultations with the surface owner. Silt fences will be installed around the tank battery site construction. The tank battery site is flat and only minimal grading will be required. The wellhead access road will be crowned, ditched and graveled, and culverts for cross drainage will be installed as above. The pad will be constructed such that it does not cause substantial erosion of the surrounding areas. The operator will take whatever means necessary to insure that access to the wellheads and tank battery is maintained in all seasons. A silt fence will be installed around the drill-cuttings pad, topsoil and spoil piles to prevent soil migration. The wellhead pad is also relatively flat. No significant cuts or fills will be required.

#### **DRILLING PHASE**

After site preparation, portable drilling rig equipment is transported to location and rigged up. Weld County and Town of Windsor rig move permits, as applicable, will be obtained. Drilling operations are conducted 24 hours a day until completed. The surface hole is drilled to at least 500 ft using fresh water and surface casing is run and cemented back to ground level to protect fresh water zones. Surface casing setting depth and construction is approved by the Colorado Oil & Gas Conservation Commission and will comply with COGCC rules and regulations. Well control equipment (BOPE) is installed and tested and drilling of the main hole is commenced. The rig will likely use a closed-loop pit-less drilling system. Horizontal wells up to 15,000 ft in measured depth are probable for this site. Upon reaching total depth, the well is generally logged using electric logs that assist in evaluating the potential of the various production formations and to assist operations during the completion phase. Production casing (7" 23#/ft steel for horizontal wells) is cemented in the wellbore at 90° at the beginning of the horizontal lateral to isolate the oil and gas productive intervals from communication with shallower formations. A liner (4-1/2" 11.6 #/ft steel) is then hung in place through the productive zone.

The rig will move in, drill and move out over a continuous period of approximately 10-14 days per well or 36 weeks total.

Water used in drilling the well will be obtained from a commercial water hauling contractor from a source approved by both COGCC and the State Engineer's office.

#### ***NOISE AND LIGHT POLLUTION MITIGATION***

Noise levels will be maintained at levels not to exceed COGCC specifications currently in existence, measured at a point 350' from the noise source, or as defined by current COGCC regulations. Where possible, drilling rig engine exhaust will be vented away from occupied buildings. Light sources will likewise be directed downwards, and away from occupied structures where possible. Once the drilling and completion rigs leave the site, there will be no permanently installed lighting on site.

#### ***SANITATION PROGRAM***

Portable sanitary facilities from a third-party contractor will in place for use by the drilling and completion personnel, per COGCC Rule 602.f. No disposal of human waste on the surface is permitted.

### **RESTORATION/RECLAMATION**

Reclamation will be conducted under company supervision per COGCC regulations. Following drilling operations, all drilling mud and cuttings will be removed from any reserve/retention area using trucks, pumps and mechanical squeezing with a dozer. The mud and cuttings will be trucked offsite to an approved land farming or land spreading site, per COGCC regulations. The pad will be backfilled with soils in the reverse order removed and capped with the separated topsoil. Sub soils will be mechanically compacted while backfilling.

COGCC regulations give the operator six months to complete restoration activities, but it is expected that restoration will be essentially completed in three months following the completion of drilling operations.

### **COMPLETION PHASE**

The completion phase begins when the drilling equipment is transported off the location. Completion operations are conducted intermittently over a period of several weeks and during daylight hours. The site is again bladed and leveled to accommodate the completion rig and anchors are set for the completion rig. Additional operations including cementing, drilling and logging may occur as circumstances require. For horizontal wells, multiple fracture stages are conducted along the length of the wellbore in the respective formation into which the well has been drilled.

During hydraulic fracturing, water is pumped at high rates and pressures that exceed the minimum in-situ rock stresses and hydraulically fracture the formation. Sand is then pumped into the created fracture to allow gas and oil to flow freely from the formation into the well bore. The fracturing equipment will consist of multiple tanks for water storage, pressure pumps, blending and bulk material trucks with other necessary equipment. While the actual fracturing operation only takes a few hours, preparing for the procedure requires up to three weeks to move in necessary equipment and schedule services. After fracturing is completed the mobile equipment is removed, excluding tanks that are used to retain the water that is produced during flowback and testing operations. No water is allowed to accumulate or be disposed of on surface. All water is hauled to approved disposal sites. The flowback tanks will remain on location until the well is rerouted through standard production equipment.

### **PRODUCTION PHASE**

Production facilities will comply with Windsor and COGCC regulations. The standard production equipment to be installed on the wellhead pad generally consists of wellhead assemblies, pumping units, buried flowlines, separators, and a number of above ground storage tanks and low-profile fiberglass water tanks. The separators and tanks must be located 75' from each other and the wellhead per COGCC regulations.

A tank battery site will be constructed on the existing flat area northeast of the proposed wellheads. Buried flowlines will connect the well pad with the tank battery. 36 low-profile (~9.5' high) steel oil tanks, 9 low-profile water tanks, and 18 three-phase separators, will be installed at the tank battery site per the attached facility detail site plan. A berm will be constructed around the oil and water tanks to hold 100% of the capacity of the largest tank within the berm with sufficient freeboard for precipitation per 40 C.F.R. §112.

Within thirty days after completion of operations, Tekton shall provide to the town "as built" drawings showing all facilities, pipelines, flow lines and gathering lines installed to service the proposed well. Building permits will be obtained for permanent above-ground structures.

A "pumper/gauger" (Tekton employee or contractor), will monitor the well every day. The pumper/gauger reports the tank measurements of the oil, gas sales and pressure readings and performs normal maintenance duties. This production information is compiled and submitted to the Colorado Oil & Gas Commission on a monthly basis. In addition, the pumper/gauger will inspect the site for hazards, control weeds and maintain the appearance of the production and well site. A crude oil truck will periodically haul out oil and a water truck will remove the produced water and haul it to an approved disposal site.

#### *VISUAL MITIGATION*

Depending on the topography, existing setback distances and natural features in the area, and negotiations with the surface owner, special visual mitigation may be used. Due to the large distances from the facility to public areas, homes and other development, no special visual mitigation measures are planned at this time. All tanks will be of low-profile style, with a 9.5' maximum height. Artificial lift such as grasshopper or horse-head style pumping units may be used.

Tanks and separators will be painted in uniform, non-reflective, earth tones selected after consultation with the surface owner.

#### *WEED CONTROL*

The site will be maintained to prevent accumulation of trash and noxious weeds. Tekton will comply with Colorado Oil and Gas Conservation Commission rules 603.g, 1003.e.(1), 1003.f, 1004.c.(2) regarding weed control. All weeds, noxious or otherwise, will be prevented from growing or will be removed from the tank battery site, access road and wellhead pad. Weed spraying by a licensed applicator will be conducted annually, and any fugitive weeds will be removed manually.

#### *ROAD MAINTENANCE*

Access roads will be bladed or "dragged" to minimize ruts following wet weather. Fugitive dust is not expected to be a problem as disturbed areas will be either reseeded or graveled.

#### *SIGNS*

Signs required by COGCC will be maintained in good, readable condition.

#### *AIR POLLUTION MITIGATION*

All drilling, well completion and production activities will be in compliance with the permit and control provisions of the Colorado Air Quality Control Program, Title 25, Article 7, C.R.S. After completion, thermal oxidizers will be installed at the tank battery for Volatile Organic Compound (VOC) control and elimination. Additionally, where feasible green completions practices will be used in order to capture any fugitive VOCs flashed from the flowback fluids. See Section 4 for more details.

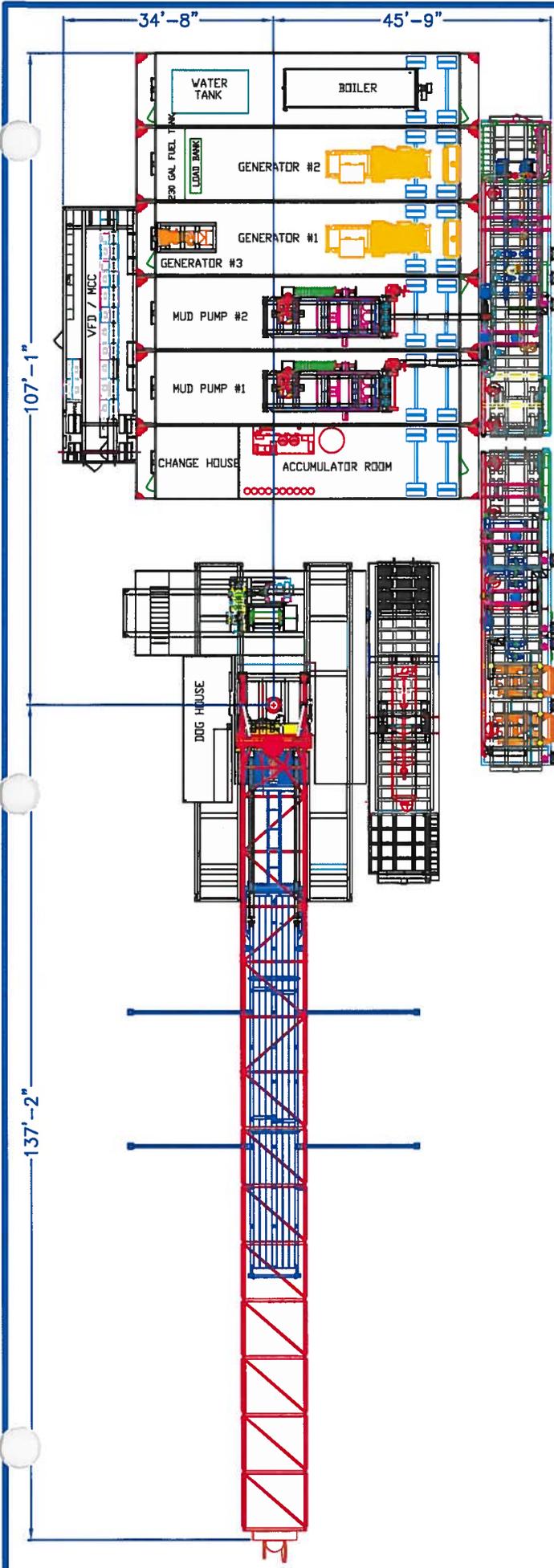
#### *ENDANGERED SPECIES*

The site is zoned open space and has some improvements to the west, but is not likely a habitat for Preble's meadow jumping mouse or other endangered species. The operator will take all reasonable precautions to protect same if encountered.

#### **ABANDONMENT**

At the time that the well becomes permanently sub-economic to operate Tekton will engage the services of a plugging rig to remove production equipment from the wellbore and plug the productive zones with a combination of bridge plugs and cement plugs in accordance with Section 319 of the rules and regulations promulgated by the Colorado Oil & Gas Conservation Commission. After the well has been plugged, the surface separator and tanks will be removed. Flow lines will be filled with water and capped in accordance with Section 1103 of the COGCC regulations. Surface restoration will involve removal of any above-ground casing and installation of required markers that will not interfere with subsequent surface use.

After all production equipment is removed, the surface will be restored to the original grade in a manner compatible with the then-existing surface usage.



**DRAWWORKS**

LEWCO 1500 (1,500 hp)  
 Input: OEM 1500 AC Elec (1,500 hp)

**MAST**

LeTourneau Inc.  
 A.D.R Triple  
 Height: 134 ft  
 Static Hook Load: 500,000 lbs (0 lines)

**SUBSTRUCTURE**

LeTourneau Inc.  
 13' Box on Box  
 Setback Capacity: 500,000 lbs  
 KB to Ground: 11 ft

**MUD PUMP #1 (Triplex)**

GD PZ-11  
 Rated: 1,500 hp  
 Input: OEM 1500 AC (1,500 hp)

**MUD PUMP #2 (Triplex)**

GD PZ-11  
 Rated: 1,500 hp  
 Input: OEM 1500 AC (2,010 hp)

**MUD PIT**

2 Pit(s) : 1,050 bbl

**GENERATORS**

Input: CAT 3512 (1,500 hp)  
 Input: CAT 3512 (1,500 hp)  
 Input: DD 12v-2000 (800 hp)

**ROTARY TABLE**

(27.5 in)

**TOP DRIVE**

Tesco EXI 600  
 Rating: 699,000 lbs

**ACCUMULATOR**

**PIPE HANDLING**

NOV IronRoughneck

**AUX EQUIPMENT**

Trailerized Buildings

#145

15,000 ft  
 08-Aug-2012

**ENSIGN**

**United States Drilling**

**SECTION 3  
REQUIRED PERMITS**

A building permit will be obtained from the Town of Windsor for any permanent aboveground structures. Permits to move the drilling rig in Weld County and the Town of Windsor, as applicable, will be obtained by the drilling contractor prior to moving the rig onto the location. Excluding the permits required by the State of Colorado Oil and Gas Conservation Commission, which have yet to be submitted, no other state or federal permits are required.

## **SECTION 4**

### **WATER AND AIR QUALITY ASSESSMENT AND CONTROL BEST MANAGEMENT PRACTICES**

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#### **Introduction**

Tekton-Windsor, LLC ("Tekton" or "TW") has prepared this document to detail their water and air quality best management practices.

#### **Water Quality / Testing**

Tekton has already started the process of acquiring the data to conduct water well testing in accordance with the Colorado Oil and Gas Association's (COGA) water sampling and analysis plan that was developed with the cooperation of the Colorado Oil and Gas Conservation Commission (COGCC). This program is more stringent than the water quality testing required by the COGCC in Rule 318A(l).e.(4) and 318A(l).g.

Under COGA's baseline groundwater quality sampling program, water samples will be collected from the two closest groundwater features- whether wells, seeps or springs- with easy access within ½ mile of the surface location of the prospective new well pad. Sampling at a specific site will only be conducted if the landowner grants access and consents to the results of the laboratory analysis be submitted to the COGCC. These baseline water samples will be collected before drilling commences. A second comparative sample will be collected from the baseline testing locations within one year of well completion, unless prior notification is submitted to the COGCC detailing preventative circumstances. Additional testing and analysis may be conducted in any instance where a baseline tested well landowner has a substantiated complaint that they believe to be related to the prospective oil and gas development. Every effort will be made to acquire these samples within 48 of being notified by the landowner, and the COGCC will be informed that a complaint has been received.

Samples will be collected by individuals trained in water quality sampling and sent for analysis to a laboratory accredited by the National Environmental Laboratory Accreditation Program. A basic analysis will be conducted which details pH, total dissolved solids (TDS), alkalinity, nitrates, nitrites, phosphorous, major anions and cations, dissolved gases- particularly methane, benzene, toluene, ethylbenzene, and certain xylenes. In the event that dissolved methane is present in >1mg/L, a compositional analysis will be conducted with a fractional analysis of C1-C6 and an isotopic analysis in order to determine the isotopic distribution of carbon and hydrogen in the methane. This secondary compositional analysis will be conducted before the holding time for the entrained gases or other constituents is exceeded.

The results of these analyses will be made available to both the landowner and the COGCC within three months of collecting the sample.

#### **Air Quality**

Air quality compliance for oil and gas facilities is regulated by the Colorado Department of Public Health and Environment (CDPHE). The CDPHE method of regulating VOC emissions is through mandated reporting and process controls in the form of thermal-oxidizers otherwise known as an Emissions Control Devices (ECDs). Oil and gas companies are required to acquire air permits for sources where emissions exceed 5 TPY in condensate production, and notice, through an APEN, of sources that produce condensate in excess of 1 TPY. Condensate is defined as oil that is greater than 40°API at 60°F. Additional reporting requirements exist on a company wide basis where the emissions from all facilities for that operator exceed a determined threshold. Tekton does not currently exceed these limits, but will likely in the future. These thresholds are determined in two ways; either through a

state emissions factor based on a country or region wide average, or by performing a site specific analysis. Due to the low GOR of the wells in Windsor, Tekton's actual emissions will likely be less than what the state emissions factors would suggest.

Operators are required, independent of the reporting and sustained controls, to control with a thermal-oxidizer the emissions for the first 90-days of production from a new well. All of Tekton's facilities are designed and planned for thermal-oxidizers prior to construction.

Windsor, Colorado is within the 8-hour Ozone Nonattainment area as designated by the EPA in 1997. This results in a stricter reporting and emission control standard, particularly during the summer ozone season, than in other areas of the state.

TW and its contractors will employ best management practices concerning air quality and quality control at its wells and facilities and will comply with appropriate CDPHE rules.

- Per CDPHE regulations Each ECD shall:
  - Be equipped with an auto-igniter;
  - Be operated in a manner consistent with manufacturer specifications and good engineering / maintenance practices;
  - Be adequately designed / sized to handle fluctuations;
  - Meet a control efficiency of 95%;
  - Have no visible emissions;
  - Be designed so that an observer can tell if it is working via exterior visual observation.
- Each ECD shall inspected on a daily basis to ensure that the combustor pilot light is on;
- Each ECD shall be inspected on a weekly basis to ensure that valves are open to the pilot and from the tank to the ECD, check whether smoke is present, ensure the thief hatch is closed and latched, and check that the auto-igniter is working;
- Any problem found during the process of inspection will be documented along with the time of discovery and the actions taken to resolve the issue;
- Each Tank shall be inspected on an annual basis for the thief hatch and pressure release valve set weights, seal condition, and whether there is any indication of leakage;

The CDPHE does not require, and has no procedure for, direct measurements of any emissions from an oil and gas facility in *ambient* air. The makeup of such air is complex and the variability of constituents as a function of the concentration gradient as influenced by wind direction, time of year, and other factors obviates the usefulness of baseline sampling.

## **EMERGENCY RESPONSE AND FIRE PROTECTION PLAN**

### **Scope**

Tekton Windsor, LLC (TW) has prepared this Emergency Response and Fire Protection Plan (the Plan) to address potential emergency response issues associated with the drilling, completion, and production of sixteen (16) oil and gas wells located within the city limits of Windsor, Colorado. TW plans to drill the wells in 3<sup>rd</sup> or 4<sup>th</sup> quarter, 2013.

### **Regulatory Requirements**

This Plan incorporates best management practices and safety, health, fire prevention, and environmental requirements outlined in the rules of the Colorado Oil and Gas Conservation Commission (COGCC). A complete copy of the COGCC 600 Series rules and those parts of the Series 900 rules addressing safety and environmental protection are included as in Section 6.

### **Location of Wells**

The wells will be located in the W/2 NW/4 of Section 27, Township 6 North, Range 67 West. The well names, location, and directions necessary for access by emergency responders are presented below. The well and tank battery location are also shown on the included maps. All roads leading to and those in the drilling/storage area will be designed and maintained to support fire apparatus and shall be constructed to provide for all weather driving capability. A circular turnaround shall be provided on site which is suited to all fire apparatus.

The wells will be directionally drilled. The wellheads are to be located 16' apart as shown on the included site plan.

**Well Names:** Sixteen (16) wells as yet unnamed.  
**Location:** W/2 NW/4 Sec. 27 T6N R67W  
**Directions:** Highway 257 & Eastman Park Drive, E 870', S 1,100' to location.

### **Emergency Response**

All drilling, completion, and production activities will be performed by TW and its contractors in a manner that is protective of public health, safety, welfare, and the environment to minimize the potential need for emergency response activities. In the event of fire, injury, spill or release of hazardous materials, or any other incident requiring an emergency response, the following contacts will be made:

**EMERGENCY RESPONSE CONTACT LIST**

Incident	Contact	Phone Number	Comments
Fire, explosion, serious injury	Windsor Fire Department	911 or (970) 686-9596	
	Windsor Police Department	(970) 686-7433	
	COGCC	(303) 894-2100	

Fire, explosion, associated with loss of well control	Windsor Fire Department	911 or (970) 686-9596	
	Windsor Police Department	(970) 686-7433	
	COGCC	(303) 894-2100	
	Cudd Pressure Control	(307) 382-6650	Commercial well control contractor

Spill or release	COGCC	(303) 894-2100	E&P waste exceeding 5 bbl or all spills that impact surface or ground water.
	Windsor Fire Department	911 or (970) 686-9596	Reportable quantity spills of CERCLA hazardous substances.
	Colorado Department of Public Health and Environment	(303) 692-2000	Reporting required for spills impacting surface water or for reportable quantity spills of CERCLA hazardous substances.
	US EPA - Region 8	(303) 312-6312	Reporting required for spills impacting surface water or for reportable quantity spills of CERCLA hazardous substances.
	EPA National Response Center	(202) 260-4610 (800) 227-8914	Reporting required for spills impacting surface water or for reportable quantity spills of CERCLA hazardous substances.

TW Contact	Andy Peterson – Consultant	(970) 669-7411 (970) 203-4263 (970) 495-9051	Drilling and completion operations.
TW Contact	Clayton Doke – Consultant	(970) 669-7411 (720) 560-2700	Secondary Emergency Contact
TW Contact	Jerry Sommer – President	(303) 446-6142 (303) 249-5010	Tertiary Emergency Contact
Contractor Contact	Flint Energy Services	(303) 857-2791	Backhoe/Cleanup
Contractor Contact	Key Energy Services	(303) 857-6604	Vacuum Truck
Surface Owner	Broe Land Acquisitions II, LLC	(303) 393-0033	Landowner Contact

Emergency response personnel will have unrestricted access to all TW wells and production facilities.

## Spill/Release Response

TW will comply with federal and state spill response/reporting requirements.

If a spill or release were to occur, field personnel are instructed to:

- Assess immediate danger or threat to health, safety, and welfare and contact emergency responders, if appropriate;
- Locate and stop the source of the spill, if safe to do so;
- Report the spill to supervisors and arrange for additional response support, including contact support;
- Take whatever steps are necessary to prevent the spill from impacting surface water, public health, safety, and welfare.

## Safety and Fire Prevention Guidelines

TW and its contractors will employ best management practices during the drilling and production of its wells and facilities and will comply with appropriate COGCC rules concerning safety.

- Tanks and containers for the storage of liquids above ground shall be conspicuously marked with the name of the product which they contain and the words: FLAMMABLE-KEEP FIRE AND FLAME AWAY, where applicable.;
- Employees will be familiar with the COGCC rules and regulations concerning safety and fire prevention as they apply to their specific job duties, specifically COGCC Rule 606A;
- The wellhead access road will be approximately 15 feet wide, and shall be graded to provide simple drainage from the roadway and allow for cross drainage by means of adequate culvert pipes, if necessary. The gravel turnaround for the tank battery will be wide enough to allow for safe access of tanker trucks and emergency equipment, and will also be constructed to code. All roads shall be maintained so as to provide a roadway passable for emergency vehicles and shall be generally rut-free. Signs will be posted in conformance with the regulations of the Colorado Oil and Gas Conservation Commission;
- All facilities will be visited daily by TW field personnel. Unsafe or potentially unsafe conditions will be reported immediately to the field supervisor. All tanks and above ground piping are visually inspected daily for leakage, malfunction of seals, and other potential problems. All storage tank material and construction will comply with API specifications for hydrocarbon storage. All tanks shall be appropriately labeled indicating the material contained within the tanks;
- Accidents that result in significant injury or property damage will be reported to the COGCC within 24 hours;
- TW and its contractors will cooperate fully with local and state emergency responders;
- Vehicles not involved in drilling, production, or well servicing operations will be kept at least 100 ft. from the well bore, or if in the fall line, at a distance equal to the height of the drilling derrick;
- Appropriate weed abatement measures will be taken prior to and during drilling, workover, and production operations to minimize fire danger;
- The drilling rig shall be positioned a distance of 150 ft. or one and one-half times the height of the rig derrick, whichever is greater, from any occupied building, public road, major above ground utility line, or railroad;
- During well drilling and well servicing operations, a safety valve with connections suitable for use with each size and type of tool joint or coupling being used will be present on the rig floor;
- The drilling rig substructure, derrick, or mast will be designed and operated to prevent the accumulation of static charge;

- Prior to well servicing operations, the well's pressure will be checked and appropriate steps taken to remove pressure or operate safely under pressure before beginning servicing operations;
- Appropriate blowout prevention equipment (BOPs) will be utilized during well drilling, completion, workover, or servicing activities, as required by COGCC Rule 317, and in accordance with American Petroleum Institute (API) RP 53: Recommended Practices for Blowout Prevention Equipment Systems, as amended;
- BOP equipment will be inspected daily and a preventer operating test shall be performed on each round trip (not to exceed more than once per 24 hour period). Notes of the test shall be made on the daily report;
- All fittings, valves, and unions connected to the BOP, well casing, casinghead, drill pipe, or tubing will have a working pressure rating suitable for the maximum anticipated surface pressure and will be maintained in good working order;
- The BOP will contain pipe rams to enable closure of the pipe being used and the choke lines and kill lines will be anchored or secured;
- All rig employees shall have an adequate understanding to operate the BOP system;
- The drilling contractor will place a sign or marker on Eastman Park Drive at the intersection with the well access road that will include emergency contact telephone numbers;
- The road coordinates used to access the rig and appropriate emergency response numbers will be posted on the drilling rig;
- All wells and tank batteries will be kept free of weeds, debris, surplus equipment, and surplus vehicles;
- Above ground storage tanks (ASTs) for storage of crude oil and hydrocarbon condensate will be constructed of materials compatible with the materials stored in accordance with appropriate API and Underwriters Laboratories, Inc., standards;
- ASTs will be located at least three feet apart.
- ASTs will be located at least 200 ft. from residences, normally occupied buildings, or well defined normally occupied outside areas;
- Earthen berms sufficient to contain the contents of the largest AST constructed and maintained within each tank berm with sufficient freeboard for precipitation will be constructed per COGCC regulations and sized per 40 C.F.R. §112.
- ASTs will be located at least 75 ft. from the wellhead, any fired vessel, or other ignition source;
- Hatches on all ASTs will be kept closed when not in use;
- All fired vessels will be located at least 75 ft. from the wellhead;
- Production facilities will be fenced to prevent access from the public;
- Location signs will be posted and maintained identifying the wells, TW as the operator, emergency contact telephone members, and directions to the facility;
- All valves, pipes and fittings will be securely fastened and inspected at regular intervals to ensure they are maintained in good working order;

- Smoking will be prohibited in the vicinity of any fire hazard and signs will be posted to state “No Smoking or Open Flame”;
- No source of ignition will be permitted within the “No Smoking” area
- Adequate fire extinguishers will be carried in every field vehicle, plainly labeled as to their type and method of operation, and field personnel will be trained in their use; and,
- Fire protection equipment will be inspected regularly and maintained in good working order, in accordance with NFPA requirements.

**Material Safety Data Sheets (MSDS)**

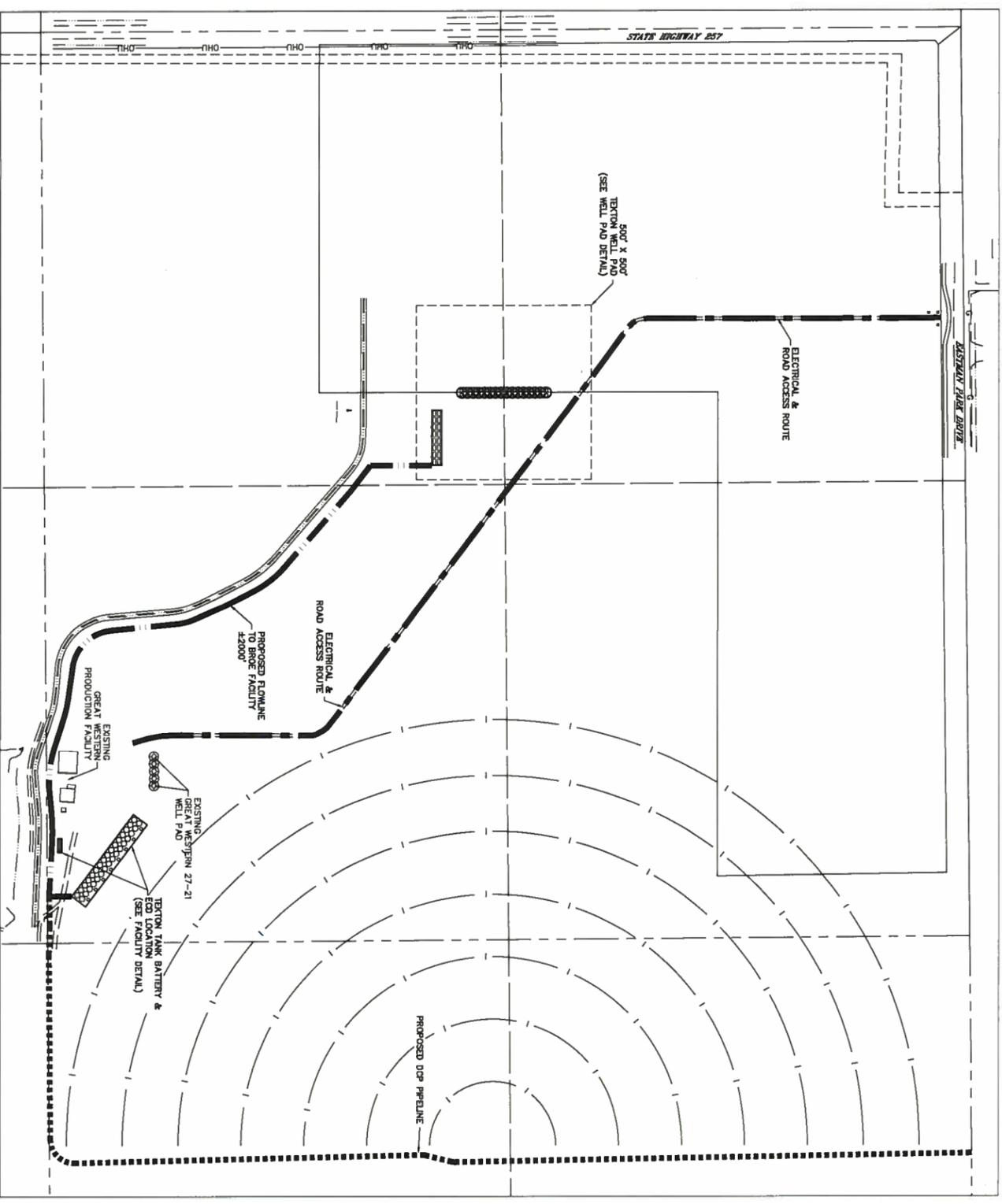
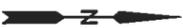
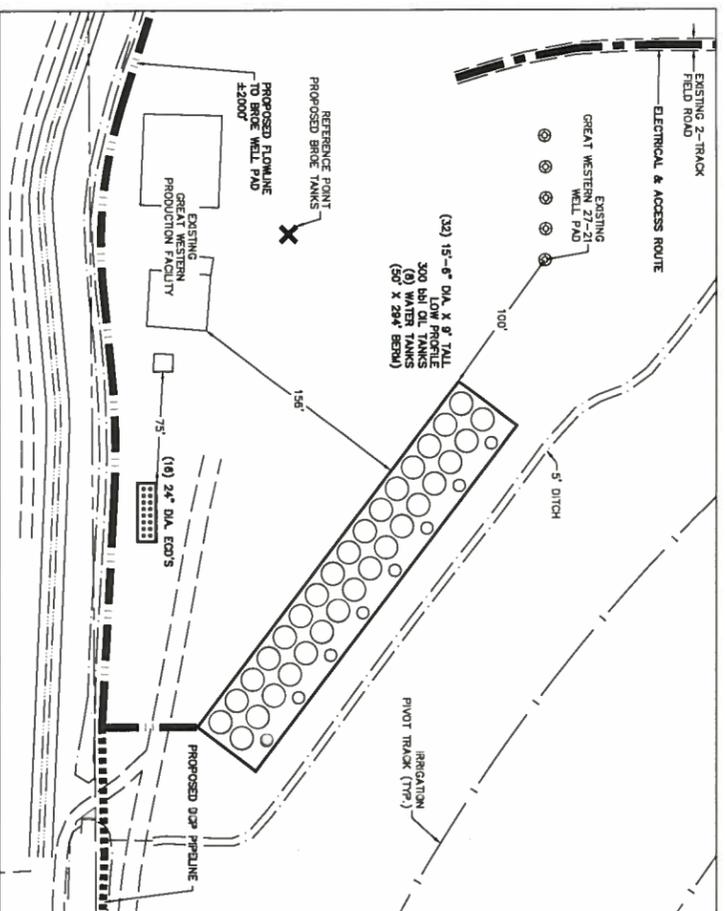
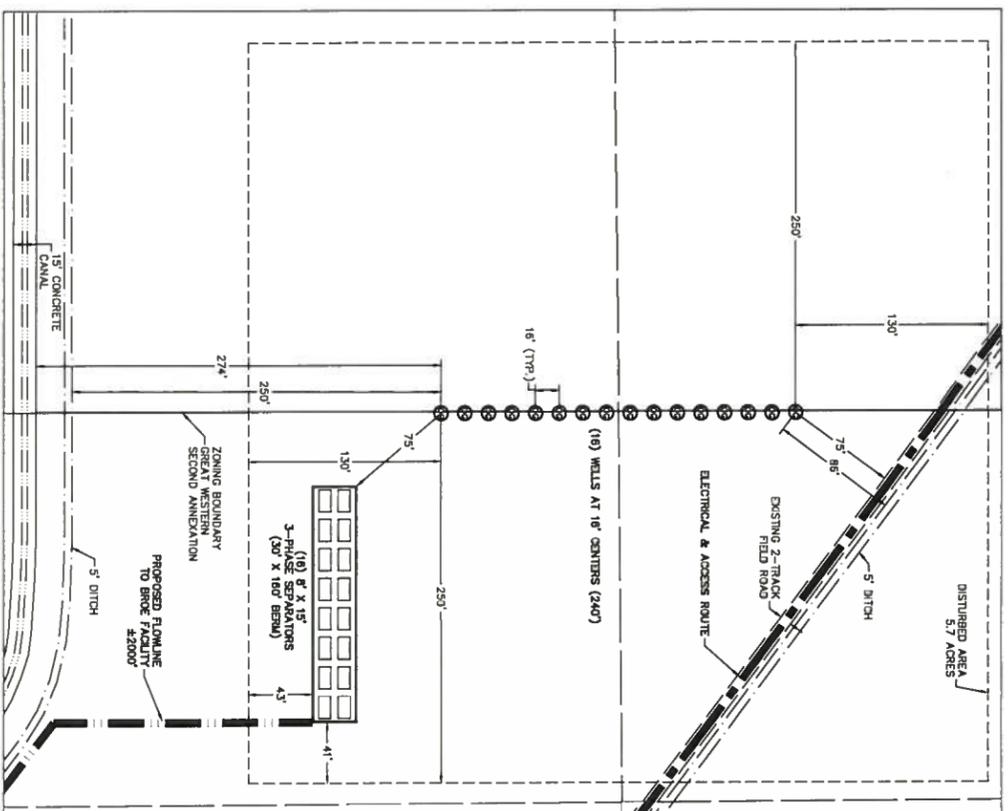
MSDS sheets for hazardous materials produced during the production process and for crude oil and hydrocarbon condensate stored in the ASTs are included as Attachment 2.

**SPCCP**

A Spill Prevention Control and Countermeasure Plan In accordance with EPA 40 C.F.R. §112 in order to comply with the Clean Water Acts provisions to prevent contaminates from reaching the navigable waters of the United States, will be prepared for this site after construction of the facility.

# BROE FACILITY DETAIL

A PORTION OF THE NORTHWEST QUARTER (NW1/4) OF  
SECTION 27, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M.  
(GREAT WESTERN 2ND ANNEXATION) TOWN OF WINDSOR,  
COUNTY OF WELD, STATE OF COLORADO

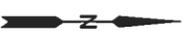
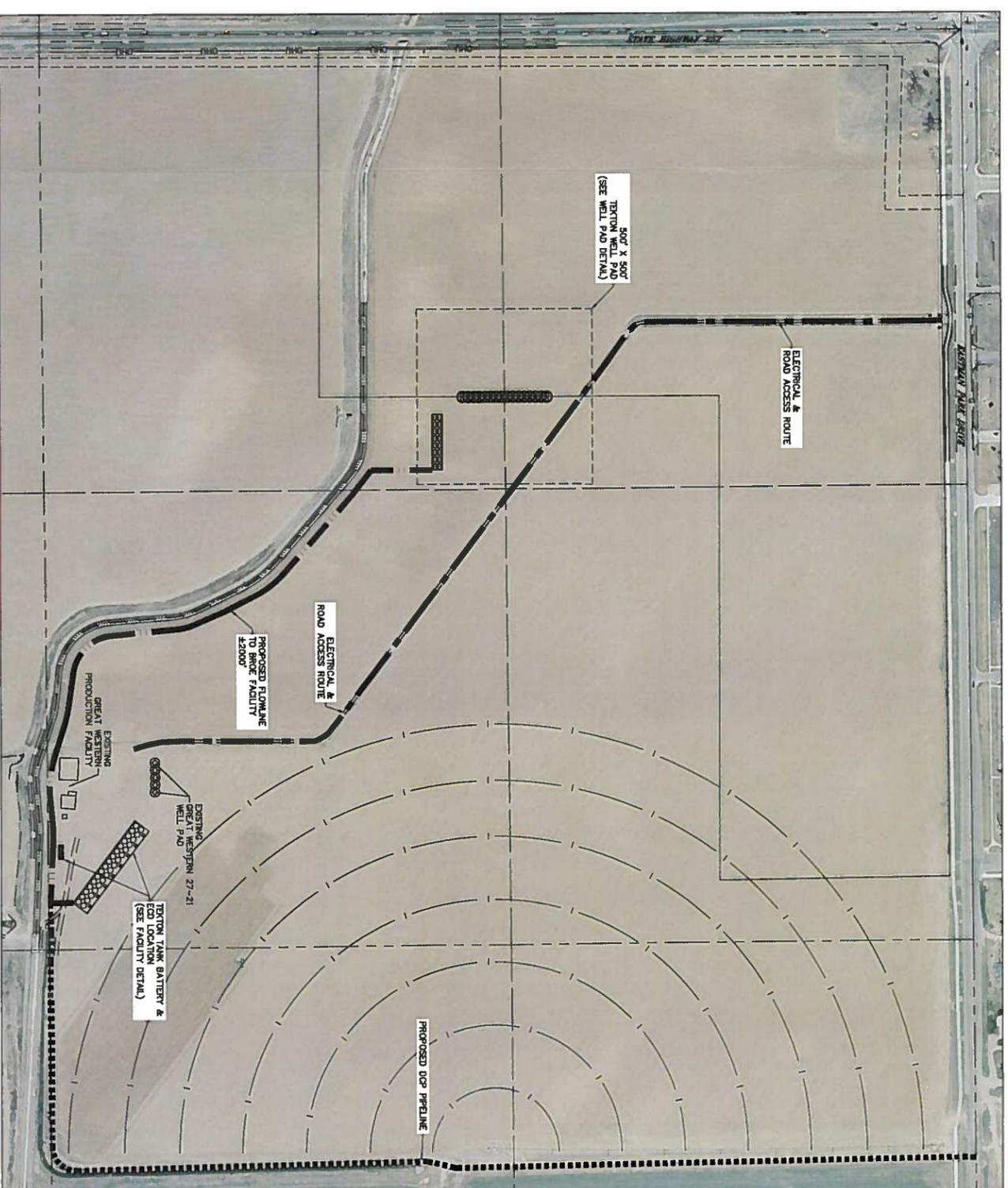
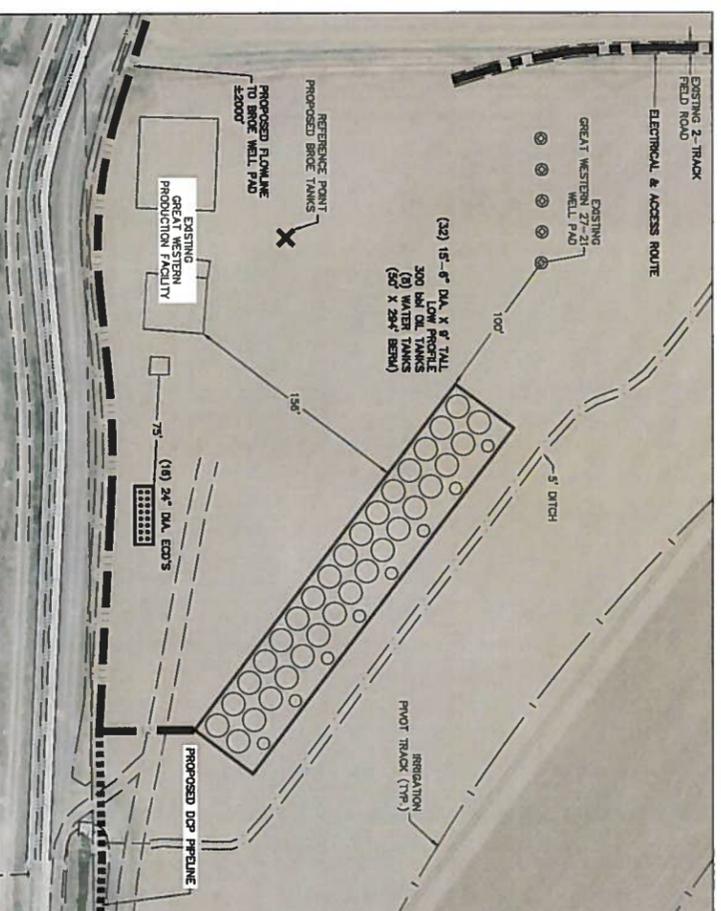
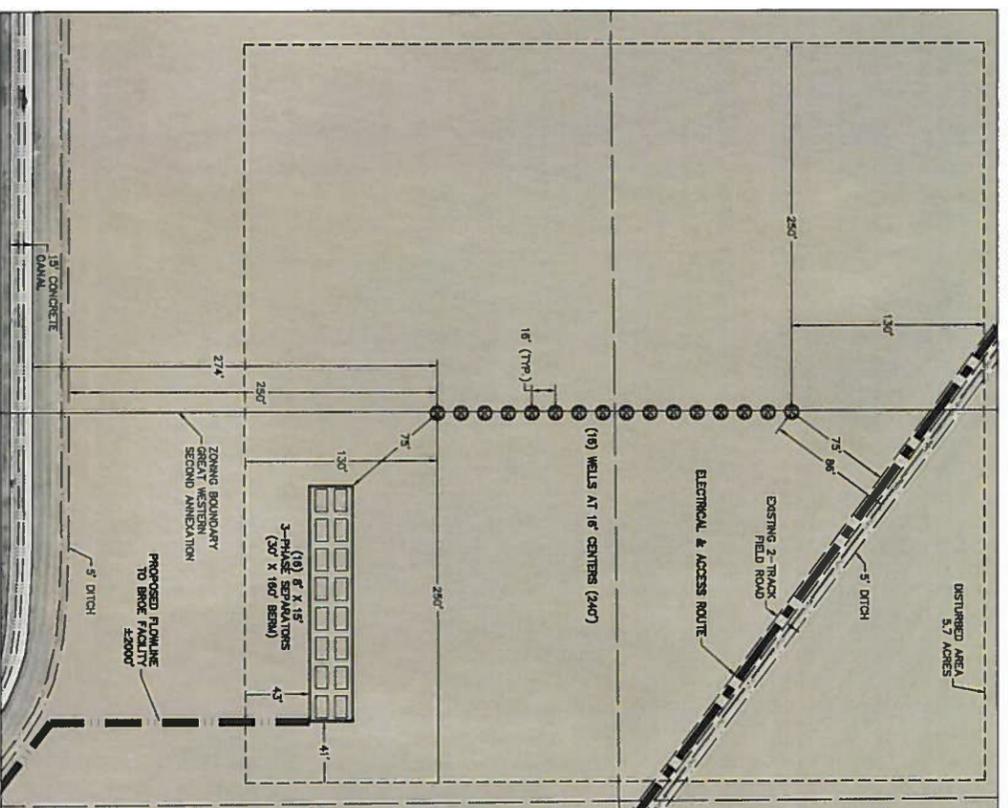


**Lat40, Inc.**  
Professional Land Surveyors  
1635 Foxtrail Drive, Suite 325  
Loveland, CO 80537  
O: 970-776-3321

DATE	FILE NAME	DRAWN BY	CHECKED BY	SCALE	PROJECT #
12/11/12	2012167WELL.dwg	BTB	BTB	AS NOTED	2012167
<b>REVISIONS:</b>					
REVISE FLOWLINES	BTB 12/21/2012				
ADD OPERATIONS MAP	BTB 12/21/2012				
<b>BROE FACILITY DETAIL</b>					
FOR <b>TEKTON ENERGY, LLC</b> 640 PLAZA DRIVE, SUITE 290 HIGHLANDS RANCH, CO 80129					

# BROE FACILITY DETAIL

A PORTION OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M. (GREAT WESTERN 2ND ANNEXATION) TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



Lat40, Inc.  
Professional Land Surveyors  
1635 Foxtrail Drive, Suite 325  
Loveland, CO 80537  
O: 970-776-3321

DATE:	FILE NAME:	DRAWN BY:	CHECKED BY:	SCALE:	PROJECT #:
12/11/12	2012167WELL.dwg	BTB	BTB	AS NOTED	2012167
REVISIONS:	DATE:				
REVISE FLOWLINES	BTB 12/21/2012				
ADD OPERATIONS MAP	BTB 12/21/2012				
<b>BROE FACILITY DETAIL</b>					
FOR <b>TEKTON ENERGY, LLC</b> 640 PLAZA DRIVE, SUITE 290 HIGHLANDS RANCH, CO 80129					
					SHEET 1 OF 1

**MEMORANDUM OF SURFACE USE AGREEMENT  
(Kodak Pad Area)**

State: Colorado  
County: Weld  
Operator: Tekton Windsor, LLC  
Operator's Address: 640 Plaza Drive, Suite 290, Highlands Ranch, CO 80129  
Surface Owner: Broe Land Acquisitions II, LLC  
Surface Owner's Address: 252 Clayton Street, 4<sup>th</sup> Floor, Denver, CO 80206  
Effective Date: December 20, 2012

Notice is hereby given that Operator and Surface Owner, named above, (hereinafter collectively, the "Parties") entered into a confidential Surface Use Agreement including exhibits attached thereto, dated effective December 20, 2012, (hereinafter, the "SUA") which covers lands located in the County and State named above, more fully described as follows:

Surface Use Area

Township 6 North, Range 67 West, 6th P.M.

Section 27: Portions of NW/4

As generally depicted on Exhibits "A" and "A-1" attached hereto.

The SUA contains the terms and conditions regarding the drilling of oil and gas wells and right to enter upon and use the surface including, but not limited to, drilling and production activities, workovers, well deepenings, recompletions, fracturing and replacement wells along with the access roads thereto and easements associated with flowlines, gathering lines and pipelines. Such roads, flowlines, gathering lines and pipelines may be located outside of the Surface Use Area and will be described in recorded Grants of Easement subsequent to construction.

The terms, covenants and conditions of the SUA shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

The SUA between them may be amended and supplemented from time to time in the future, and any inquiry as to the contents of the SUA should also include an inquiry as to the contents of any and all such amendments and supplements.

This Memorandum is being executed and recorded for the purpose of giving notice to third parties dealing with the Surface Use Area or the Parties to the SUA of the existence of the SUA.

Each of the Parties to the SUA reserves the right to refuse inspection of the SUA to third parties attempting to obtain information for purposes prejudicial to the business interests of the Parties to the SUA or to provide information that is prohibited by the terms of the SUA.

EXECUTED by Operator on the date set out below.

Tekton Energy, LLC, as parent company to Tekton Windsor, LLC

  
By: Jerry K. Sommer *JK*  
Title: Chief Executive Officer

Date: January 7, 2013

#### ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of January, 2013, by Jerry K. Sommer, as Chief Executive Officer of Tekton Energy, LLC, a Delaware limited liability company, and of Tekton Windsor, LLC, a Colorado limited liability company, on behalf of such companies.

Witness my hand and official seal.



Notary Public

My Commission Expires: 6-17-13



## **EXHIBIT "A"**

Attached hereto and made a part of that certain Surface Use Agreement between Broe Land Acquisitions II, LLC ("OWNER") and Tekton Windsor, LLC ("OPERATOR"), dated the 20<sup>th</sup> day of December, 2012.

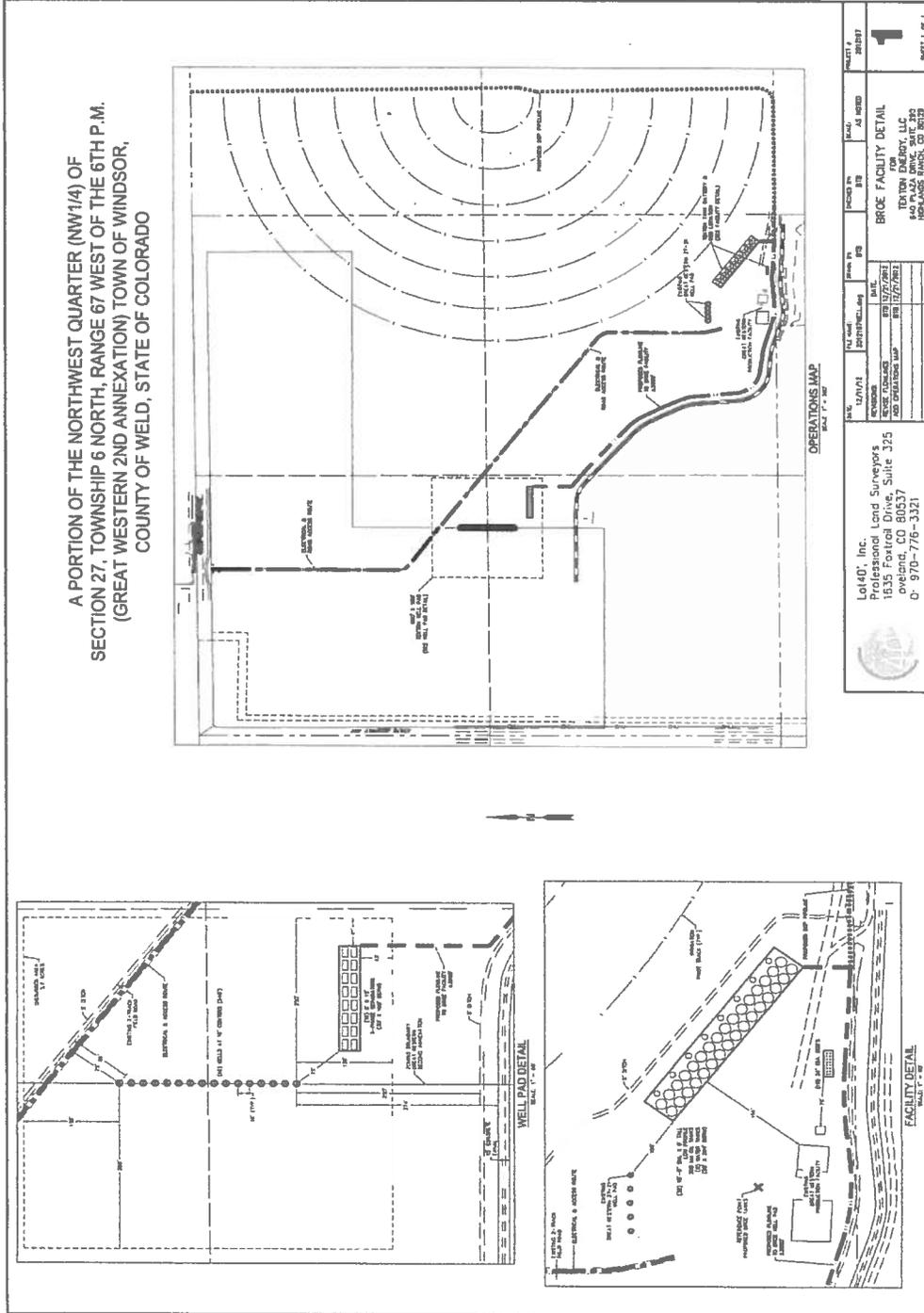
## **PROPERTY**

Township 6 North, Range 67 West, 6<sup>th</sup> P.M., Weld County, Colorado  
Section 27: Portion of NW/4 as depicted on Exhibit A-1 attached hereto

**EXHIBIT "A-1 Page 1"**

Attached hereto and made a part of that certain Surface Use Agreement between Broe Land Acquisitions II, LLC ("OWNER") and Tekton Windsor, LLC ("OPERATOR"), dated the 20<sup>th</sup> day of December, 2012.

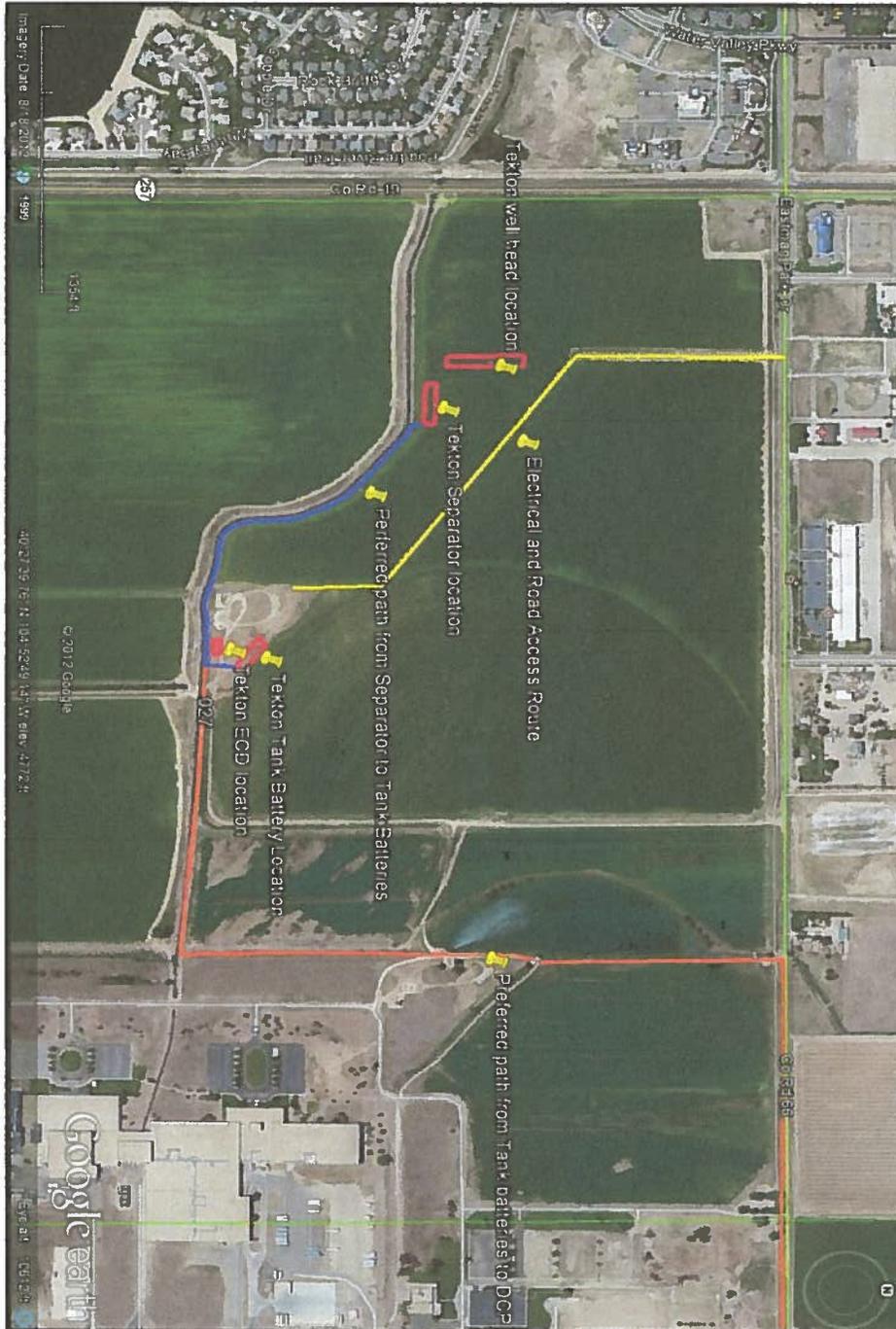
**KODAK PAD DETAILS**



**EXHIBIT "A-1 Page 2"**

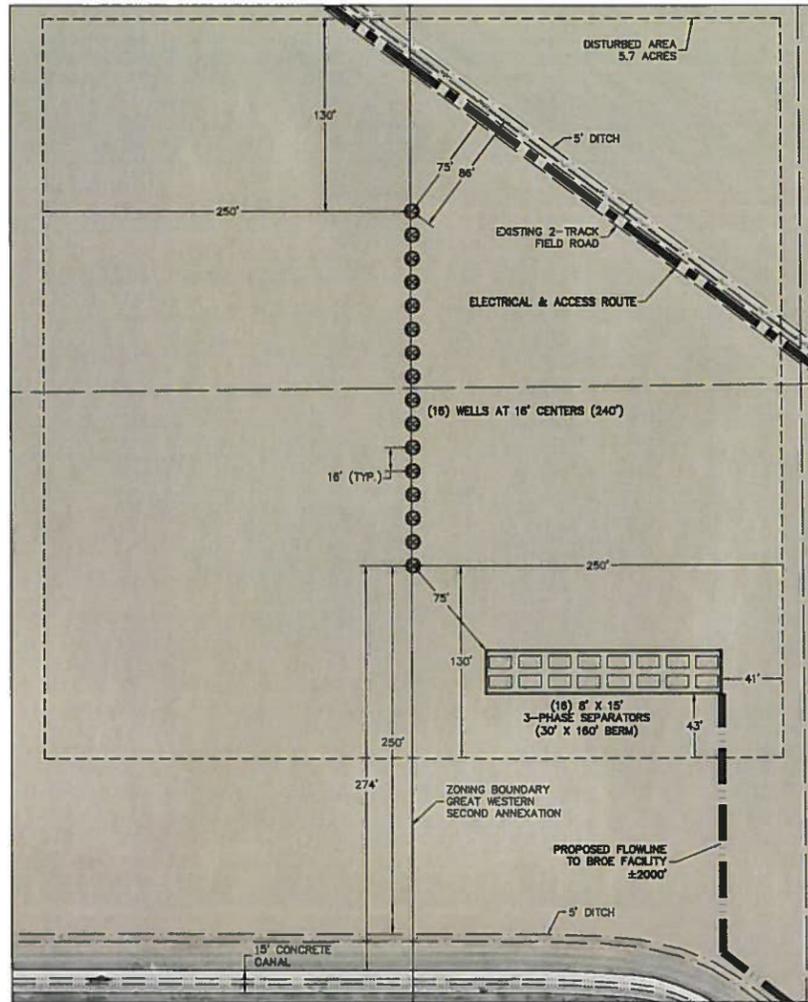
Attached hereto and made a part of that certain Surface Use Agreement between Broe Land Acquisitions II, LLC ("OWNER") and Tekton Windsor, LLC ("OPERATOR"), dated the 20<sup>th</sup> day of December, 2012.

**KODAK PAD EASEMENTS AND RIGHTS OF WAY**



# BROE FACILITY DETAIL

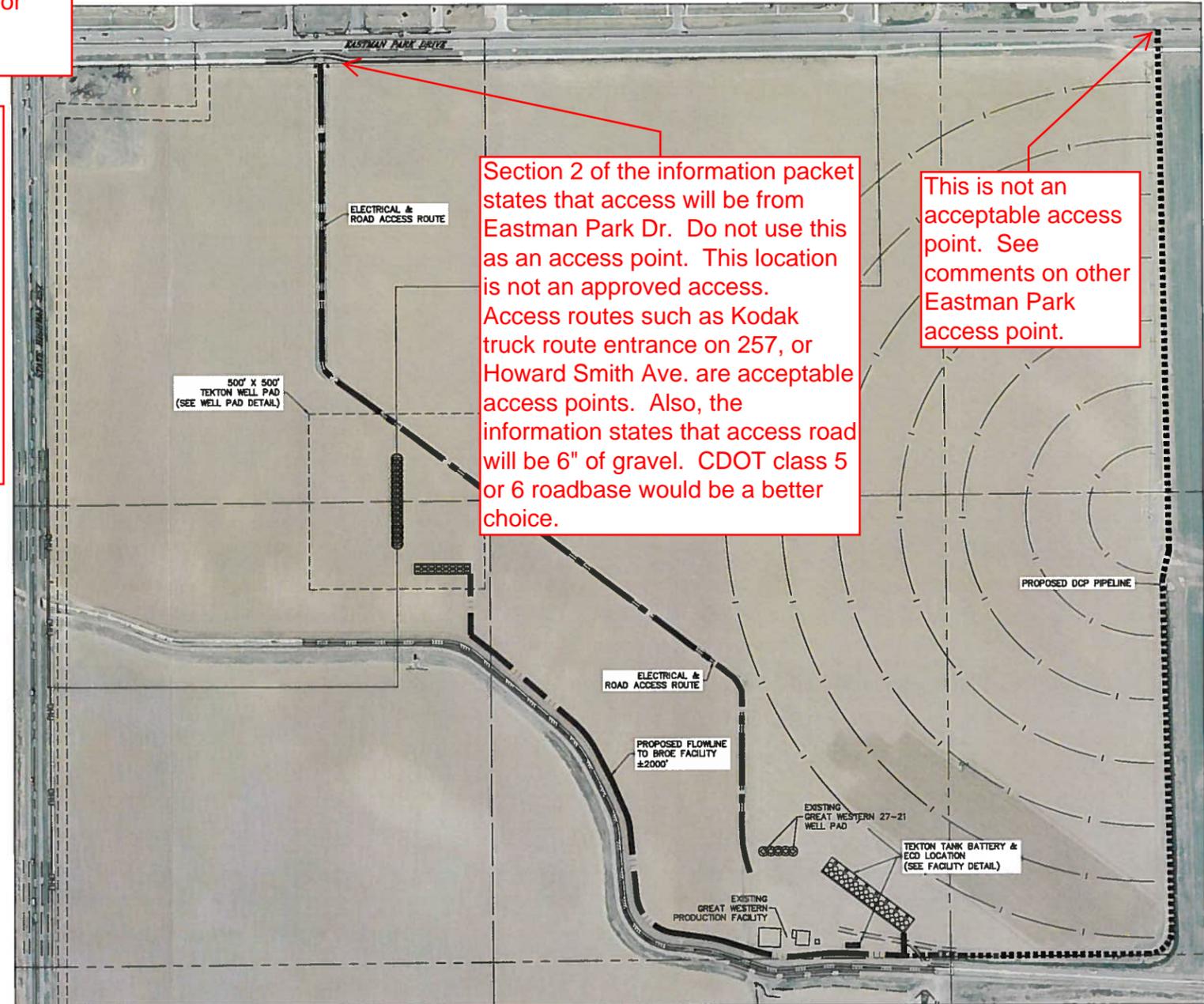
A PORTION OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M. (GREAT WESTERN 2ND ANNEXATION) TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



WELL PAD DETAIL  
SCALE: 1" = 60'

Please provide drawings showing existing and proposed contours in areas where grading changes are proposed such as access roads, pad sites, etc. Also include erosion control plan. See conditional use grant conditions of approval for details on information requested.

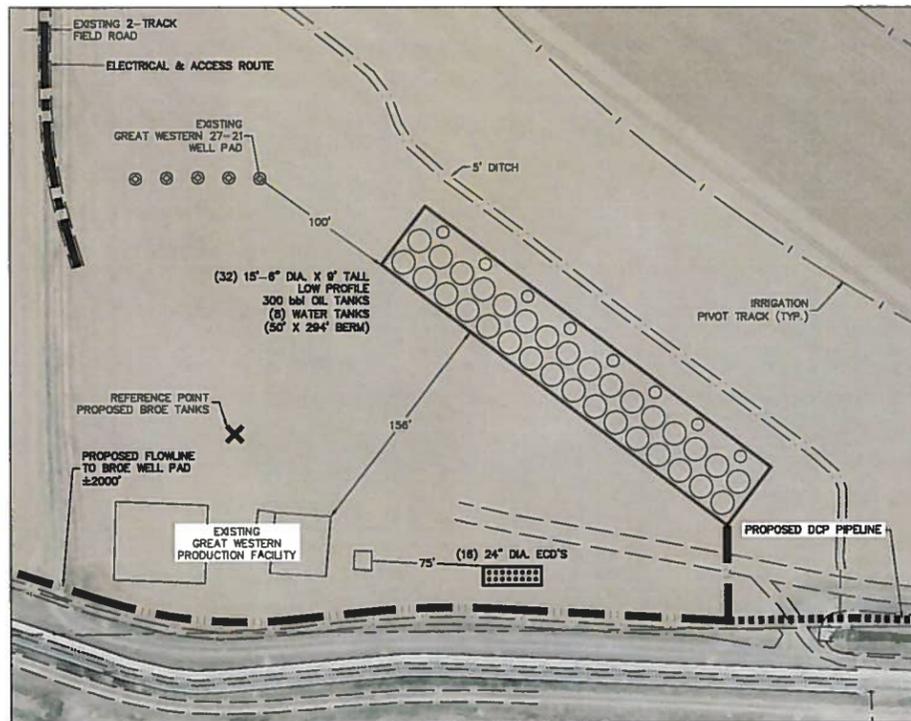
Section 3 of the information packet does not mention a driveway permit from Windsor for any new access to public road or change of use of existing access. Also, any disturbance of 1 acre or more will require a stormwater discharge permit from the State.



OPERATIONS MAP  
SCALE: 1" = 200'

Section 2 of the information packet states that access will be from Eastman Park Dr. Do not use this as an access point. This location is not an approved access. Access routes such as Kodak truck route entrance on 257, or Howard Smith Ave. are acceptable access points. Also, the information states that access road will be 6" of gravel. CDOT class 5 or 6 roadbase would be a better choice.

This is not an acceptable access point. See comments on other Eastman Park access point.



FACILITY DETAIL  
SCALE: 1" = 60'



Lat40, Inc.  
Professional Land Surveyors  
1635 Foxtrail Drive, Suite 325  
Loveland, CO 80537  
O: 970-776-3321

DATE:	12/11/12	FILE NAME:	2012167WELL.dwg	DRAWN BY:	BTB	CHECKED BY:	BTB	SCALE:	AS NOTED	PROJECT #:	2012167
REVISIONS:		DATE:									
REVISE FLOWLINES	BTB	12/21/2012									
ADD OPERATIONS MAP	BTB	12/21/2012									

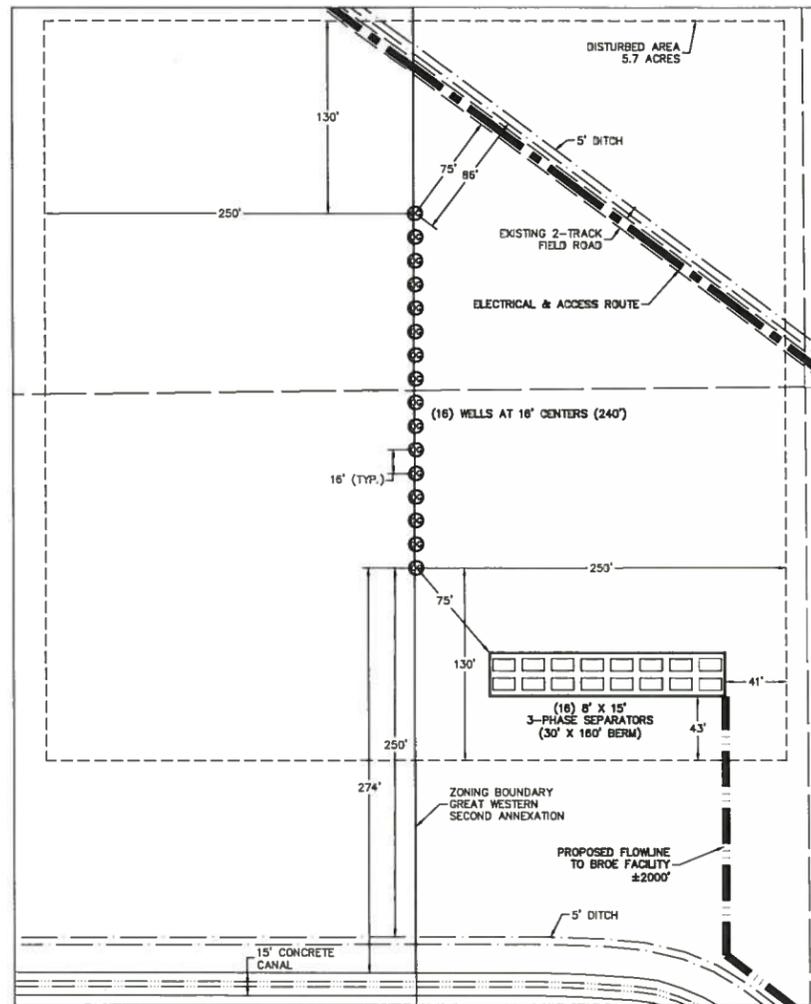
BROE FACILITY DETAIL  
FOR  
TEKTON ENERGY, LLC  
640 PLAZA DRIVE, SUITE 290  
HIGHLANDS RANCH, CO 80129

1

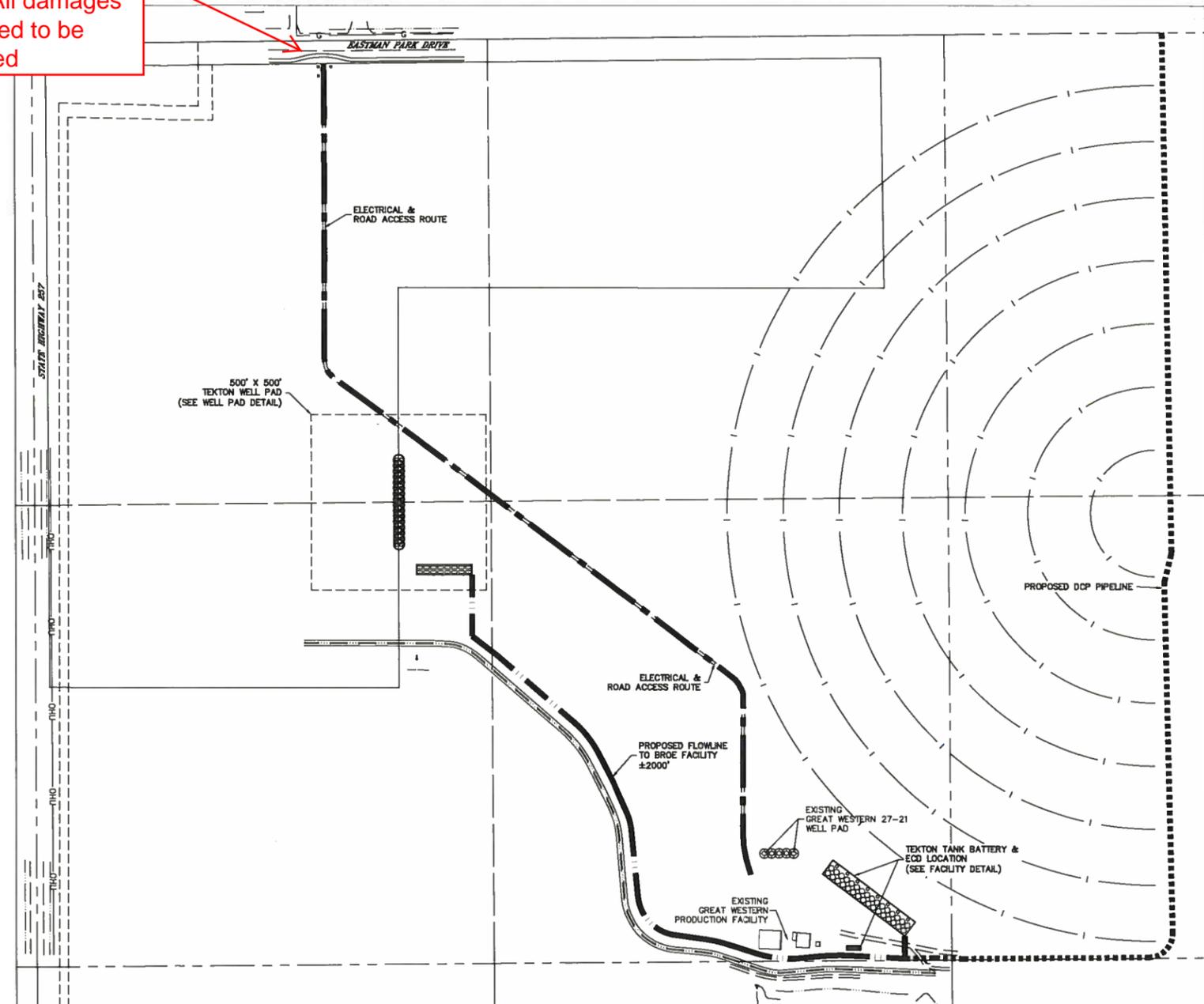
# BROE FACILITY DETAIL

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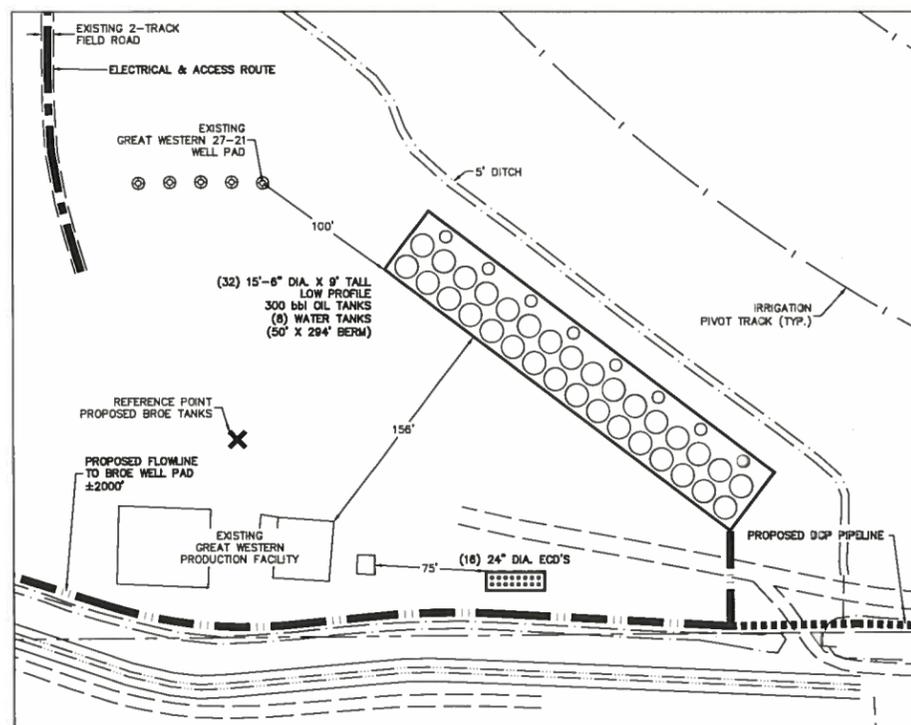
take precautions to mitigate damages to existing town trail. All damages will need to be repaired



WELL PAD DETAIL  
SCALE: 1" = 60'



OPERATIONS MAP  
SCALE: 1" = 200'



FACILITY DETAIL  
SCALE: 1" = 60'

	Lat40, Inc. Professional Land Surveyors 1635 Foxtrail Drive, Suite 325 Loveland, CO 80537 O: 970-776-3321		DATE: 12/11/12 REVISIONS: REVISE FLOWLINES BTB 12/21/2012 ADD OPERATIONS MAP BTB 12/21/2012	FILE NAME: 2012167WELL.dwg DATE: 12/21/2012	DRAWN BY: BTB CHECKED BY: BTB	SCALE: AS NOTED	PROJECT #: 2012167
	BROE FACILITY DETAIL FOR TEKTON ENERGY, LLC 640 PLAZA DRIVE, SUITE 290 HIGHLANDS RANCH, CO 80129						<b>1</b>
							SHEET 1 OF 1



---

## MEMORANDUM

**Date:** April 22, 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:** Public Hearing and Resolution No. 2013-22 approving the Final Plat for the Highland Meadows Subdivision, Eleventh Filing  
**Location:** 8202 and 8206 Spinnaker Bay Drive (a.k.a. Lots 1 and 2, Highland Meadows Subdivision, Sixth Filing)  
**Item #s:** C.7 and C.8

### **DISCUSSION:**

The applicant, Mr. Jason Sherrill, Landmark Homes, is proposing to subdivide the property into eight (8) parcels which are concurrently being site planned for four (4) attached duplex patio homes for a total of eight (8) housing units (see agenda item C.9). The existing zoning of the property is Residential Mixed Use (RMU), which allows for the proposed housing units as a use by right.

Enclosed please find notes from neighborhood meetings that were held, as well as comments received from neighbor Dr. Don Shanfelt dated April 10, 2013. Both the subdivision and site plan applications have been revised several times in response to staff comments and comments received at neighborhood meetings. The few remaining comments are minor "wrap-up" comments regarding notes and such and will be completed on the final mylar drawings.

**Conformance with Vision 2025:** The application is consistent with Vision 2025 Housing Quality and Diversity Goal 1: "Provide choices for housing in town, not just single family homes."

**Relationship to Strategic Plan:** The proposal advances the Strategic Plan Vision #5: "Windsor residents enjoy a friendly community with housing opportunities, choices for leisure, cultural activities, recreation and mobility for all"

**Recommendation:** At the April 17, 2013 regular meeting, the Planning Commission voted to recommend to the Town Board approval of the enclosed Resolution and staff concurs with this recommendation.

**Notification:**

- Notice of April 17, 2013 Planning Commission public hearing published in April 5, 2013 Windsor Beacon
- Notice of April 22, 2013 Town Board public hearing published in April 5, 2013 Windsor Beacon
- Notice of both public hearings posted on Town website and bulletin board
- Sign posted on the property
- Applicant letter to property owners within 300-feet

**Neighborhood Meeting(s):** Neighborhood meetings were held in accordance with the Municipal Code requirements on June 15, 2011, September 5, 2012 and November 5, 2012.

**Attachments:** Application materials; neighborhood meeting notes; and comments received from neighbor Dr. Shanfelt

pc: Jason Sherrill, Landmark Homes, applicant

TOWN OF WINDSOR

RESOLUTION NO. 2013-22

A RESOLUTION OF THE WINDSOR TOWN BOARD APPROVING THE FINAL PLAT FOR THE HIGHLAND MEADOWS SUBDIVISION, ELEVENTH FILING, TO THE TOWN OF WINDSOR, COLORADO

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

WHEREAS, the Town has in place a comprehensive system of land use regulation, the purpose of which is the protection of the public health, safety and welfare; and

WHEREAS, the Highland Meadows Subdivision, Eleventh Filing (“Subdivision”) proposes to subdivide land located within the Town; and

WHEREAS, the owner/developer of the Subdivision has presented the Town with the attached Highland Meadows Subdivision, Eleventh Filing Subdivision Plat (“Subdivision Plat”), which Subdivision Plat is incorporated herein by this reference as if set forth fully, and designated “Exhibit A”; and

WHEREAS, the proposed Subdivision Plat has been presented to the Windsor Planning Commission, and has received a written recommendation for approval by the Town Board; and

WHEREAS, the proposed Subdivision Plat has been the subject of a public hearing and has been reviewed by the Town Board in accordance with applicable planning criteria.

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

1. Pursuant to *Windsor Municipal Code* Section 17-4-20 (e), the attached Subdivision Plat for the Highland Meadows Subdivision, Eleventh Filing, is hereby approved.
2. The owner/developer is hereby instructed to comply with all post-approval requirements of Chapter 17, Article IV of the *Windsor Municipal Code* within thirty (30) days.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 22<sup>nd</sup> day of April, 2013.

TOWN OF WINDSOR, COLORADO

---

John S. Vazquez, Mayor

ATTEST:

---

Patti Garcia, Town Clerk

TOWN OF WINDSOR PLANNING DEPARTMENT

301 Walnut Street, Windsor, CO 80550  
Phone: 970-674-2415; Fax: 970-674-2456

For office use only:

Project ID No.

LAND USE APPLICATION FORM

Land use applications shall include all items listed in the application submittal checklist and the Town of Windsor Municipal Code (Code). The Town of Windsor Planning Department reserves the right to refuse to accept incomplete submittals. Please see the Code for submittal requirements.

APPLICATION TYPE:

- ANNEXATION
- MASTER PLAN
- REZONING
- MINOR SUBDIVISION
- LOT LINE ADJUSTMENT
- MAJOR SUBDIVISION
- SITE PLAN
- ADMINISTRATIVE SITE PLAN
- SITE PLAN - Qualified Commercial or Industrial (Fast Track)

STATUS:

(for MAJOR SUBDIVISIONS and SITE PLANS only)

- Preliminary
- Final

PROJECT NAME\*: HIGHLAND MEADOWS TOWN HOMES

LEGAL DESCRIPTION\*: SECTION 23, T 6 N, R 68 W, TOWN OF

PROPERTY ADDRESS (if available):

WINDSOR, CO

PROPERTY OWNER (APPLICANT):

Owner's Name(s)\*: JON A TURNER & CHRISTOPHER J. FRYE

Company: HILLSIDE COMMERCIAL

Address\*: 8070 WEST GAY RD 5 SUITE 206

Primary Phone #: 970 204 9393 Secondary Phone #:

Fax #: 970 204 9396 E-Mail\*: jturner@cox.net

OWNER'S AUTHORIZED REPRESENTATIVE:

Representative's Name: JASON STERRILL

Company: LANDMARK HOMES

Address: 1170 WEST ASH ST. SUITE 106

Primary Phone #: 970 460 0567 Secondary Phone #:

Fax #: 970 460 0562 E-Mail: jsterrill@landmarkhomesinc.com

All correspondence will only be sent to the owner's authorized representative. It is the sole responsibility of the representative to distribute correspondence to the owner and other applicable parties, i.e. engineers, architects, surveyors, attorneys, consultants, etc.

I hereby depose and state under the penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my knowledge.

Signature: Owner or Owner's Authorized Representative\*\*

Date

\*\*Proof of owner's authorization is required with submittal if signed by Owner's Authorized Representative.

Print Name(s)

JASON W. STERRILL

\*Required fields

6/11/12

**TOWN OF WINDSOR PLANNING DEPARTMENT**  
 301 Walnut Street, Windsor, CO 80550  
 Phone: 970-674-2415; Fax: 970-674-2456

For office use only:
Project ID No.

**GENERAL APPLICATION OVERVIEW FORM**

This form is to be completed for each application type and submitted at the same time the LAND USE APPLICATION FORM is submitted.

EXISTING ZONING:	RMA	PROPOSED ZONING:	RMA
TOTAL ACREAGE:	1.197 AC		52,127 SF
TOTAL # OF PROPOSED LOTS:	12		
AVERAGE LOT SIZE:	2213 SF.		
MINIMUM LOT SIZE:	1904 SF.		
TOTAL # OF PROPOSED PHASES:	ONE (1)		
ACREAGE PER PHASE:	N/A		
LOTS PER PHASE:	N/A		
PARKLAND (sq. ft. & acreages):	N/A		
PARKLAND (public or private):	N/A		
IRRIGATION WATER (potable or non-potable):			NON POTABLE

<b>UTILITIES TO BE PROVIDED BY:</b>	
WATER:	FORT COLLINS - LOWELAND WATER DISTRICT
SEWER:	SOUTH FORT COLLINS SANITATION DISTRICT
GAS:	PULL
ELECTRIC:	PV REA
PHONE:	QUEST / WMCST

<b>IF THIS IS A FINAL APPLICATION, SUBMIT TOTALS OF THE FOLLOWING IN LINEAR FEET</b> (use separate sheets if necessary):
PUBLIC STREETS (break down by classification/width):
PRIVATE STREETS (break down by classification/width):
TOTAL STREETS (break down by classification/width):
WATER LINES (break down by line sizes):
SEWER LINES (break down by line sizes):
CURB:
GUTTER:
SIDEWALK:
OPEN SPACE (not to include detention areas) in sq ft & acres:
TRAIL EASEMENTS (break down by width):
Developed trail (break down by width, depth & material):
Undeveloped trail (break down by width, depth & material):

For office use only:		
Applicable Corridor Plan:		
Metropolitan District:		
Application fee: \$	Date received:	By:



PROJECT NARRATIVE  
for the SITE PLAN and MINOR SUBDIVISION APPLICATION  
for the  
HIGHLAND MEADOWS ATTACHED PATIO HOME  
PROJECT

November 29, 2011  
Town of Windsor  
Planning Department  
301 Walnut Street  
Windsor, Colorado 80550

To whom it may concern,

The following narrative highlights the details associated with the proposed development of 8 attached patio home residential units in the Highland Meadows Subdivision.

The general intent is to replat 2 lots along Spinnaker Bay Drive, Lots 1 and 2 of the Highland Meadows Subdivision Filing VI, into 8 lots. We are proposing development of 8 duplex style patio home units on the 8 lots. The surrounding Highland Meadows community is a combination of traditional single family homes including patio homes. The purpose of developing the attached patio home style product is to offer more variety within the existing residential community.

Over the last 2 years we have continued to modify our proposed plans for the property to best accommodate concerns from the surrounding neighbors. Although the existing zoning allows for what we originally proposed in 2011 (12 condominium units), and again what we proposed earlier in 2012 (12 fee simple town home units) we greatly modified our proposed plan to our current application which is one story (ranch style) attached patio home units and reduced our density 34% to a total of 8 units.

#### **ZONING / LAND USE**

The proposed project is within the RMU designation of the Highland Meadows Subdivision. The proposed development of the 4 buildings will fit well within the overall fabric of the adjacent single family and patio home units. Special consideration was given to the overall footprint and separation of the buildings with the intent to compliment the surrounding detached single family homes and provide an appropriate transition from the medical office building located to the east of the proposed project.

In regard to the surrounding uses, to the east is a medical office building and an existing patio home development; to the west are single family homes; to the north is open space and existing patio home development; and to the south is open space and single family homes.

**BUILDING**

The building is a typical duplex type structure. There are a total of 4 buildings. Each building will have 2 units, for a total of 8 units. There are 2 unit types, both are ranch plans (one story). Each home will be on a fee simple lot. More detail is as follows:

**Unit A**

- 1817 square feet
- Full unfinished basement
- 2 car garage
- Master Suite / 2nd Bedroom / Flex Room
- 2 covered patios

**Unit B**

- 1707 square feet
- Full unfinished basement
- 2 car garage
- Master Suite / 2nd Bedroom
- 1 covered patios

The Land Use Summary is as follows:

The total area is 52,128 square feet / 1.197 acres

Combined Building Footprints	20,104 sf	38%
Sidewalks and Driveways	4,052 sf	8%
Landscape Areas	27,972 sf	54%
Total area	52,517 sf	100.0%

**LANDSCAPING**

All the landscape areas adjacent the 4 proposed buildings and extending to the property boundaries will be maintained by a homeowners association. Irrigation will be provided by a non potable source adjacent the property.

**PHASING**

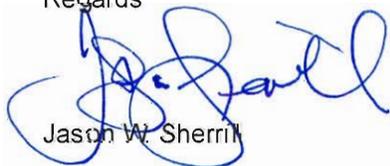
The intent is to begin with Building D - see site plan - and proceed north through buildings C, B, and A. Landscaping will be constructed around each building including perimeter landscaping relative to the building under construction. Unbuilt property will continue to be maintained.

**INFRASTRUCTURE**

Infrastructure improvements include using two existing water and sewer stub outs (in Spinnaker Bay Drive) and installing two new water and sewer services. Each building (2 units) will use one water and sewer service.

In conclusion we look forward to support from the planning department and prepared to address any concerns.

Regards



Jason W. Sherrill

# HIGHLAND MEADOWS SUBDIVISION ELEVENTH FILING

BEING A REPLAT OF LOT 1 AND LOT 2, HIGHLAND MEADOWS SUBDIVISION SIXTH FILING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6th P.M., TOWN OF WINDSOR, COUNTY OF LARIMER, STATE OF COLORADO

**PROPERTY DESCRIPTION**

A plat of a parcel of land in the TOWN OF WINDSOR, Colorado, located in the Southwest Quarter of Section 23, Township 6 North, Range 68 West of the 6th Principal Meridian, and more particularly described as follows:

Lot 1 & 2, Highland Meadows Subdivision Sixth Filing. Containing 1.196 acres more or less.

**ACKNOWLEDGEMENT OF OWNERSHIP INTEREST**

Know all men by these presents, that Jon A. Turner and Christopher J. Frye, being all the owners, lienholders, and holders of any ownership interest as defined by the Town of Windsor, of the land described herein, have caused such land to be surveyed and subdivided into lots, tracts and streets and to the extent applicable do hereby dedicate to the public forever all streets, alleys and utility easements, if any, as indicated herein under the name of Highland Meadows Subdivision Eleventh Filing, subject to all easements and rights of way now of record or existing or indicated on the plat. In compliance with the Town of Windsor Subdivision Regulations and by contractual agreement, the landowners shall bear all expenses involved in improvements.

In witness whereof, we have hereto set our hands and seals this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Jon A. Turner, Owner

**NOTARIAL CERTIFICATE**

STATE OF )  
 )SS  
COUNTY OF )

The foregoing instrument was acknowledged before me by Jon A. Turner this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

My commission expires: \_\_\_\_\_

Notary Public

Christopher J. Frye, Owner

**NOTARIAL CERTIFICATE**

STATE OF )  
 )SS  
COUNTY OF )

The foregoing instrument was acknowledged before me by Christopher J. Frye this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

My commission expires: \_\_\_\_\_

Notary Public

**VACATION STATEMENT**

Know all men by these presents that we the undersigned, being the sole owner(s) of the land described herein, and as shown on the attached map do hereby vacate all previous plating of the above described parcel of land.

In witness whereof, we have hereto set our hands and seals this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Jon A. Turner, Owner

**NOTARIAL CERTIFICATE**

STATE OF )  
 )SS  
COUNTY OF )

The foregoing instrument was acknowledged before me by Jon A. Turner this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

My commission expires: \_\_\_\_\_

Notary Public

Christopher J. Frye, Owner

**NOTARIAL CERTIFICATE**

STATE OF )  
 )SS  
COUNTY OF )

The foregoing instrument was acknowledged before me by Christopher J. Frye this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

My commission expires: \_\_\_\_\_

Notary Public

**ENGINEERING DEPARTMENT APPROVAL**

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Director of Engineering

**PLANNING COMMISSION APPROVAL**

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Chairman, Windsor Planning Commission

**PLANNING DEPARTMENT APPROVAL**

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Director of Planning

**PUBLIC WORKS DEPARTMENT APPROVAL**

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Director of Public Works

**TOWN MANAGER APPROVAL**

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Town Manager

**WATER CERTIFICATION**

I hereby certify that all required water rights have been transferred to the Town of Windsor or as stipulated by agreement between the Town of Windsor and the Developer.

Director of Engineering

**NOTICE OF OTHER DOCUMENTS**

All persons take notice that certain documents have been executed pertaining to this development, which create certain rights and obligations of the development, the developer and/or subsequent owners of all or portions of the development site, many of which obligations constitute promises and covenants that run with the land. These documents are of record and are on file with the director of planning of the Town of Windsor and should be closely examined by all persons interested in purchasing any portion of the development site.

**MAYOR'S CERTIFICATE**

This is to certify that a Major Subdivision plat of the property described herein is approved by Resolution No. \_\_\_\_\_ of the Town of Windsor passed and adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, A.D. and that the Mayor of the Town of Windsor, as authorized by said resolutions on behalf of the Town of Windsor, hereby acknowledges and adopts the said major subdivision plat upon which this certificate is endorsed for all purposes thereon.

Mayor ATTEST: Town Clerk

**EASEMENT APPROVAL**

Utility easements are adequate as shown and are hereby approved.

Town of Windsor Century Link Poudre Valley REA  
Water & Sewer Department

South Fort Collins Fort Collins-Loveland Xcel Energy  
Sanitation District Water District

Comcast

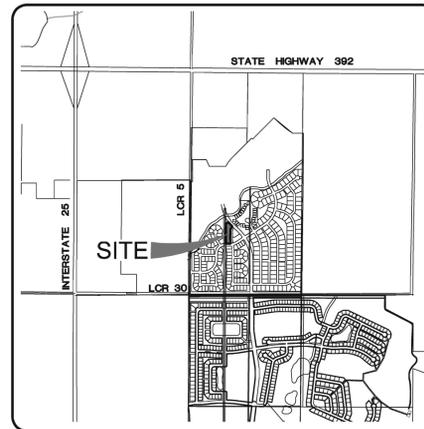
**SURVEYOR'S STATEMENT**

I certify that this plat accurately represents the results of a survey made by me or under my direct supervision.

Gerald D. Gilliland  
Colorado Registered Professional  
Land Surveyor No. 14823

**NOTES:**

- 1) Basis of Bearings is the West line of Lot 1 and Lot 2 as bearing North 00°10'21" East, as shown on the recorded plat of Highland Meadows Subdivision Sixth Filing.
- 2) Buildings within building envelopes shall have a minimum 20' separation.
- 3) Driveway access to Highland Meadows Parkway is not permitted.
- 4) All drainage facilities, including the existing storm pipe within the 10' Utility and Drainage Easement per Highland Meadows 6th Filing and the 15' Drange Easement per this plat shall be owned, operated and maintained by the Highland Meadows Community Association.
- 5) Zoning: RMU (Residential Mixed Use)

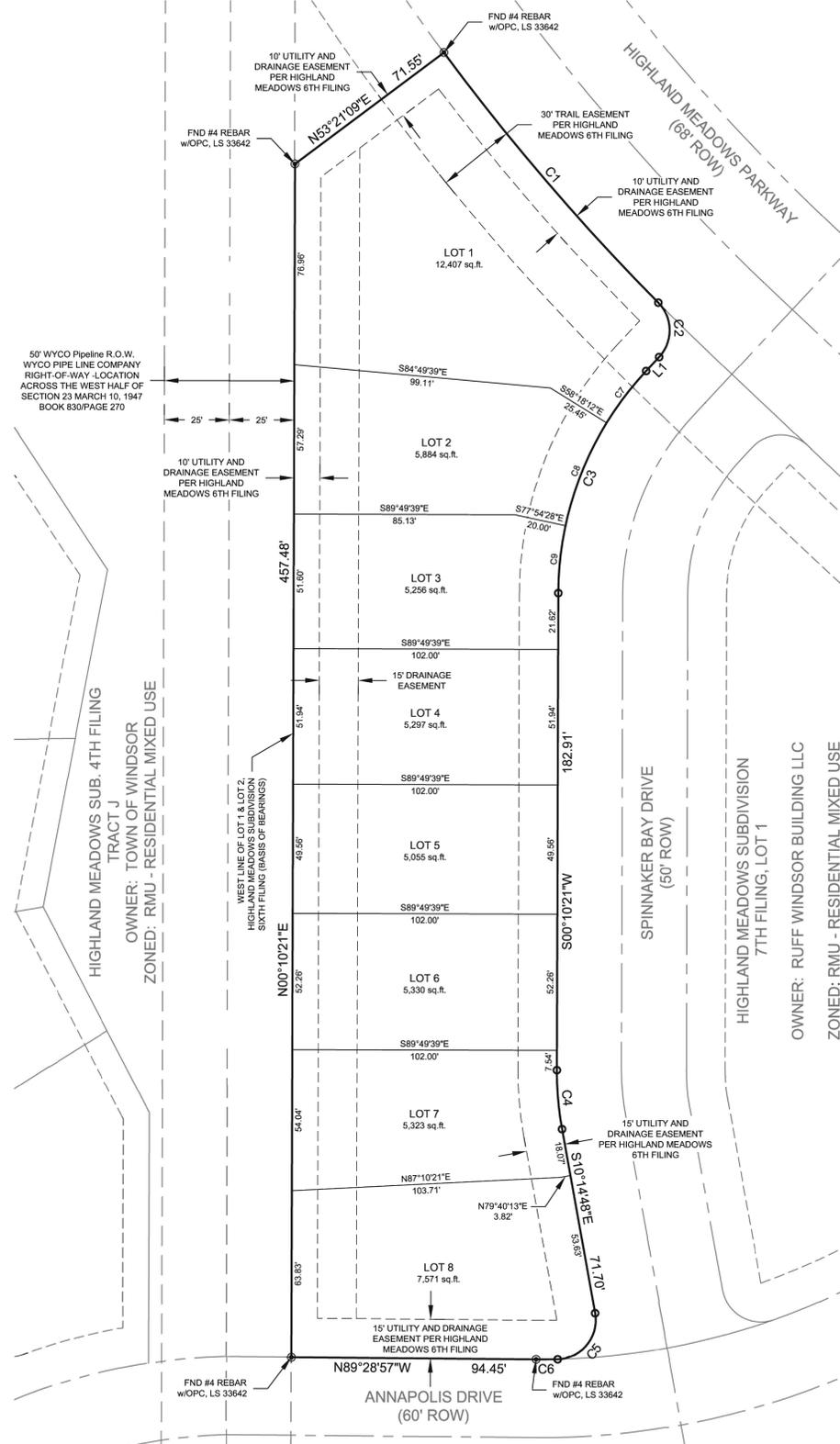


**VICINITY MAP**  
SCALE: 1" = 2000'

**HOMEOWNER'S ASSOCIATION APPROVAL**  
Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.  
HOA President

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1	126.71'	884.00	8°12'46"	126.60'	S40°45'14"E
C2	23.05'	15.00	88°02'21"	20.85'	S00°50'27"E
C3	93.83'	125.00	43°00'23"	91.64'	S21°40'32"W
C4	22.73'	125.00	10°29'09"	22.70'	S05°02'14"E
C5	25.32'	15.00	99°01'29"	22.82'	S39°15'36"W
C6	8.20'	270.00	1°44'22"	8.20'	S89°38'52"W
C7	25.08'	125.00	11°29'53"	25.04'	S37°25'47"W
C8	42.70'	125.00	19°34'24"	42.50'	S21°53'39"W
C9	26.04'	125.00	11°56'05"	25.99'	S06°08'24"W

LINE TABLE		
LINE	LENGTH	BEARING
L1	7.31	N43°10'44"E



**LEGEND**

- EASEMENT LINE
- CENTERLINE
- BOUNDARY LINE
- RIGHT-OF-WAY
- LOT LINE
- FOUND CORNER AS DESCRIBED
- SET #4 REBAR WITH PLASTIC CAP, LS 14823

**NORTH**

30 0 30 60 90 Feet

( IN FEET )  
1 Inch = 30 ft.  
(US SURVEY FEET)

**NOTICE:**  
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown herein.

SECTION: 23  
TOWNSHIP: 6 N  
RANGE: 68 W of the 6th PM

**NORTHERN ENGINEERING**  
PHONE: 970.221.4158 FAX: 970.221.4159  
www.northernengineering.com

**NE**  
200 South College Avenue, Suite 10  
Fort Collins, Colorado 80524

PROJECT: 374-004  
DATE: 01/04/13  
DESIGNED BY: N.A.  
SCALE: 1"=30'  
DRAWN BY: Smith  
CHECKED BY: C. Gilliland

HIGHLAND MEADOWS SUBDIVISION ELEVENTH FILING

TOWN OF WINDSOR, COLORADO

Date: 4/10/13

To: Town of Windsor Planning Commission/Town Board

Subject: Highland Meadows 11 (HM 11)

It's been a long two years that the neighborhood has been involved with this development. Activity has included:

- 3 Neighborhood Meetings (Windsor Rec Center)
- 1 PC Study Session

Resultant land use design/process changes:

- Original – 4, 2-story triples (12 DU), minor subdivision w. variance
- Current – 4, 1-story doubles (8 DU), major subdivision w/o variance

At the PC Study session I indicated that there remained two issues, one of A/C noise being directed from the narrow slot between structures directly into the facing neighbor's back yard, with the second being the need for the developer to commit to "annexing" his development to the Highland Meadows Master HOA.

The A/C noise issue has been mitigated by the requirement for SEER 13 A/C units required by the Town's adoption of the 2012 Uniform Building Code (UBC). (Generally speaking, the higher the SEER the quieter the unit.)

There remains (in my mind) only one very important issue, that of providing a mechanism for the preservation of property values. The **Town of Windsor Plan/Vision Statement** provides for maintenance of long-term property values when considering a development approval by offering the following guidance:

1. Continue to develop Windsor in a manner which will continue to have high-quality...developments

a. Preserving existing residential neighborhoods and property values

10. Encourage infill development of suitable vacant lots within the Town while considering density, zoning, and compatibility of surrounding land uses

Reduce the amount of sub-standard housing through the elimination of blight-causing influences

Sec. 17-8-10. The intent of an administrative site plan is to ensure that the existing neighborhood character is preserved and/or enhanced and to minimize possible detrimental uses

When it comes to maintaining property values, a development's long-term property management is as important as its design. Good design, with poor management, can degrade the property and pull down surrounding property values. Now that the current design is acceptable to the neighborhood, the issue of sustaining property values focuses on the development being "annexed" into the Highland Meadows Master HOA and the wording of private covenants (items not addressed by the Town of Windsor).

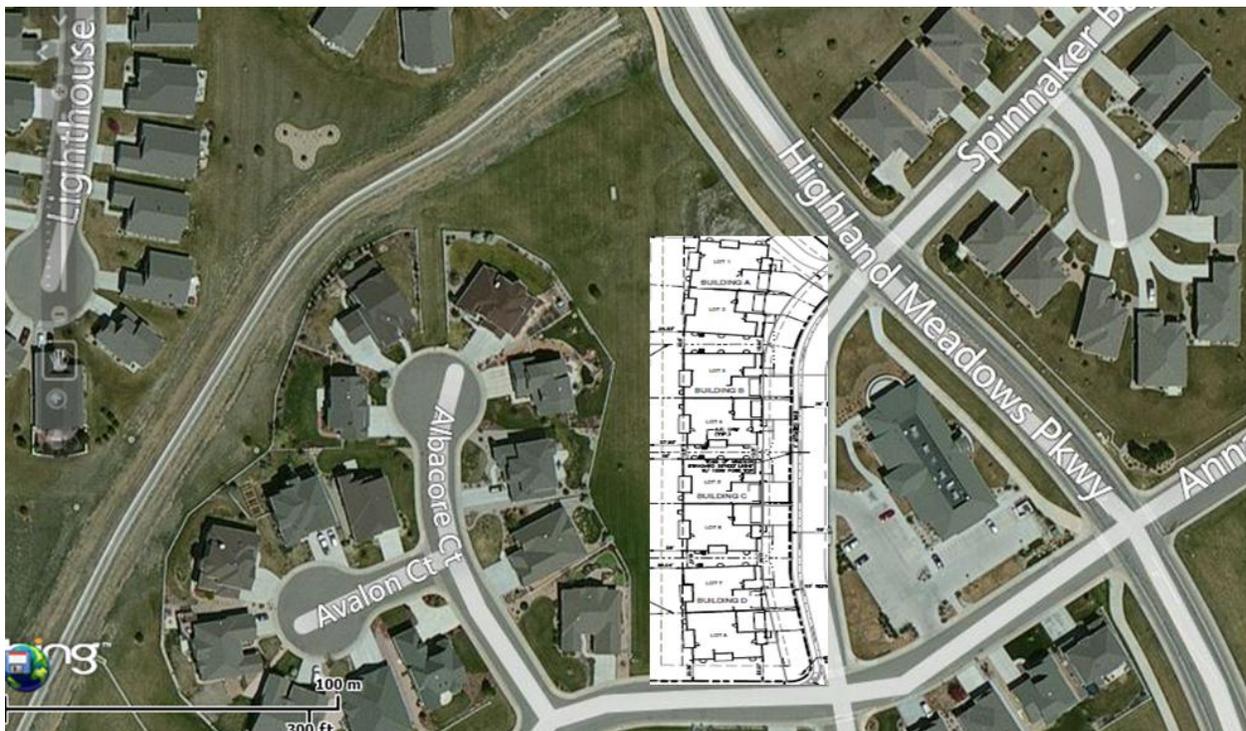
By “annexing” his development into the Highland Meadows Master HOA, the developer would ensure that:

- The entire neighborhood is under the same set of rules
- An adequate fee structure is available for maintenance and reserves, and
- Everyone is financially supporting Highland Meadows Open Space (which this development directly abuts)

My understanding is that the developer has now indicated to the Highland Meadows Master HOA that he will “annex” HM 11 and, in addition, is working with representatives thereof regarding synchronizing the covenants with those of the surrounding neighborhoods.

Thanks to the Town of Windsor for its commitment to listening to the neighbors and assisting with the positive outcome.

Don Shanfelt, Ph.D.  
8218 Spinnaker Bay Dr.  
Windsor, CO 80528



- Market for these townhomes? Mid to High \$200,000s. Landmark anticipates that purchasers may be grandparents with grandkids in the surrounding neighborhood, empty nesters or young professionals.
- Why not patio homes or single family homes? Based on Landmark’s conversations with the water and sewer district, they determined that patio homes and single family homes would not be feasible given the existing water and sewer taps in the street. They plan to install one new water/sewer tap involving a small street cut and patch.
- Will the site be elevated higher than the surrounding homes? No.
- Is the drainage from the project reviewed by anyone? The Town Engineering Department reviews and approves all drainage plans.
- Do they intend to build a fence to keep people off the greenbelt? They do not intend to build a fence.
- Do they intend to annex the property into the HOA master association? They don’t intend to be part of the master association. After further discussion on this topic, it was evident that the neighbors are concerned that the townhome residents will have access to the amenities that are financed by the HOA master association. Landmark discussed various scenarios that they have used in other developments such as Fossil Creek and indicated that it is possible that they could incorporate this property into the master association.
- General comment was made about increased density and traffic.
- General comment was made that people have seen substandard landscaping at other Landmark projects and they were not impressed.
- How is this project making the neighborhood better? Providing product diversity.
- What is the square footage of the units? “A” units are 2,015 SF and “B” units are 1,899 SF, both with full basements and garages.
- What will the covenants address? Typically painting and roofing materials, ensuring that garages are used for parking of vehicles, etc.
- In the Fossil Lake development, how many units are rentals? 4 out of the 24 that have been built so far.
- Has the project already been approved and what is the process going forward? Scott – The project has not been approved and will likely be scheduled for Planning Commission to approve the preliminary subdivision and site plan in October. The meeting is open to the public but it is not a public hearing per se, as it is up to the Chairman as to whether or not any public comment is taken. The applicant then submits the final subdivision and site plan applications and those are eventually scheduled for public hearings and action before both the Planning Commission and Town Board. It is prior to these hearings that the site is posted with a sign and notice is posted in the newspaper and on the Town’s website.
- Visitor parking? Driveways and on the street.
- General comment about the loss of mountain views.
- Are you only building one at a time? Based on current market, they plan to construct 2 buildings to start the project.
- Did they consider single family for this property? Based on the aforementioned water and sewer taps, Landmark made the determination that it was not feasible.
- Fort Collins has a code that restricts any more than 3 unrelated individuals from living together – does Windsor have a similar requirement? Elizabeth – Windsor’s code defines “family” as any unrelated

group of persons consisting of (i) not more than 4 persons; or (ii) not more than 2 unrelated adults and their related children.

- Why are you reluctant to join the master association? If the neighborhood supports the inclusion of the property into the master association it may make sense to join.
- General comment was made that if they do join the master association, the buyers will not likely be able to pay master dues on top of local dues and the purchase price.
- General comment that the neighbors understand that something has been built on the property but “just not this”.
- The application states that the Landmark is requesting a 61% street frontage variance from engineering standards? Scott – I will need to check with the Engineering Department regarding that requirement.
- General comment that this is too much house on too little lot.
- General comment that neighbors don’t want to look at garage doors and the buildings are too tall.
- General comment that neighbors who paid for mountain views will lose those views.
- It was apparent from a number of comments that neighbors had been given misinformation from realtors when purchasing their homes regarding the potential future use and development of the subject property.
- Has the zoning ever been changed? Scott – no.
- Is there any way the neighbors can stop the project? Scott – The Planning Commission and Town Board base their decisions on the Comprehensive Plan and the Municipal Code zoning and subdivision requirements. Since the property has the appropriate zoning for this type of project, if the property is zoned appropriately and the project meets all of the subdivision and site plan requirements of the Municipal Code, it would be difficult to deny the project outright.
- Can the neighbors petition to rezone the property? Scott – Typically, rezoning is initiated by the owner of the property, however, citizens may also submit petitions to the Town.
- Is there any other way to voice concerns to the Planning Commission and Town Board? Scott - Citizens may also speak under the “public invited to be heard” portion of the Planning Commission and Town Board agendas.
- General comment that the project is “taking our neighborhood away”.
- Do the yellow markers in the area identify a gas pipeline? Dr. Shanfelt – The gas line is not located on the subject property.
- How is the mailing list determined? Elizabeth – The code requires neighbors within 300-feet to be notified and the Town prepares that list for the applicant using the Larimer County Assessor’s information. This information may not be current in all cases which may explain why some people did not receive a notice. Scott - The Town also included the HOA on the mailing list.
- Will notes of this meeting be made available? Elizabeth – The notes will be included in the upcoming meeting packets which will be available on the website. Scott – The “notify me” feature on the website allows for people to sign up to receive an email when Planning Commission and Town Board packets are posted to the website.
- Will the buildings have foundations? Yes
- General comment that the driveways are too short for large vehicles and trucks and will block the sidewalk. (The driveways are at least 20’ long and meet the setback requirements of the Windsor Code)

- What will the color palette be? Varying earth tones
- Price point for these units? \$300,000-\$350,000
- What building materials will be used? Siding, stone veneer
- Will all buildings have the same shingles? Yes
- Does the price include landscaping? Yes. The developer will install the landscaping and the HOA for these units will maintain.
- Who will maintain individual yards? The HOA for these units
- What is the depth (length) of driveways? 20+ feet
- Three points that should be addressed prior to Planning Commission:
  - Would Landmark be willing to sit down with the Master Association and “synch” the covenants so that they are similar?
  - Would Landmark make a good faith effort to incorporate this property into the Master Association?
  - Would Landmark make a good faith effort to clarify the property owner’s responsibilities regarding the easement along the western property line i.e. clarify that the Master Association is not responsible for repairing or replacing improvements that future property owners may place in or on the easement should the Master Association need to dig up the pipe.
- Landmark indicated that they would definitely make such a good faith effort with the Master Association; however, they are not willing to slow the process given the time it’s taken thus far.
- With the economy the way it is, is there a demand for these units? The market has improved and Landmark fully anticipates a market for these units or they would not go forward with the project.
- Will the units have finished basements? Landmark does not intend to finish the basements
- How does the 25-foot building height compare to previous proposal? Previously 31-feet at peak
- Will these units be maintained better than Fossil Creek (peeling paint, rusted gutters, etc.)? Landmark is not aware of maintenance issues at Fossil Creek, but the covenants and HOA maintenance will ensure a high level of maintenance
- A Master Association representative indicated that the Master Association has had conversations with Landmark and fully intends to make the covenants align with those of the Master Association
- What is the irrigation water source? Jon Turner’s non-potable water will be used
- Does Landmark plan to pre-sell the units? Not the first building, but the rest will be pre-sold
- What is the remainder of the project schedule? Planning Commission preliminary consideration on 12/6/12, followed by another Planning Commission meeting and Town Board approval in the first quarter of 2013 – construction in February/March
- Will there be monthly dues? The unit owners will likely pay HOA dues for their units in addition to Master Association dues
- Will the maintenance of the easement area be clarified? This is part of the discussion that needs to take place between the developer and the Master Association
- Who will maintain the landscape? The HOA for the units
- How do these units compare to the patio homes on Hole #2 (with the golf cart garages)? Similar size, but without the golf cart garages
- Will individual unit owners have the right to modify the developer installed landscape? Owners will be limited to potted plants outside, etc. – they can [not](#) remove trees, shrubs, etc.

11/5/12 - 5:30pm – Highland Meadows 11<sup>th</sup> Filing/Attached Patio Homes neighborhood meeting

- Where will construction begin? Likely start with the southernmost building and work north
- Will the HOA dues be comparable to the Woods neighborhood (\$140/month + Master Association dues)? That is yet to be discussed and determined
- The AC units should be screened to prevent line-of-sight noise issues.
- The lighting will need to meet the Town's new code to prevent light pollution issues.
- Will there be fencing? Landmark has yet to determine whether or not fencing will be included in the project - if the fencing is not installed by Landmark, fencing will not be allowed to be installed by individual unit owners



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# Highland Meadows Subdivision, Eleventh Filing Final Major Subdivision and Final Site Plan

Scott Ballstadt, AICP

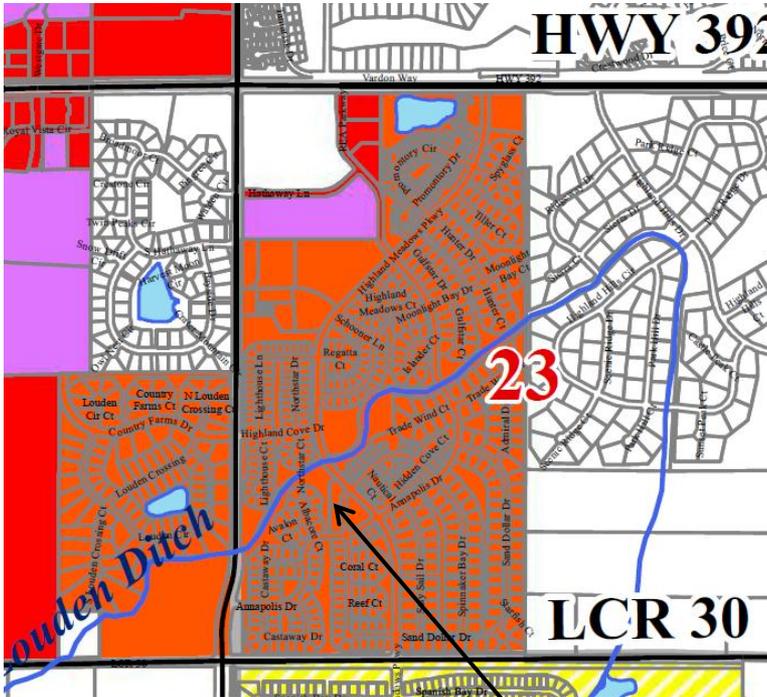
April 22, 2013

Town Board

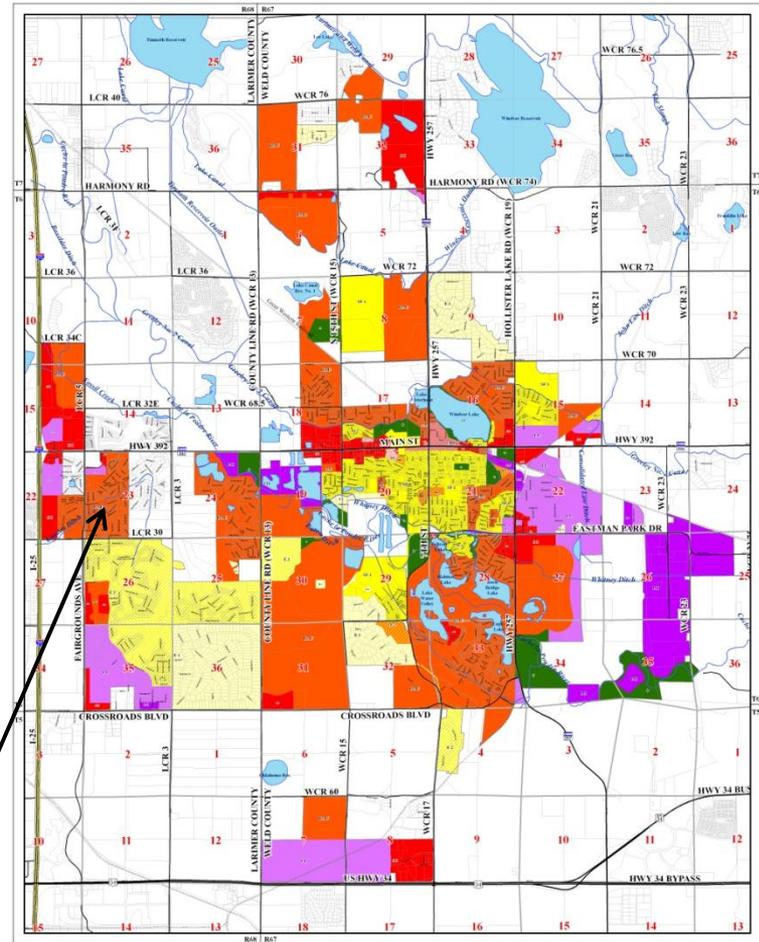
C.7, C.8 & C.9



# Vicinity Map/Zoning



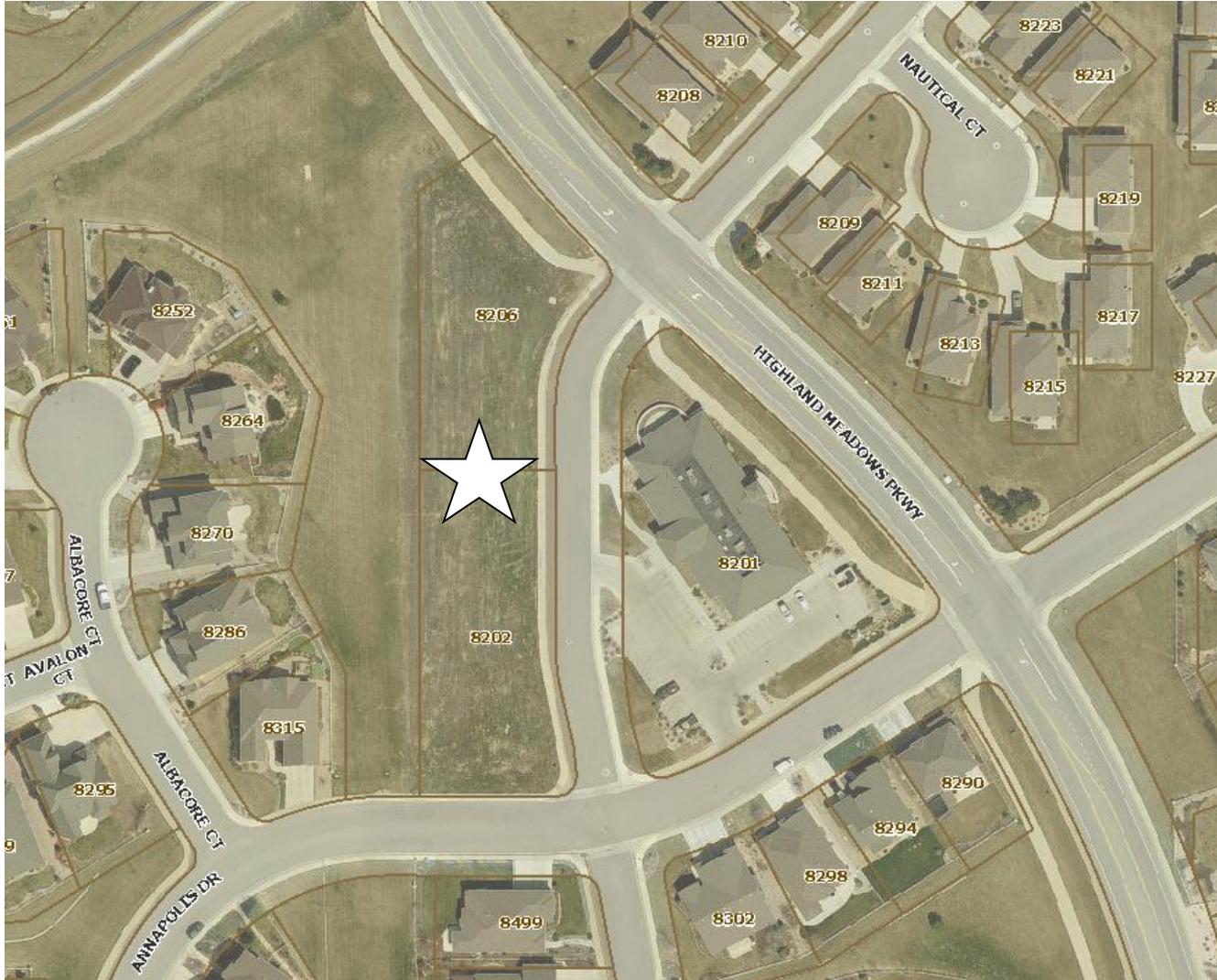
Subject Property



**LEGEND**

- E-1 Low Density Estate
- E-2 High Density Estate
- MF-2 High Density Multi-Family Residential
- RMU Residential Mixed Use
- PUD Planned Unit Development
- I-L Limited Industrial
- SF-1 Single Family Residential
- CBD Central Business District
- I-H Heavy Industrial
- SF-2 Single Family Attached Residential
- NC Neighborhood Commercial
- O Recreation and Open Space
- MF-1 Multi-Family Residential
- GC and GC-PUD General Commercial

# Existing Site





# Final Major Subdivision

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Article IV of Chapter 17 of the Municipal Code outlines the purposes of the Major Subdivision process, including:

## **Sec. 17-4-10. Purpose.**

The purposes of the major subdivision procedure are:

(1) To divide or reconfigure a parcel or parcels of land into six (6) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.

The subject application proposes to create eight (8) lots.

# Final Major Subdivision

## HIGHLAND MEADOWS SUBDIVISION ELEVENTH FILING

BEING A REPLAT OF LOT 1 AND LOT 2, HIGHLAND MEADOWS SUBDIVISION SIXTH FILING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6th P.M., TOWN OF WINDSOR, COUNTY OF LARIMER, STATE OF COLORADO

**PROPERTY DESCRIPTION**

A plot of a parcel of land in the TOWN OF WINDSOR, Colorado, located in the Southwest Quarter of Section 23, Township 6 North, Range 68 West of the 6th Principal Meridian, and more particularly described as follows:

Lot 1 & 2, Highland Meadows Subdivision Sixth Filing, Containing 1.196 acres more or less.

**APPROVALS AND APPROVED BY**

Know all men by these presents, that John A. Turner and Christopher J. Pyle, being all the owners, lessors, and holders of any ownership interest as defined by the Town of Windsor, of the land described herein, have caused such land to be surveyed and subdivided into lots, areas and divisions and to be placed upon file in public records in the public domain, subject to all covenants, conditions and utility easements, if any, as indicated herein under the name of Highland Meadows Subdivision Eleventh Filing, subject to all easements and rights of any state or federal or existing or to be created in the future, in compliance with the Town of Windsor Subdivision Regulations and by contractural agreement, the landowners and lines of agreement recorded in appropriate records.

In witness whereof, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

John A. Turner, Owner

**NOTARIAL CERTIFICATE**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
The foregoing instrument was acknowledged before me by John A. Turner this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

My commission expires \_\_\_\_\_

Notary Public

Christopher J. Pyle, Owner

**NOTARIAL CERTIFICATE**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
The foregoing instrument was acknowledged before me by Christopher J. Pyle this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

My commission expires \_\_\_\_\_

Notary Public

**VALUATION STATEMENT**

Know all men by these presents that the undersigned, being the true owner(s) of the land described herein, and as shown on the attached plat do hereby make all previous filings of the land described herein void.

In witness whereof, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

John A. Turner, Owner

**NOTARIAL CERTIFICATE**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
The foregoing instrument was acknowledged before me by John A. Turner this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

My commission expires \_\_\_\_\_

Notary Public

Christopher J. Pyle, Owner

**NOTARIAL CERTIFICATE**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
The foregoing instrument was acknowledged before me by Christopher J. Pyle this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

My commission expires \_\_\_\_\_

Notary Public

**PROFESSIONAL ENGINEER APPROVAL**

Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Director of Engineering

**PLANNING COMMISSION APPROVAL**

Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Chairman, Windsor Planning Commission

**PLANNING DEPARTMENT APPROVAL**

Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Director of Planning

**WATER UTILITIES DEPARTMENT APPROVAL**

Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Director of Public Works

**TOWN MANAGER APPROVAL**

Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Town Manager

**WATER UTILITIES DEPARTMENT APPROVAL**

I hereby certify that all required water rights have been transferred to the Town of Windsor or its authorized representative in accordance with the Town of Windsor and the State of Colorado.

Director of Engineering

**NOTICE OF CORNER ENCUMBRANCE**

All persons who claim that certain documents have been recorded pertaining to the development, which create certain rights and obligations of the development, the developer and/or subsequent owners of all or portions of the development site, many of which obligations create liens and encumbrances that run with the land. These documents are of record and are on file with the County of planning of the Town of Windsor and should be clearly reviewed by all persons interested in purchasing any portion of the development site.

**WARRANTY CERTIFICATE**

This is to certify that a Major Subdivision plat of the property described herein is approved by Resolution No. \_\_\_\_\_ of the Town of Windsor passed and adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, A.D. and that the Mayor of the Town of Windsor, as authorized by said resolution on behalf of the Town of Windsor, hereby authorizes and adopts the said major subdivision plat upon which this certificate is rendered for all purposes herein.

Mayor

**ATTORNEY APPROVAL**

Validly executes and adopts as shown and as hereby approved.

Town of Windsor

Windsor Water Department

Public Works Director

Paul Colburn Leonard

Water Director

Town Manager

Contract

**SURVEYOR'S STATEMENT**

I certify that the plat accurately represents the results of a survey made by me or under my direct supervision.

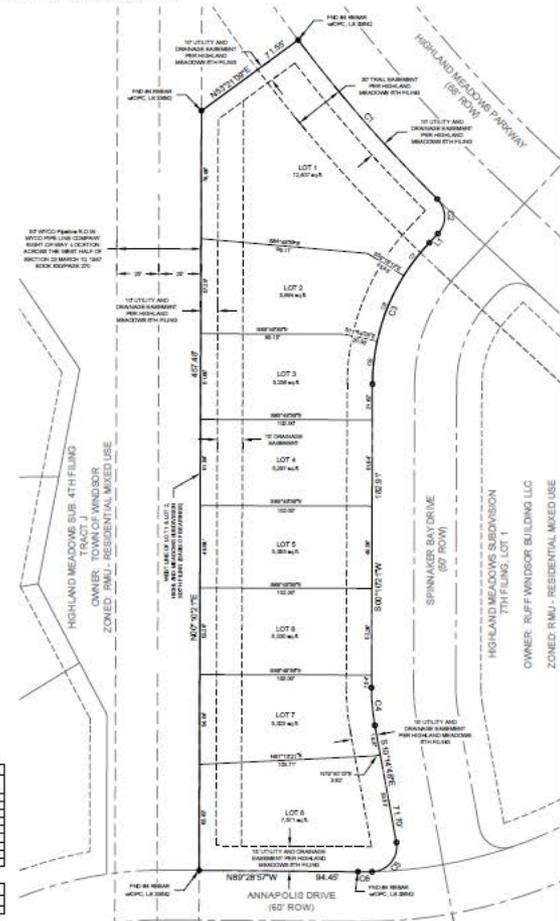
Donald J. Orland

Colorado Registered Professional

Land Surveyor No. 14823

**NOTES**

- 1) Block of bearings in the West line of Lot 1 and Lot 2 is bearing North 90°15'17" East, as shown on the referenced plat of Highland Meadows Subdivision Sixth Filing.
- 2) Buildings within building envelopes shall have a minimum 20' separation.
- 3) Driveway access to Highland Meadows Parkway is not permitted.
- 4) Ownership of Tract A shall be deemed to be the owner's association (1) consistent with the recitals of the plat or (2) as the line of establishment of the owner's association, whichever occurs later in time. All drainage facilities within Tract A shall be owned, operated and maintained by the owner's association. The area within Tract A is hereby dedicated as a public drainage, landscape and access easement.
- 5) Easement, R.M.E. (Inchwood School Ctr)



**CURVE TABLE**

CHORD	LENGTH	RADIUS	DELTA	CHORD	LENGTH	CHORD	BEARINGS
CD	128.77	481.39	47°28'00"	CD	128.77	481.39	S47°28'00"W
CE	128.77	481.39	47°28'00"	CE	128.77	481.39	S47°28'00"W
CF	128.77	481.39	47°28'00"	CF	128.77	481.39	S47°28'00"W
CG	128.77	481.39	47°28'00"	CG	128.77	481.39	S47°28'00"W
CH	128.77	481.39	47°28'00"	CH	128.77	481.39	S47°28'00"W
CI	128.77	481.39	47°28'00"	CI	128.77	481.39	S47°28'00"W
CJ	128.77	481.39	47°28'00"	CJ	128.77	481.39	S47°28'00"W
CK	128.77	481.39	47°28'00"	CK	128.77	481.39	S47°28'00"W
CL	128.77	481.39	47°28'00"	CL	128.77	481.39	S47°28'00"W
CM	128.77	481.39	47°28'00"	CM	128.77	481.39	S47°28'00"W
CN	128.77	481.39	47°28'00"	CN	128.77	481.39	S47°28'00"W
CO	128.77	481.39	47°28'00"	CO	128.77	481.39	S47°28'00"W
CP	128.77	481.39	47°28'00"	CP	128.77	481.39	S47°28'00"W
CQ	128.77	481.39	47°28'00"	CQ	128.77	481.39	S47°28'00"W
CR	128.77	481.39	47°28'00"	CR	128.77	481.39	S47°28'00"W
CS	128.77	481.39	47°28'00"	CS	128.77	481.39	S47°28'00"W
CT	128.77	481.39	47°28'00"	CT	128.77	481.39	S47°28'00"W
CU	128.77	481.39	47°28'00"	CU	128.77	481.39	S47°28'00"W
CV	128.77	481.39	47°28'00"	CV	128.77	481.39	S47°28'00"W
CW	128.77	481.39	47°28'00"	CW	128.77	481.39	S47°28'00"W
CX	128.77	481.39	47°28'00"	CX	128.77	481.39	S47°28'00"W
CY	128.77	481.39	47°28'00"	CY	128.77	481.39	S47°28'00"W
CZ	128.77	481.39	47°28'00"	CZ	128.77	481.39	S47°28'00"W

**LINE TABLE**

LINE	(LENGTH)	BEARING
1	128.77	N89°28'51"W
2	128.77	N89°28'51"W

**LEGEND**

- EASEMENT LINE
- BOUNDARY LINE
- HOUSING LINE
- RIGHT-OF-WAY
- LOT LINE
- FOUND CORNER AS DESCRIBED
- SET OR REBORN WITH PUBLIC COPY OF PLAT

**Scale and Orientation**

0 30 60 90 Feet

1" = 30' N. (SIS SURVEY FEET)

**NORTH**

**NOTICE**  
I, the undersigned, being a duly licensed and qualified professional engineer, do hereby certify that the above described plat was prepared by me or under my direct supervision, and that I am a duly licensed and qualified professional engineer in the State of Colorado. My commission expires \_\_\_\_\_.

DATE: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
SCALE: \_\_\_\_\_

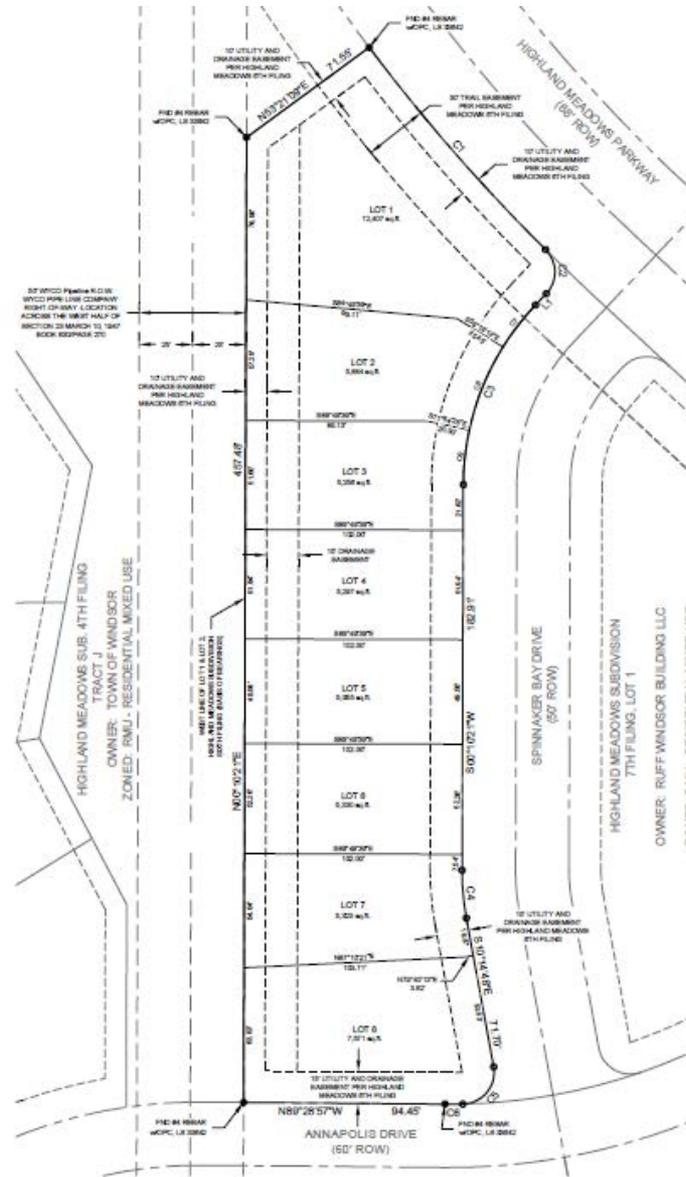
**NORTHERN ENGINEERING**  
Professional Engineer  
No. 14823  
14823  
14823  
14823

**PLAT**  
DATE: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
SCALE: \_\_\_\_\_

**HIGHLAND MEADOWS SUBDIVISION ELEVENTH FILING**  
**TOWN OF WINDSOR, COLORADO**  
Sheet 1 of 1 Sheet



# Final Major Subdivision





# Final Major Subdivision

---

Staff requests that the following be entered into the record:

- Application materials
- Staff memorandum and supporting documents
- Recommendation
- All testimony presented during the public hearing



# Final Site Plan

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Article VII of Chapter 17 of the Municipal Code outlines the purposes of the Site Plan process, including:

**Sec. 17-7-20. Purpose.**

The purpose of the site plan procedure is to:

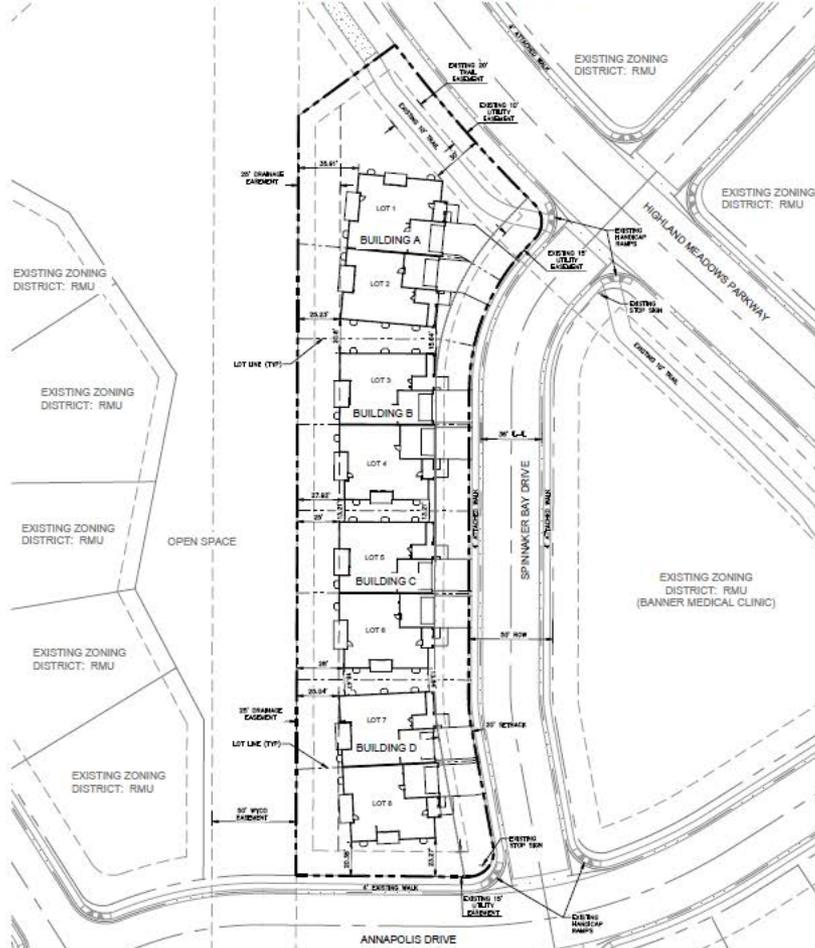
(2) Develop land zoned for multifamily, commercial or industrial uses.

The subject application proposes to site plan eight (8) attached duplex units (4 buildings) in the Residential Mixed Use (RMU) zone.

# Final Site Plan

## HIGHLAND MEADOWS TOWNHOMES PRELIMINARY SITE PLAN

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 68 WEST, OF THE 6th P.M.  
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



### LAND USE STATISTICS

DESCRIPTION	GROSS AREA		IMPACT OF TOTAL	NET AREA		IMPACT OF NET
	ACFT	ACRES		ACFT	ACRES	
RESIDENTIAL CONDENSED	20,198	8.47	100%	20,198	8.47	100%
PARKING & DRIVEWAY	4,080	8.71	0.00%	4,080	8.71	0.00%
LANDSCAPE	27,875	8.74	0.00%	27,875	8.74	0.00%
RIGHT-OF-WAY	0	0.00	0.00%	0	0.00	0.00%
TOTAL NET AREA	32,153	11.92	100%	32,153	11.92	100%

**DEVELOPER/APPLICANT**  
Jane Shardt  
Landmark Homes  
1170 West Ash Street, Suite 100  
Windsor, Colorado 80550  
(970) 463-0157

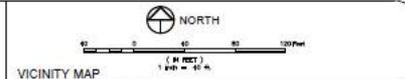
**PLANNER**  
Jane Shardt  
Landmark Homes  
1170 West Ash Street, Suite 100  
Windsor, Colorado 80550  
(970) 463-0157

**ARCHITECT**  
3377 Ardmore  
Richard E. Jones, AIA  
3515 E. 76th St. Suite 201  
Parker Village, CO 80138  
(970) 851-2415

**SITE ENGINEER**  
Neil Carter, P.E.  
Northern Engineering Services, Inc.  
200 South College Avenue, Suite 100  
Fort Collins, Colorado 80524  
(970) 221-4158

**SITE SURVEYOR**  
Gary Gibbald, P.L.S.  
Northern Engineering Services, Inc.  
200 South College Avenue, Suite 100  
Fort Collins, Colorado 80524  
(970) 221-4158

**LANDSCAPE ARCHITECT**  
Mike Walker, RLA  
The Design Group, LLC  
464 Mountain Avenue  
Southwest CO 80613  
(970) 533-0561



**LEGEND & ABBREVIATIONS**

RIGHT-OF-WAY: RW  
TYPICAL: TYP  
MEASURE FEET: MF  
PROPERTY BOUNDARY: ---  
CURB & GUTTER: ---  
EASEMENT LINE: ---  
SETBACK LINE: ---  
LOT LINE: ---

**NOTE**  
THIS IS A LAND USE PLANNING DOCUMENT NOT A CONSTRUCTION DOCUMENT REFER TO THE ENGINEERING PLANS FOR SITE CONSTRUCTION.

- GENERAL NOTES:**
- REFER TO UTILITY PLANS FOR LOCATIONS OF STREET DRAINAGE STRUCTURES, UTILITY MAINS AND SERVICES.
  - REFER TO THE ENGINEERING PLANS FOR DETAILED INFORMATION OF PROPOSED TOPOGRAPHY, UTILITY, AND STREET IMPROVEMENTS.
  - REFER TO THE PLAT FOR LOT AREA, TRACT AREA, EASEMENTS, LOT DIMENSIONS, UTILITY EASEMENTS, OTHER EASEMENTS AND OTHER INTEREST INFORMATION.
  - EASEMENTS AND RIGHTS SHALL CONFORM TO TOWN ORDINANCES. ALL HANDICAP PARKING SPACES AND RAMPWAYS ARE TO BE CONFORMED WITH THE ENGINEERING PLANS FOR DRAINAGE, PARKING AND ACCESSIBLE ROUTE. CONSIDERATIONS: HANDICAP PARKING SPACES SHALL HAVE NO MORE THAN 1:16 IN ANY DIRECTION. ALL ACCESSIBLE ROUTES SHALL HAVE NO MORE THAN 1:20 IN DIRECTION OF TRAVEL, AND NO MORE THAN 1:48 CROSS SLOPE.
  - ACCESSIBLE RAMPWAYS TO BE PROVIDED AT ALL STREET AND DRIVE INTERSECTIONS AND AT ALL DESIGNATED ACCESSIBLE PARKING SPACES.
  - PROPOSED EXPOSED PILE-DRIVEN PILING AND BRIDGE-RELATED STRUCTURES SHALL BE CORROSION-RESISTANT WITH SMOOTH CORNER LAMINATES AND SHALL COMPLY WITH ALL TOWN OF WINDSOR DESIGN REQUIREMENTS.
  - TRUCK ENCLOSURES SHALL BE MINIMIZED OR CONTAINED AND CONFINED TO AN INTERNAL STREET IN TYPE AND COLOR TO THE PROPOSED BUILDINGS. REFER TO ARCHITECTURAL PLANS FOR DETAILS.
  - DRIVE PAVEMENT SHALL BE FINISHED WITH PERMANENTLY ANCHORED TO CONCRETE PAVEMENT.
  - ALL DRIVE UTILITIES SHALL COMPLY WITH THE TOWN OF WINDSOR SIGN CODE.
  - PLACEMENT OF ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE SIGN DISTANCE CRITERIA AS SPECIFIED IN THE TOWN OF WINDSOR. NO STRUCTURES OR LANDSCAPE ELEMENTS GREATER THAN 2FT SHALL BE ALLOWED WITHIN THE SIGN DISTANCE. SIGNAGE OR ELEMENTS WITHIN THE SIGN DISTANCE TRANSMIT OR DOCUMENT SHALL BE NO MORE THAN 6FT IN HEIGHT AND OF AN OPEN DESIGN.
  - ALL OCCUPIED RESIDENTIAL BUILDING UNITS SHALL BE EQUIPPED WITH AN AUTOMATIC FIRE EXTINGUISHING SYSTEM.

**LEGAL DESCRIPTION**  
A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 68 WEST, OF THE 6TH P.M., SECTION 23, T6N 68R 68W, COUNTY OF WELD, STATE OF COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**UTILITY CONTACT LIST:**

UTILITY COMPANY	PHONE NUMBER
Colorado	(303) 776-2208
Great Local Networks	(970) 229-1300
Front Range	(970) 222-7075
SoCal Gas	(800) 775-7152
Town of Windsor Public Works	(970) 696-7474

CALL UTILITY NOTIFICATION CENTER OF 811

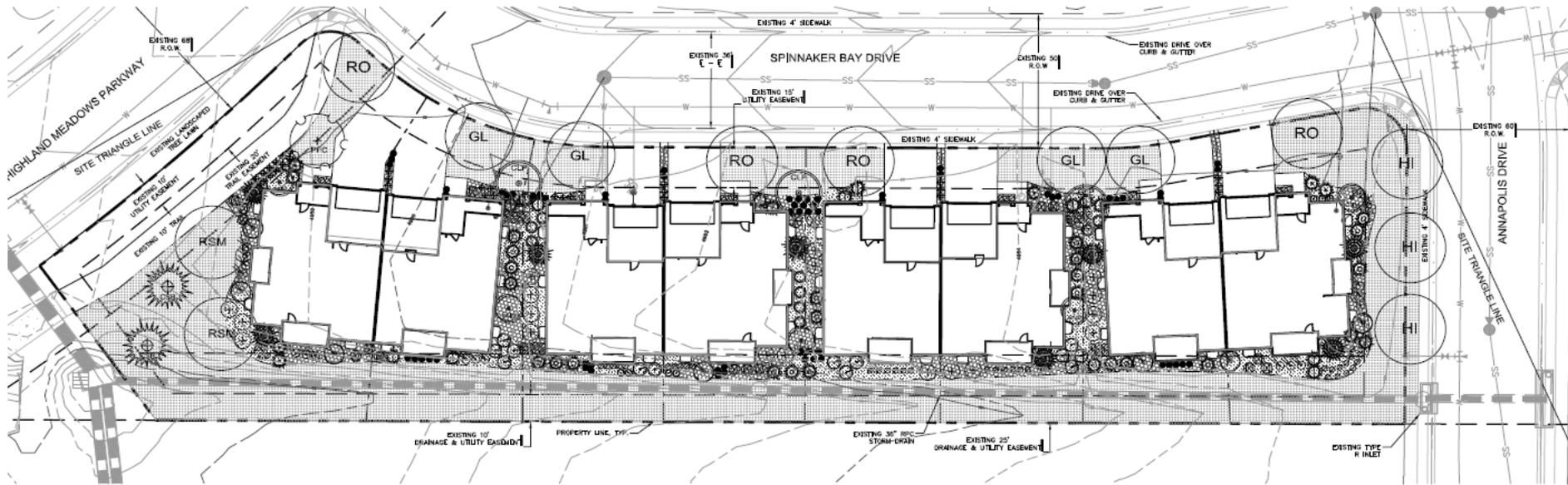
**REVIEW SET**  
 NOT FOR CONSTRUCTION  
 08/17/24

**NORTHERN ENGINEERING**  
 ENGINEERS  
 1170 WEST ASH STREET, SUITE 100  
 WINDSOR, COLORADO 80550

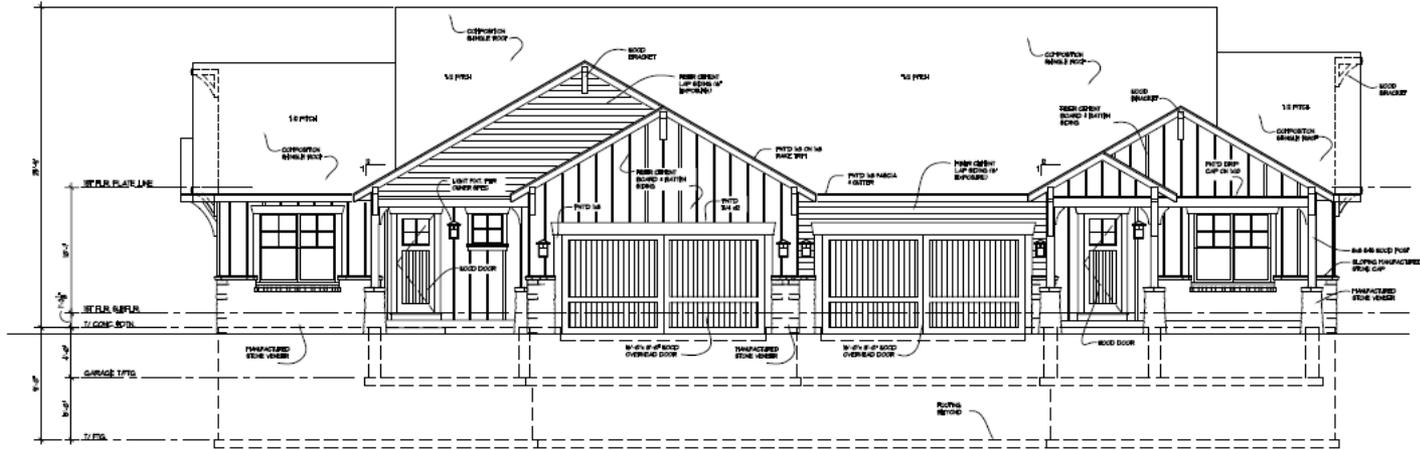
PROJECT: 240008  
 SHEET: 3 OF 10  
 DATE: 08/17/24

HIGHLAND MEADOWS SUBDIVISION, 11TH FILING SITE PLAN  
 (HIGHLAND MEADOWS TOWNHOMES)  
 SITE PLAN

# Landscape Plan

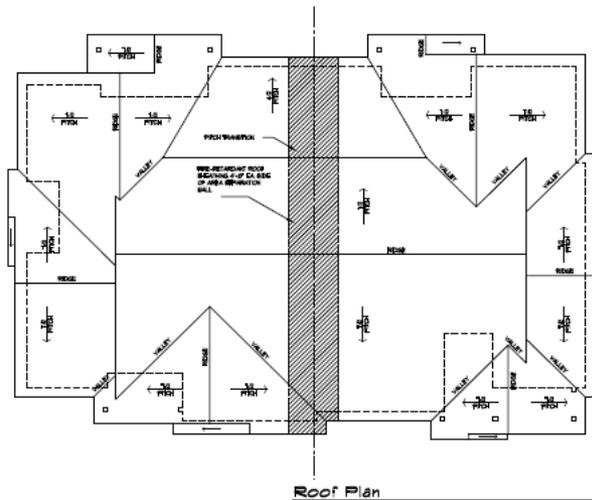


# Building Elevations



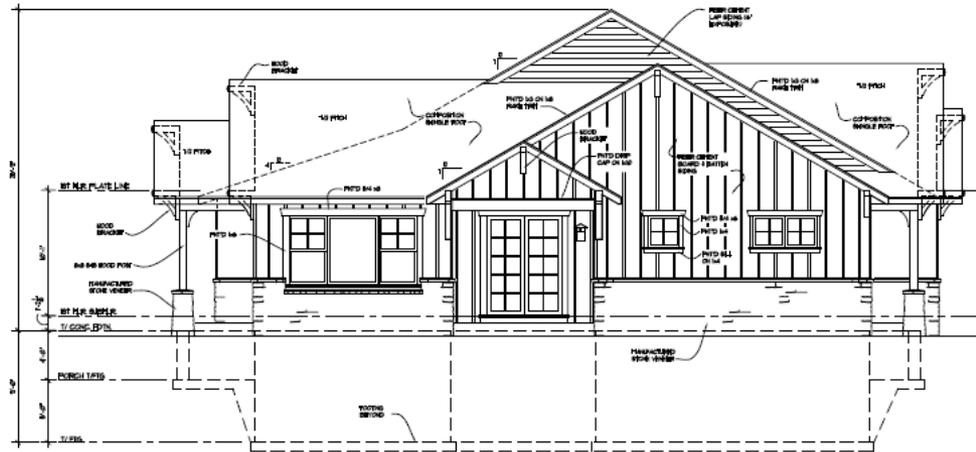
Front Elevation

1/4" = 1'-0"



Roof Plan

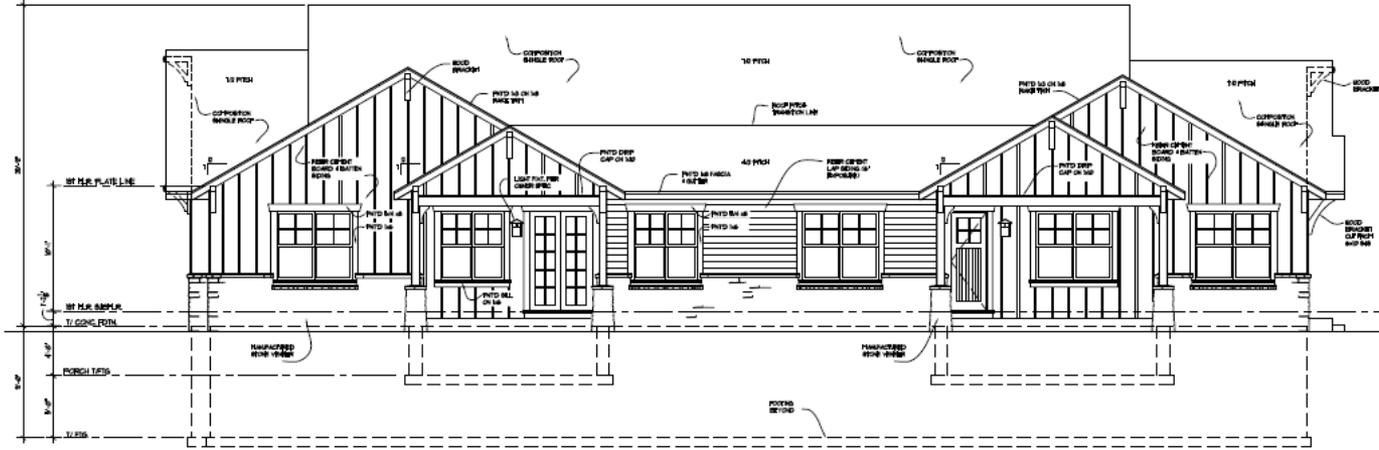
1/8" = 1'-0"



Left Elevation

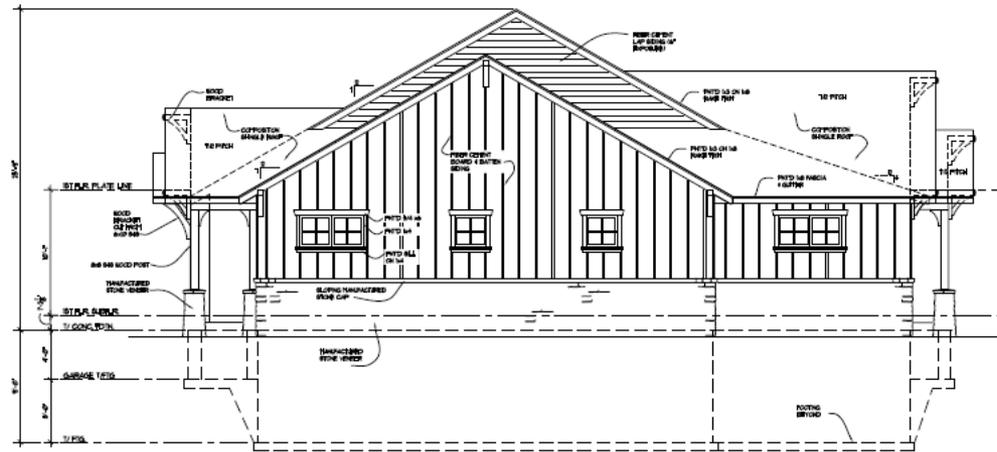
1/4" = 1'-0"

# Building Elevations



Rear Elevation

1/4" = 1'-0"



Right Elevation

1/4" = 1'-0"



# Final Site Plan

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Staff requests that the following be entered into the record:

- Application materials
- Staff memorandum and supporting documents
- Recommendation



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## MEMORANDUM

**Date:** April 22, 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. 2013-23 approving a Final Site Plan for the Highland Meadows Subdivision, Eleventh Filing (Highland Meadows Attached Patio Homes)  
**Location:** 8202 and 8206 Spinnaker Bay Drive (aka Lots 1 and 2, Highland Meadows Subdivision, Sixth Filing)  
**Item #s:** C.9

### DISCUSSION:

The applicant, Mr. Jason Sherrill, Landmark Homes, is proposing to site plan the property for four (4) attached duplex patio homes for a total of eight (8) housing units. The existing zoning of the property is Residential Mixed Use (RMU), which allows for the proposed housing units as a use by right.

Enclosed please find comments received from neighbor Dr. Don Shanfelt dated April 10, 2013 indicating one remaining concern regarding the need to include the subject property in the Highland Meadows Subdivision Master Homeowner's Association (Master Association). While staff understands that the applicant intends to work with the Master Association in order to include the subject property, the Town does not involve itself in the enactment or enforcement of private homeowner's association regulations or covenants, and should not condition site plan approval on such matters. The property owner and Master association may independently arrive at agreement in this regard, but staff is not recommending it be made a condition of approval.

The Town requires the proposed site plan to meet all of the standards and requirements of the Municipal Code. Upon site plan approval, the property is also required to be maintained in accordance with the approved site plan. The required site plan owner's signature block states, "It is hereby acknowledged that all construction, use and development of this property will be in strict accordance with this site plan. It is further acknowledged that deviation from this site plan without the express written consent of the Town of Windsor may result in revocation of the Town's approval of the site plan, denial of building permits, refusal to issue certificates of occupancy, injunctive relief prohibiting use of the property and other remedies available to the Town under the *Windsor Municipal Code* and other applicable laws of the State of Colorado."

In the case of the subject proposal, both the subdivision and site plan applications have been revised several times in response to staff comments and comments received at neighborhood meetings (please see enclosed meeting notes). The proposed density has been reduced from the initially proposed 12 townhome units to the current 8 duplex units, which also resulted in reducing the height of the buildings from two stories to single story ranch units. The few remaining comments are minor "wrap-up" comments regarding notes and such and will be completed on the final mylar drawings.

**Conformance with Vision 2025:** The application is consistent with Vision 2025 Housing Quality and Diversity Goal 1: “Provide choices for housing in town, not just single family homes.”

**Relationship to Strategic Plan:** The proposal advances the Strategic Plan Vision #5: “Windsor residents enjoy a friendly community with housing opportunities, choices for leisure, cultural activities, recreation and mobility for all”

**Recommendation:** At the April 17, 2013 regular meeting, the Planning Commission voted to recommend to the Town Board approval of the enclosed Resolution and staff concurs with this recommendation.

**Notification:** The methods of notification below pertain to the major subdivision application associated with this site plan:

- Notice of April 17, 2013 Planning Commission public hearing published in April 5, 2013 Windsor Beacon
- Notice of April 22, 2013 Town Board public hearing published in April 5, 2013 Windsor Beacon
- Notice of both public hearings posted on Town website and bulletin board
- Sign posted on the property
- Applicant letter to property owners within 300-feet

**Neighborhood Meeting(s):** Neighborhood meetings were held in accordance with the Municipal Code requirements on June 15, 2011, September 5, 2012 and November 5, 2012.

**Attachments:** Application materials; neighborhood meeting notes; PowerPoint presentation; and comments received from neighbor Dr. Shanfelt

pc: Jason Sherrill, Landmark Homes, applicant

TOWN OF WINDSOR

RESOLUTION NO. 2013-23

A RESOLUTION OF THE WINDSOR TOWN BOARD APPROVING A SITE PLAN FOR HIGHLAND MEADOWS SUBDIVISION, ELEVENTH FILING, TO THE TOWN OF WINDSOR, COLORADO

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

WHEREAS, the Town has in place a comprehensive system of land use regulation, the purpose of which is the protection of the public health, safety and welfare; and

WHEREAS, the Highland Meadows Subdivision, Eleventh Filing (“Subdivision”) has received final plat approval by the Town Board; and

WHEREAS, the owner/developer of the Subdivision has proposed development within the Property in accordance with the attached Highland Meadows Subdivision, Eleventh Filing, Site Plan (“Site Plan”), which Site Plan is incorporated herein by this reference as if set forth fully, and designated “Exhibit A”; and

WHEREAS, the proposed Site Plan has been presented to the Windsor Planning Commission, and has received a written recommendation for approval by the Town Board; and

WHEREAS, the proposed Site Plan and has been reviewed by the Town Board in accordance with applicable planning criteria.

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

1. Pursuant to *Windsor Municipal Code* Section 17-7-50 (a) (6), the attached Site Plan for the Highland Meadows Subdivision, Eleventh Filing, is hereby approved.
2. The owner/developer is hereby instructed to comply with all post-approval requirements of Chapter 17, Article VII of the *Windsor Municipal Code* within thirty (30) days.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 22<sup>nd</sup> day of April, 2013.

TOWN OF WINDSOR, COLORADO

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John S. Vazquez, Mayor

ATTEST:

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Patti Garcia, Town Clerk

## 2013 MONTHLY FINANCIAL REPORT

### Special points of interest:

- Single Family Residential (SFR) building permits total 119 through the end of March. This equals the entire year of 2008.
- Highest March sales tax collection on record at \$428,443.

### Highlights and Comments

- \* We recorded our highest gross sales tax collection for the single month of March.
- \* March 2013 year-to-date gross sales tax increased 13.67% over March 2012.
- \* Construction use tax up 50.23% over 2012.
- \* Expenditure charts reflect March figures tracking as expected.
- \* Year-to-date March revenue total exceeded expenditures by roughly \$3.7M.



#### Northern Lights Neighborhood Park Development Underway

The Northern Lights Neighborhood Park in Winter Farm Subdivision was designed in 2012 and is in the process of being constructed by Designsapes 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. Currently the hardscapes are in place. Total project cost of design and development of the park is expected to be just over \$1 million.

### Inside this issue:

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

### Items of Interest

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

## Sales, Use and Property Tax Update

March 2013

Benchmark = 25%	Sales Tax	Construction Use Tax	Property Tax	Combined
Budget 2013	\$5,502,998	\$1,316,618	\$4,096,598	\$10,916,214
Actual 2013	\$1,648,115	\$593,331	\$1,156,575	\$3,398,021
% of Budget	29.95%	45.06%	28.23%	31.13%
Actual Through March 2012	\$1,449,914	\$394,941	\$1,316,696	\$3,161,551
Change From Prior Year	13.67%	50.23%	-12.16%	7.48%

Ideally through the third month of the year you would like to see at least 25% collection rate on your annual budget number. We have reached that benchmark in all three tax categories.

At this point last year we had collected \$1,316,696 in property taxes, or 31.7% of the annual budget. We are slightly behind that pace this year at 28.23%. No cause for alarm at this point, but we will monitor the pace of collections as the year progresses.

### Building Permit Chart

March 2013

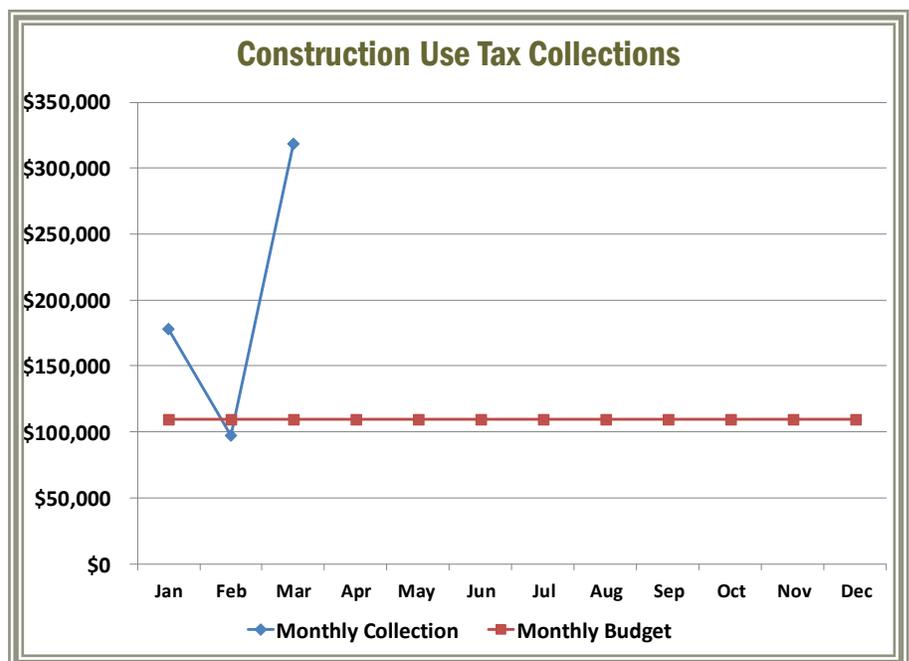
	SFR	Commercial	Industrial	Total
Through March 2013	119	0	3	122
Through March 2012	91	0	0	91
% change from prior year				34.07%
2013 Budget Permit Total				305
% of 2013 Budget				40.00%

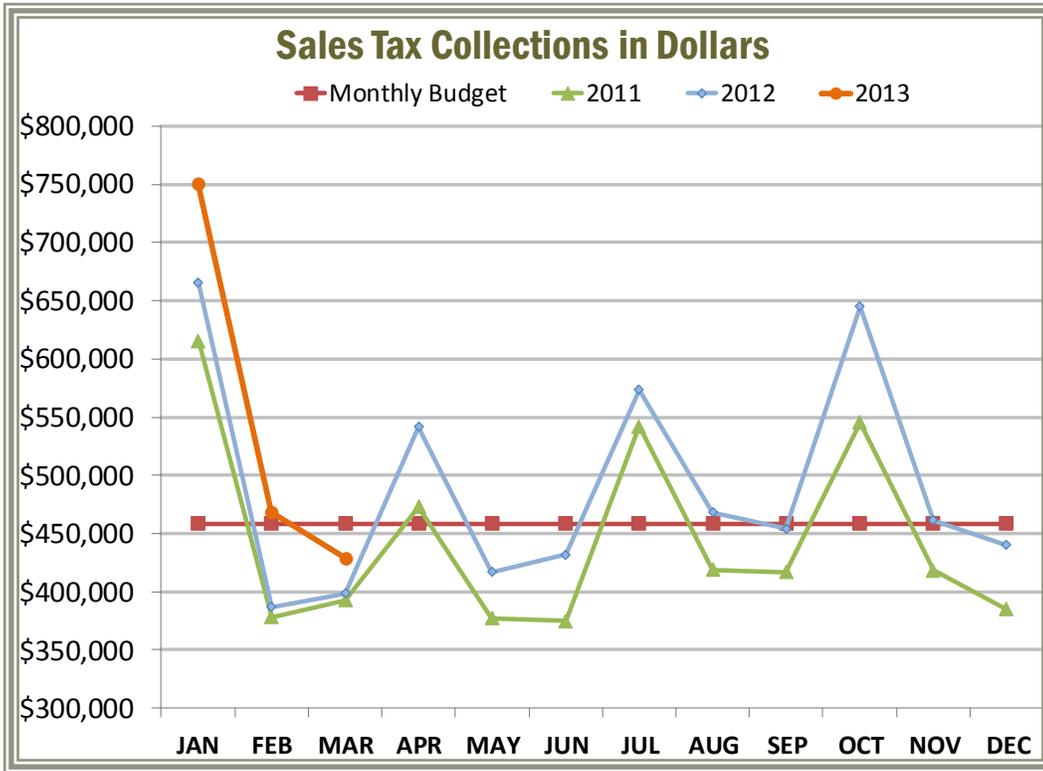
### Building Permits and Construction Use Tax

We are showing a 34% increase in number of permits as compared to March 2012.

Construction use tax is 50% ahead of last year and easily cleared the 25% collection benchmark of total collections for the year. This revenue is a key factor in funding our Capital Improvement Plan (CIP).

Driven by 66 SFR permits issued in March, we collected nearly 3 times our required average collection for the month of March, putting us well ahead of our required budget pace.





*Gross Sales tax collections for March 2013 were approximately \$30,000 higher than March 2012.*

### March Facts

March is a “single collection” month, meaning that the collections are for sales made in February for monthly filers only. March is historically one of our lowest collection months, however this March was our highest on record, producing roughly \$30,000 more in collections over March 2012.

The numbers shown in the graphs reflect the gross collections for the month. We had one small refund in March of \$1,705. The gross monthly collection for March was \$428,443.

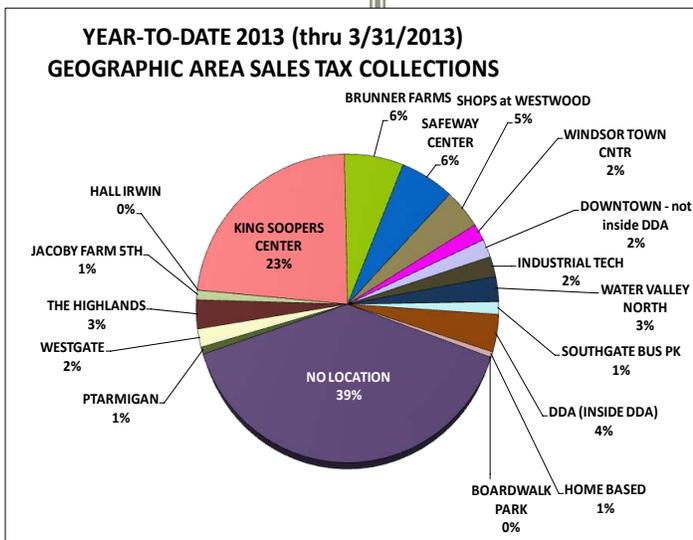
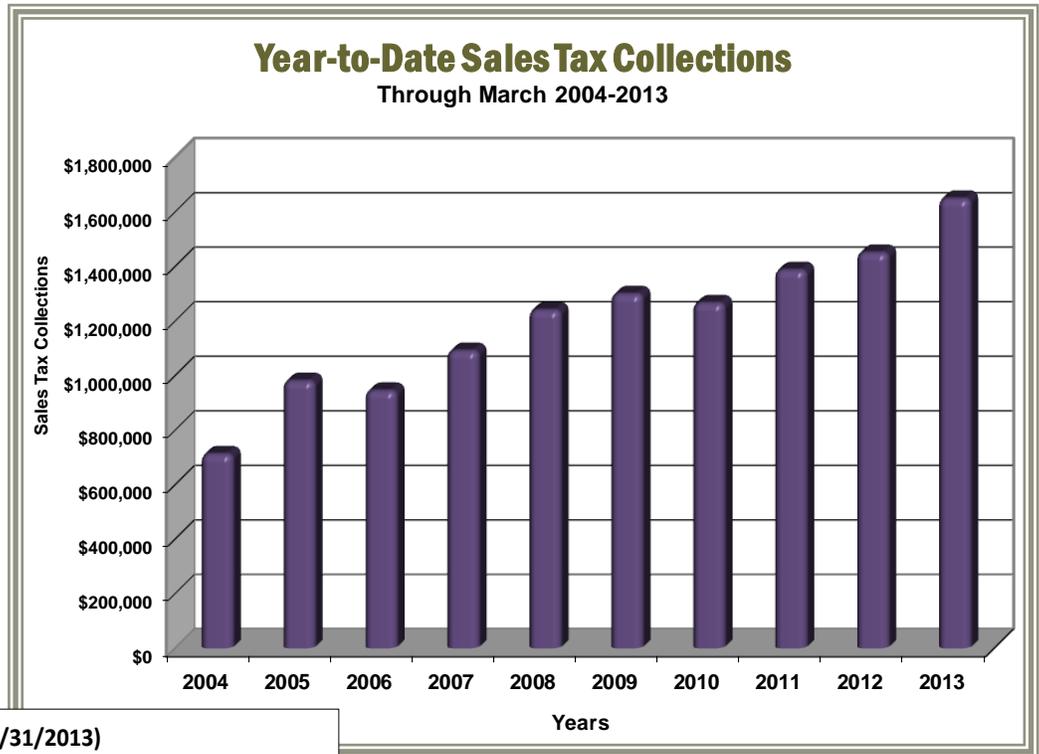
### Looking Forward

We budgeted \$5.5 M in sales tax for 2013, making our average monthly collection requirement \$458,000. March was the first month this year we did not reach that mark, though we did record a new monthly record for March.

February came in above our monthly budget line, which seemed unlikely two months ago. March collections landed above last year’s but below the budget line. I think we will reach our annual budget collections, with a good chance of surpassing \$6 million in collections.

April will be a quarterly collection month. If the current year trend remains the same, we should pass last year’s collection for April. The strength of first quarter results bode well for us going into the summer season, as the first quarter is historically our weakest quarter.

*Through March we have collected \$1.6M in sales tax, which again is a new Windsor record.*

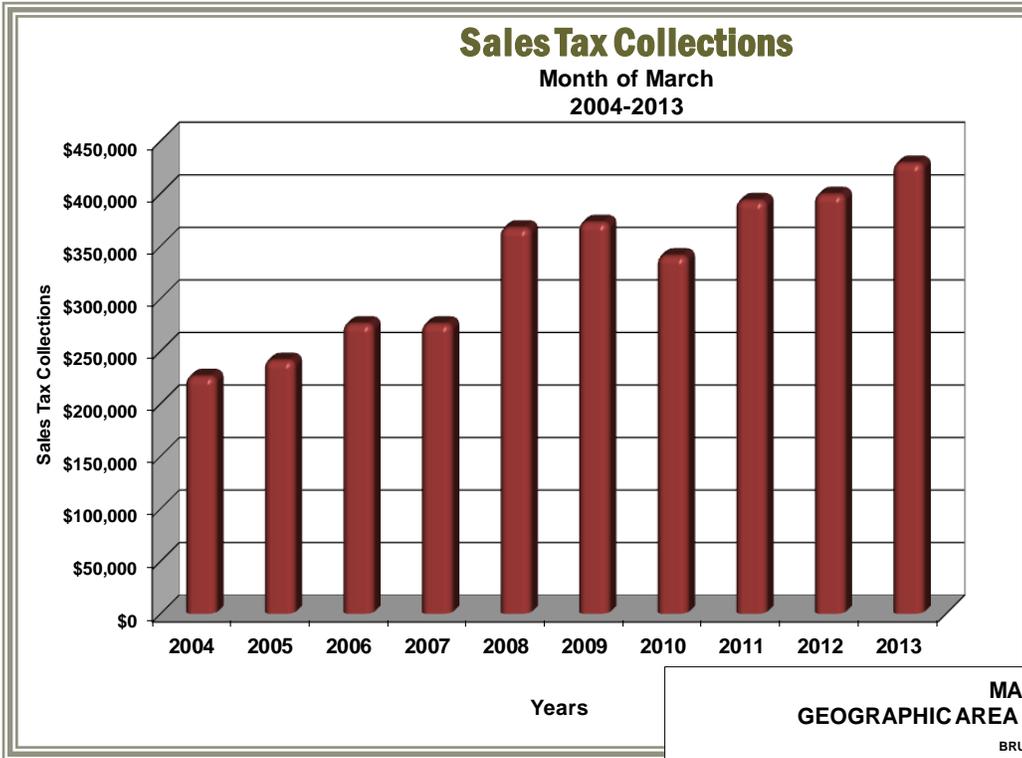


*Our sales tax base is still anchored through groceries and utilities.*

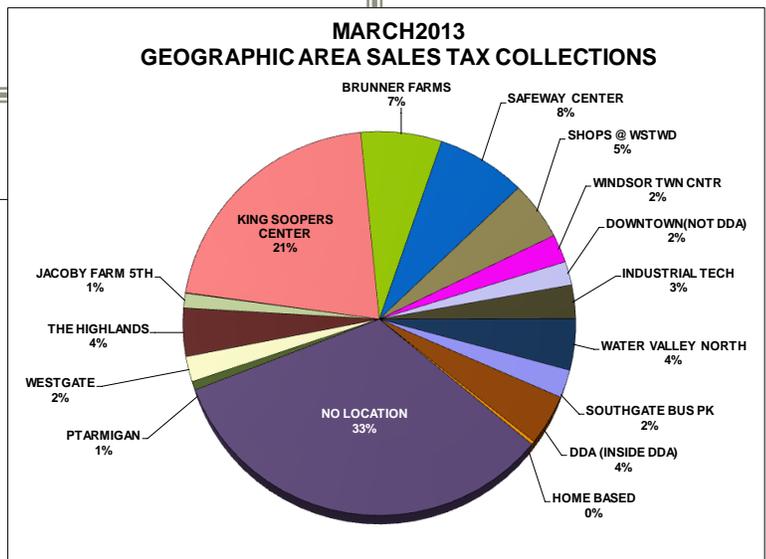
## Year-to-Date Sales Tax

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 13.67% over March 2012 year-to-date collections described as follows.

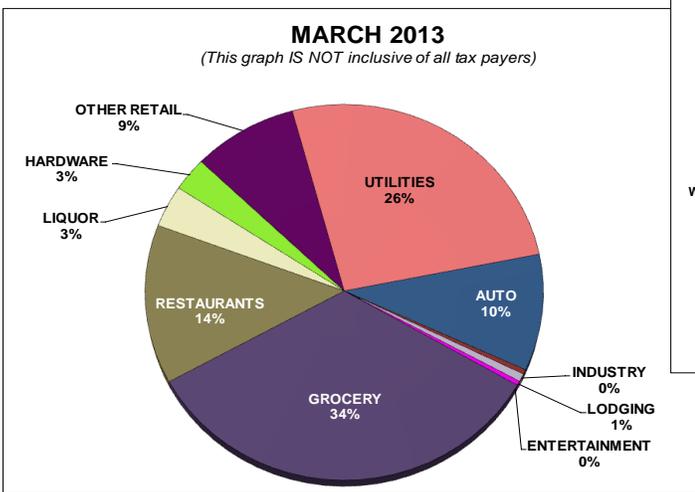
- Restaurants, groceries, hardware/home improvement and general retail all increased collections over March 2012.
- Out of town vendors making sales in Windsor (mostly utility and telecom) represent the largest geographic sales base while the King Soopers Center represents the largest portion of collections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



*In March 2013, we have collected \$428,443 in sales tax.*



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



## Monthly Sales Tax

- March 2013 gross collections of \$428,443 were 7.50% higher than March 2012 collections of \$398,569 .
- March 2013 was the highest March gross sales collection on record.
- Our sales tax base is necessity driven, as demonstrated in the pie graph above. Necessities of food, utilities and automobiles comprised 84% of our March collections. This base coupled with increased population and housing continue to drive sales tax collections higher.

## All Funds Expense Chart

March 2013

Benchmark = 25%

<u>General Government</u>	<u>Current Month</u>	<u>YTD Actual</u>	<u>2013 Budget</u>	<u>% of Budget</u>
General Fund	\$1,081,300	\$2,943,067	\$12,338,917	24%
Special Revenue	\$156,976	\$287,536	\$2,753,029	10%
Internal Service	\$180,769	\$494,830	\$2,355,908	21%
Other Entities(WBA)	\$12,090	\$36,275	\$145,080	25%
Sub Total Gen Govt Operations	\$1,431,135	\$3,761,708	\$17,592,934	21%
<b>Enterprise Funds</b>				
Water-Operations	\$196,066	\$501,413	\$2,700,133	19%
Sewer-Operations	\$80,372	\$339,822	\$1,238,601	27%
Drainage-Operations	\$31,655	\$90,288	\$406,995	22%
Non-Potable Operations	\$16,598	\$27,567	\$387,780	7%
Sub Total Enterprise Operations	\$324,691	\$959,090	\$4,733,509	20%
<b>Operations Total</b>	<b>\$1,755,826</b>	<b>\$4,720,798</b>	<b>\$22,326,443</b>	<b>21%</b>

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

*Operations expenditures are tracking slightly lower than expected through the first quarter of the year.*

<u>General Govt Capital</u>	<u>Current Month</u>	<u>YTD Actual</u>	<u>2013 Budget</u>	<u>% of Budget</u>
Capital Improvement Fund	\$50,632	\$94,493	\$5,080,214	2%
<b>Enterprise Fund Capital</b>				
Water	\$0	\$82,500	\$2,673,542	3%
Sewer	\$33,244	\$78,183	\$787,250	10%
Drainage	\$0	\$0	\$856,000	0%
Non-Potable	\$6,216	\$6,216	\$380,700	2%
Sub Total Enterprise Capital	\$39,460	\$166,899	\$4,697,492	4%
<b>Capital Total</b>	<b>\$90,092</b>	<b>\$261,392</b>	<b>\$9,777,706</b>	<b>3%</b>
<i>plus transfer to Non-Potable for loan</i>				
<b>Total Budget</b>	<b>\$1,845,918</b>	<b>\$4,982,190</b>	<b>\$32,104,149</b>	<b>16%</b>

*Through March, operating and capital expenditures combined equal 16% of the 2013 Budget.*

*As is usually the case in the first quarter, operations comprise more spending than the capital projects.*

## All Funds Expenditures

As a tracking tool, we would expend no more than 25% of our annual budgeted expenditures through the month of March. The sewer fund operations are higher than this benchmark due to a loan payment we made in January.

The first and second 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	\$55,068	\$140,256	\$527,426	26.6%
411	Mayor & Board	\$31,606	\$114,249	\$470,308	24.3%
412	Municipal Court	\$2,226	\$3,823	\$19,659	19.4%
413	Town Manager	\$24,902	\$67,655	\$277,826	24.4%
415	Finance	\$67,665	\$146,962	\$579,638	25.4%
416	Human Resources	\$37,040	\$82,158	\$345,699	23.8%
418	Legal Services	\$33,716	\$92,209	\$370,000	24.9%
419	Planning & Zoning	\$51,498	\$130,505	\$809,677	16.1%
420	Economic Development	\$13,961	\$56,983	\$182,527	31.2%
421	Police	\$288,375	\$780,594	\$2,685,654	29.1%
428	Recycling	\$2,847	\$6,032	\$41,470	14.5%
429	Streets	\$67,496	\$171,322	\$949,735	18.0%
430	Public Works	\$35,208	\$102,633	\$424,111	24.2%
431	Engineering	\$62,728	\$158,662	\$600,833	26.4%
432	Cemetery	\$7,932	\$25,806	\$112,878	22.9%
433	Community Events	\$4,002	\$8,463	\$106,411	8.0%
450	Forestry	\$21,787	\$67,583	\$309,139	21.9%
451	Recreation Programs	\$141,806	\$367,177	\$1,668,558	22.0%
452	Pool/Aquatics	\$2,464	\$19,736	\$189,884	10.4%
454	Parks	\$87,404	\$270,226	\$1,178,951	22.9%
455	Safety/Loss Control	\$744	\$811	\$15,510	5.2%
456	Art & Heritage	\$23,551	\$67,797	\$253,595	26.7%
457	Town Hall	\$17,274	\$61,425	\$219,429	28.0%
<b>Total General Fund Operations</b>		<b>\$1,081,300</b>	<b>\$2,943,067</b>	<b>\$12,338,917</b>	<b>23.9%</b>

### General Fund Expenditures

The General Fund represents the bulk of our daily operations budget. Again judging by the first quarter 25% rule of thumb, expenditures are in line with where they should be after three months.

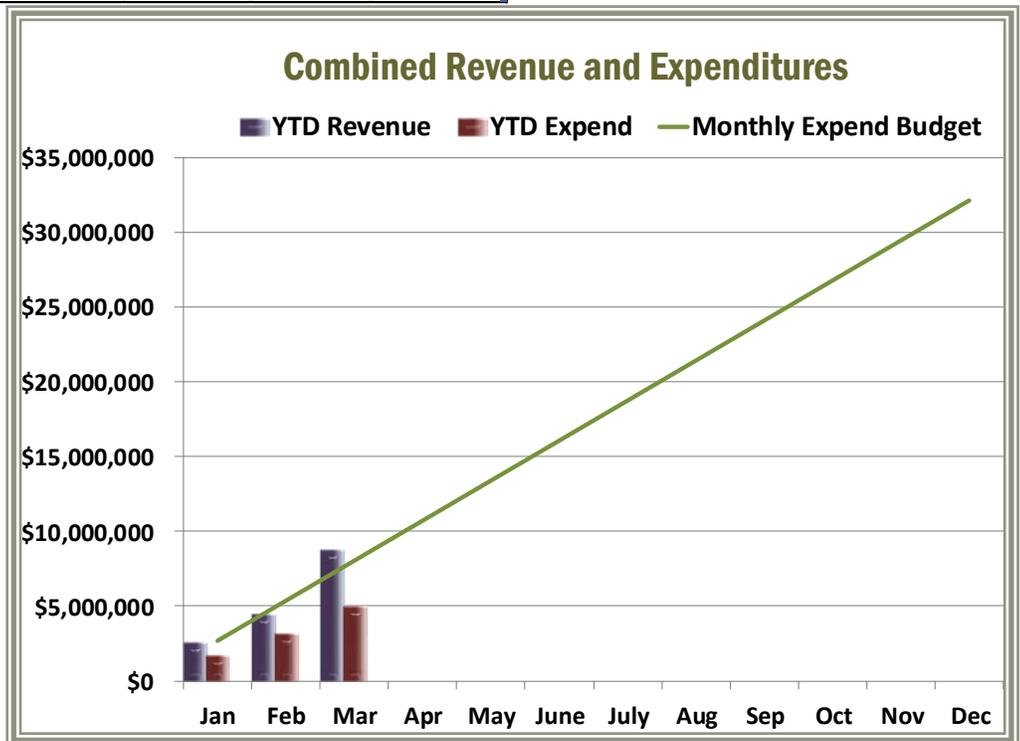
Some departments are slightly ahead of the 25% benchmark due mostly to the payment of our annual insurance premium being made entirely in January. The combined liability and workers comp premiums totaled \$350,829.

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.

March YTD revenue total exceeded expenditures by roughly \$3.7 million. Monthly expenditures spread over 12 months equals \$2,675,346 per month. Our total revenue for March was \$4,249,288. The difference being high revenue collections vs. low expenditures.



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



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## MEMORANDUM

Date: April 22, 2013  
To: Mayor and Town Board  
Via: Kelly Arnold, Town Manager  
From: Joseph P. Plummer, AICP, Director of Planning  
Re: Disbursement of Community Development Block Grant Funds to Windsor Housing Authority  
Item #: D-1

Discussion Item:

As it may be seen from the enclosed minutes of the August 13, 2012 town board meeting, the Town Board approved a request from the Windsor Housing Authority (WHA) to serve as the contract agency for the disbursement of \$308,000 in Community Development Block Grant (CDBG) funds towards the acquisition of land for the development of forty-four (44) workforce housing units in Windsor. This request was made by the WHA since CDBG funds are awarded through the Department of Housing and Urban Development (HUD) which only allocates funds to governmental agencies.

As a condition of the Town Board's approval for the Town to serve as the contract agency for the disbursement of these funds, all five of the criteria listed on page 9 of the enclosed minutes were required to be met.

The Town has now received a check from the Colorado Division of Housing for \$307,000 to pass through to the WHA for the workforce housing project. The check is \$1,000 less than the grant award of \$308,000 since the Division of Housing retains the last \$1,000 until the project is completed and the grant paperwork is closed out, at which time the Town will be receiving the remaining \$1,000 that will be passed through to the WHA.

Mr. McCargar and I have reviewed the five bulleted items that are required to be met prior to the WHA receiving these funds, and we have concluded that, with the disbursement of these funds to the WHA, all five of the bullet points will be fully satisfied.

Therefore, I will be working with the finance department to process this payment to the WHA. Likewise, I will also be processing a final payment to the WHA for the remaining \$1,000 when the project has been completed and the final report has been approved by the Colorado Division of Housing.

Attachment: August 13, 2012 town board minutes

pc: John C. Moore, Chairman, Windsor Housing Authority  
Dean Moyer, Director of Finance  
Sam Betters, Executive Director, Loveland Housing Authority  
Denise Selders, Housing Development Specialist, DOLA Division of Housing



## TOWN BOARD REGULAR MEETING

August 13, 2012 - 7:00 P.M.

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

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

### MINUTES

#### A. CALL TO ORDER

##### 1. Roll Call

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

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

##### 2. Pledge of Allegiance

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

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

**Nays – None. Motion carried.**

##### 4. Board Liaison Reports

- Town Board Member Baker – Parks, Recreation and Culture Advisory Board; Cache La Poudre Trail Board Alternate  
Town Board Member Baker reported that the summer concert series had concluded and that the farmer's market and tournaments at Diamond Valley would continue through the balance of the summer. Mr. Baker also noted that the Parks, Recreation and Culture Advisory Board had viewed a presentation by the Windshire Park developers that will be coming before the Town Board at a future work session.
- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Board  
Town Board Member Thompson stated that the Great Western Trail Board would be meeting next week, the Tree Board would be meeting at the end of the month and reported that the Planning Commission had met two weeks ago at which the amendment for oil and gas facilities at Water Valley West was discussed.
- Mayor Pro-Tem Melendez – Downtown Development Authority; Chamber of Commerce; North Front Range/MPO Alternate

Ms. Melendez did not have anything new to report on the Chamber of Commerce or the MPO; Ms. Melendez did report that the Downtown Development Authority would be meeting on Wednesday at 7:30 a.m.

- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate  
Town Board Member Rose noted the Water & Sewer Board had met last week at which the proposed 3 million gallon water tank was discussed. Director of Finance Moyer provided a presentation on a three-tier water rate system and Mr. Rose presented the draft strategic plan.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board  
Town Board Member Bishop-Cotner stated the Historic Preservation Commission had met last Wednesday and discussed the work plan for the upcoming year. The Clearview Library Board had met the end of July at which it was noted that the new website would be active the second week of August and that citizen opportunity to comment on their strategic plan would be provided on August 14 at 6:30 p.m.
- Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)  
Town Board Member Adams stated that the Cache La Poudre Trail Board did not meet last month. Mr. Adams reported on SALT activities and noted that representatives would be present at the next town board meeting.
- Mayor Vazquez – North Front Range/MPO  
No report.

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.*

Curt Gramberg, Windsor resident, provided to the Town Board a petition that had been circulated a week before last which requested support of the creation of a railroad quiet zone. Mr. Gramberg is requesting a quiet zone through Windsor so that the trains do not blow their horns.

Bill Miller, Windsor resident, reported on the forum that had been hosted at the library and provided a handout to the town board members entitled “What You Need to Know About Natural Gas Production”. Mr. Miller voiced concern regarding the gases that are coming from the oil and gas drilling.

Drenda Thoen, Windsor resident, thanked the town board for televising the work sessions. Ms. Thoen invited the town board members to a meeting being held on Thursday, August 16 at 7:00 p.m. at Cornerstone Baptist Church at which the school district mill levy override would be discussed.

**B. CONSENT CALENDAR**

1. Minutes of the July 23, 2012 Regular Town Board Meeting – P. Garcia
2. Liquor License Special Event Permit – Windsor Rotary/Harvest Festival – Main Park – P. Garcia
3. Liquor License Special Event Permit – Windsor Rotary/Harvest Festival – Boardwalk Park – P. Garcia
4. Liquor License Renewal – Los Agaveros Inc. dba Pueblo Viejo Family Mexican Restaurant, Hotel & Restaurant – P. Garcia

5. Liquor License Renewal – Dillon Companies, Inc. dba King Soopers #104, 3.2% Beer Retail Off-Premises – P. Garcia
6. Liquor License Renewal – Mini Mart Inc. dba Loaf ‘N Jug #848, 3.2% Beer Retail (Off Premises) – P. Garcia
7. Liquor License Renewal – Okole Maluna, LLC dba Okole Maluna Hawaiian Grill, Hotel & Restaurant – P. Garcia
8. Advisory Board Appointments – P. Garcia  
Sean Pike to the Downtown Development Authority for a 4-year term expiring April 2016  
Anita Drake to the Historic Preservation Commission for a vacated term expiring March 2013
9. Report of Bills – D. Moyer
10. Resolution No. 2012-53 – A Resolution Extending the Deadline for the Town of Windsor and the City of Fort Collins to Take Actions Under the Terms and Conditions of an Intergovernmental Agreement between the Town and the City Pertaining to the Development of the Interstate Highway 25 and State Highway 392 Interchange and the Area Surrounding that Interchange – J. Frey
11. Amendment to Great Western Leasing, LLC, Oil and Gas Lease (Diamond Valley) – I. McCargar  
**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 – Thompson, Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez  
Nays – None. Motion carried.

### C. BOARD ACTION

1. Liquor License Renewal – Sports Center Discount Liquor, Retail License
  - Legislative action
  - Staff presentation: John Michaels, Chief of Police

**Town Board Member Bishop-Cotner motioned to approve the Liquor License Renewal for Sports Center Discount Liquor; Town Board Member Rose seconded the motion.**

Police Chief Michaels noted the applicant had a liquor violation on July 7, 2011 to which a stipulation and agreement was entered into with the Department of Revenue. The agreement has been satisfied.

Stacy Arias, representing the applicant stated Sports Center Discount is currently conducting their own liquor stings in order to assure they are compliant with state liquor laws.

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

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

2. Ordinance No. 2012-1434 - Amending the Sign Regulations in Article IX, Chapter 16 of the Windsor Municipal Code regarding window signage
  - Second reading
  - Legislative action
  - Staff presentation: Scott Ballstadt, Chief Planner

**Town Board Member Adams motioned to approve Ordinance No. 2012-1434 – Amending the Sign Regulations in Article IX, Chapter 16 of the Windsor Municipal Code regarding window signage on second reading; Town Board Member Thompson seconded the motion.**

Chief Planner Ballstadt reported on the ordinance and stated that the current Code provides for exterior signage requirements but is silent regarding interior signage; particularly window signage. As it is difficult to determine whether signage is affixed to the inside or outside of a window, the ordinance for consideration allows for signage either inside or outside of a business’s window and it would not require a sign permit.

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

Mr. Ballstadt reported the Planning Commission recommends approval of the ordinance as amended with the language had been changed from “millimeters” to “mils” prior to approval at first reading.

Mayor Pro-Tem Melendez stated that the ordinance is very “pro-business” and supports its adoption.

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

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

**Nays – None. Motion carried.**

3. Ordinance No. 2012-1435 – Repealing, Amending and Re-adopting Section 16-30-80 of Chapter 16 of the Windsor Municipal Code with Respect to Fees and Financial Requirements for Wireless Telecommunications Facility Applications

- Second reading
- Legislative action
- Staff presentation: Ian McCargar, Town Attorney

**Mayor Pro-Tem Melendez motioned to approve Ordinance No. 2012-1435 – Repealing, Amending and Re-adopting Section 16-30-80 of Chapter 16 of the Windsor Municipal Code with Respect to Fees and Financial Requirements for Wireless Telecommunications Facility Applications on second reading; Town Board Member Bishop-Cotner seconded the motion.**

Town Attorney McCargar reported on the ordinance and noted the amendment would do away with the annual requirement that fees are to be set by the first of February each year. The ordinance will set the fee and will remain unchanged unless otherwise noted.

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

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

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

**Nays – None. Motion carried.**

4. Resolution No. 2012-54 – Accepting a Deed for Park Land (Northern Lights Park)

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

**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2012-54; Town Board Member Adams seconded the motion.**

Director of Parks, Recreation and Culture Chew but reported on the resolution stating the park site in the Peakview Estates subdivision is adjacent to property owned by Weld Re-4 School District. Both sites had been deeded to the respective entities and at the request of the School District, the site plat had been amended to allow for development. When the subdivision plat was amended, the Weld County Assessor’s Office showed both tracts being owned by the School District. The Town and the School District have reviewed the titles and have agreed to correct the confusion by exchanging Special Warranty Deeds for their respective portions

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

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

**Nays – None. Motion carried.**

5. Resolution No. 2012-55 – Supporting a Grant Agreement with Great Outdoors Colorado for the Poudre River Initiative Grant and Authorizing Town Manager to Execute the Same

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

**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2012-55; Town Board Member Adams seconded the motion.**

Director of Parks, Recreation and Culture Chew provided a brief overview of the resolution and noted the partners on the grant application included Larimer County, Fort Collins, Timnath and Greeley. The application resulted in funding of about \$5.1M to assist with trail right of way acquisition, easement acquisition, trail construction, and buffering land.

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

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

**Nays – None. Motion carried.**

6. Resolution No. 2012-56 – Supporting a Great Outdoors Colorado Grant Application for Northern Lights Park Construction

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

**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2012-56; Mayor Pro-Tem Melendez seconded the motion.**

Director of Parks, Recreation and Culture Chew reported on the resolution noting that Northern Lights Park meets the requirements of a Local Parks and Recreation Grant provided by Great Outdoors Colorado (GOCO). The grant application is being completed and indicates the GOCO funds would be used for the playground.

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

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

**Nays – None. Motion carried.**

7. Resolution No. 2012-57 - Accepting the Windsor Housing Authority Strategic Housing Plan as the Guiding Document for Workforce Housing Projects, Housing Projects for Senior Citizens and Housing Projects for Citizens with Disabilities in the Town of Windsor, Colorado – J. Plummer

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

**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2012-57; Mayor Pro-Tem Melendez seconded the motion.**

Director of Planning Plummer introduced the resolution and noted it is for acceptance of the Strategic Plan that has been adopted by the Windsor Housing Authority (WHA). The Planning Commission passed a similar resolution as they are charged with the oversight of land uses within Town, including where and what types of housing will be constructed.

John Moore, WHA Chairperson, addressed the Town Board and thanked them for hosting the joint work session that was held previously. Mr. Moore stated that through surveys and other tools the Town has found the need for workforce housing. Century III is generally at capacity with a waiting list.

The Town Board discussed removing housing goals from their draft strategic plan and noted the goals of the workforce housing have been met. The Town Board members concurred that the housing goals should be removed from the strategic plan.

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

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

**Nays – None. Motion carried.**

8. Public Hearing – Request to Consider Amendments to Conditions of Approval for the Conditional Use Grant for oil and gas well facilities – Water Valley West Subdivision, Lot 4 - Janni Keidel, Great Western Oil and Gas Company, LLC, applicant/Martin Lind, Raindance Aquatic Investments, LLC, surface property owner

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

**Town Board Member Bishop-Cotner motioned to open the public hearing; Town Board Member Rose seconded the motion. Roll call on the vote resulted as follows:**

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

**Nays – None. Motion carried.**

Chief Planner Ballstadt reported on the agenda item noting it is to consider amendments to the Conditional Use Grant (CUG) for oil and gas well facilities in Water Valley West Subdivision, Lot 4. The original CUG was approved on June 11, 2012 with conditions recommended by the Planning Commission along with the five additional conditions requested by the Town Board:

- 2.c. The applicant shall install and utilize vapor recovery unit (VRU) equipment on the subject oil and gas wells.
- 2.d. The applicant shall provide baseline water quality data to the Town as well as continuing data results on at least an annual basis from on-going monitoring.
- 2.e. The applicant shall provide baseline air quality data to the Town as well as continuing data results on at least an annual basis from on-going monitoring.
- 2.f. The earthen containment berm shall be designed and constructed to contain a minimum of 110% of the volume of the largest vessel within the berm or to State of Colorado standards, whichever requirements are more stringent. If vessels are interconnected, then the containment berm must be constructed to contain a minimum of 110% of the combined volume of all interconnected vessels.
- 2.g. The applicant shall provide documentation regarding State of Colorado testing of disposed hazardous materials and shall on at least an annual basis demonstrate on-going compliance with regard to hazardous material disposal requirements.

Mr. Ballstadt stated the applicant has expressed concern in meeting those conditions and submitted a letter, which is included in the Town Board packet, requesting those conditions be amended. After review of state regulations and information provided by the applicant, staff drafted revised conditions with the intent of addressing the same subject matter for consideration by the Planning Commission and the Town Board. The amended conditions are as follows:

- 2.c. Air quality.
  - (1) The applicant shall participate in any required Environmental Protection Agency (EPA) air quality monitoring and/or testing by allowing EPA to install equipment on site for said monitoring and testing.
  - (2) The applicant shall install and operate an emissions control device (ECD) capable of reducing Volatile Organic Compound (VOC) emissions on the subject oil and gas equipment in accordance with Colorado Oil and Gas Conservation Commission (COGCC) and/or Colorado Department of Public Health and Environment (CDPHE) rules and regulations.
  - (3) The applicant shall submit to the Town copies of all air emissions reporting as required by the COGCC and/or the CDPHE's Air Pollution Control Division.
- 2.d. Water quality.
  - (1) The applicant shall ensure that any hydrocarbon discharges from the site comply with all state and federal water quality requirements.
  - (2) The applicant shall participate in the Colorado Oil and Gas Association (COGA) Baseline Groundwater Quality Sampling Program utilizing independent third party sampling and laboratories and shall provide to the Town test results obtained before and after drilling operations.
- 2.e. Emergency containment. The secondary containment berm surrounding all storage vessels shall be designed and constructed to contain a minimum of 110% of the volume of the largest vessel located within the containment area or to State of Colorado standards, whichever requirements are more stringent.
- 2.f. Waste disposal. The applicant shall submit to the Town copies of all waste management reports as required by COGCC and/or CDPHE rules and regulations.

The applicant is in agreement with the amended conditions but voiced concern to the Planning Commission with condition 2.d.(2) due to the lack of water wells in the vicinity of the proposed drilling site.

Paul Merand and Wade Palmer, representing Great Western Oil & Gas, addressed the Town Board and reported on the various conditions. In relation to water quality, the applicants reported the closest water well to the site is 1.5 miles away and that COGA outlines the baseline water program has a half mile buffer around the oil and gas well. The emergency containment is standard language and the applicant did not have any issues with the waste disposal amendment.

Related to emergency containment, Town Board Member Thompson asked if the vessels were interconnected. The applicant noted that they are not interconnected.

Town Board Member Adams requested an additional explanation related to water quality other than the distance to the well site. The applicant stated there are a couple of issues; first, they don't have water rights and they would have to get approval from the surface owner along with the State to put in a monitoring well which extends the period to get permit approvals and second, the distance from their activity to the nearest water well allows too much disbursement of any contaminants. The half-mile buffer provided by COGA supports finding the source of contaminants in a water well; distances beyond that allow for too much disbursement and it is difficult to tell where the contamination is taking place.

Mayor Vazquez stated the Town needs to communicate to the constituent's information regarding the industry and the status of projects and be able to provide that information in an easy, readily available manner to which the applicant concurred. Mr. Vazquez stated he feels comfortable with the modifications requested and noted the objective to make sure that the information is accessible by the public through the Town's website and other tools.

Mayor Vazquez reviewed the various conditions at length and noted the rules and regulations need to be attainable along with assuring the health, safety, and welfare of the community is being protected.

Town Board Member Rose voiced concern that the Town is becoming more lenient when other municipalities are staying strict with their policies and procedures.

Mayor Pro-Tem Melendez inquired if this was a clean-up of the conditions that were previously approved. Staff responded that the original amendments had left much open for interpretation; the current amendments are definitive.

There was discussion regarding the vapor recovery units (VRU) and emission control devices (ECD) their use in the industry. The applicants noted the VRU's require a significant amount of gas to operate correctly and are fairly costly. Additionally, the VRU does not lower or eliminate the end-line emissions that are released; the ECD is the device that controls emissions. The ECD is an emissions control device which is essentially a burner is about 95% efficient in burning the volume and constituents that are in the device; the other 5% is released into the atmosphere. The ECD is checked every day to insure it is operating as required. If it is not operating correctly, it is shut down immediately.

Town Board Member Rose stated he prefers assuring the Town protected in establishing "best practices" for the industry and is comfortable in taking more time to deal with the issue.

Mayor Vazquez opened the meeting for public comment.

Francine Henderson asked about taking off the ECD and recommended the Town acquire an air monitoring system. Mayor Vazquez responded that the Town is taking off the VRU's as they are not part of the emissions component; we have changed to the emissions control device as it is the actual emissions control point.

Town Attorney McCargar requested all packet materials related to this agenda item be included in the permanent record; the applicant concurred.

Chief Planner Ballstadt pointed out that the revised conditions reflect existing reporting that is required along with making the information usable by the Town. Mr. Ballstadt has shared the conditions with the other major driller in Windsor and requested they use them as standards moving forward to which they noted they would comply.

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

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

9. Request to Consider Amendments to Conditions of Approval for the Conditional Use Grant for oil and gas well facilities – Water Valley West Subdivision, Lot 4 - Janni Keidel, Great Western Oil and Gas Company, LLC, applicant/Martin Lind, Raindance Aquatic Investments, LLC, surface property owner

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

**Town Board Member Bishop-Cotner motioned to approve the amendments to conditions of approval for the Conditional Use Grant for oil and gas well facilities – Water Valley West Subdivision, Lot 4; Town Board Member Adams seconded the motion.**

Chief Planner Ballstadt reported on August 2, 2012 the Planning Commission voted to recommend approval of the amended conditions; staff concurs.

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

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

**Nays – Rose. Motion carried.**

10. Request from Windsor Housing Authority for the Town of Windsor to Act as the Contract Agency in the Application and Oversight of a Community Development Block Grant of \$308,000 Towards the Acquisition of Property for the Windshire Workforce Housing Project

- Legislative action
- Staff presentation: Joe Plummer, Director of Planning/John Moore, Chairman, Windsor Housing Authority

Director of Planning Plummer reported on the agenda item stating the Windsor Housing Authority (WHA) is making a request that the Town act as signatory to oversee a community block development grant (CBDG) in the amount of \$308,000 which would be used towards the acquisition of the property for the Windshire Workforce Housing Project. Mr. Plummer stated that the request had been received late last week and noted that representatives from the WHA and Housing Authority of the City of Loveland (HACL) were available to answer any questions.

WHA Chairperson John Moore stated the Town Board had requested they research other forms of financing for the project and the CBDG grant is one that is available. The HACL would administer the grant; Windsor staff would act in an advisory function. There is a requirement is to have a government agency be the signatory on behalf of the WHA. It was noted that the WHA was scheduled to make a presentation on Tuesday to apply for the funds.

Sam Betters, HACL, stated that CDBG funds are only made available to units of local government. The Town of Windsor would serve as the sub-grantee. The funds would be used as the down payment on the land; there would only be one draw for funds so it would be low on administrative work.

Several areas of concern were addressed by the Town Board including responsibility for the funds if the project does not come to complete fruition and repayment of the funds if required.

Town Manager Arnold recommended the funds, if acquired, be used towards the end of the project or used to build the project.

Town Attorney McCargar stated that he would not know what, if any, strings were attached until he is able to see the grant document. Mr. McCargar recommended a letter from the HACL promising to make the Town whole if the Town is required to repay any of the funds.

Mayor Pro-Tem Melendez stated she was comfortable with moving forward providing there is something in writing stating the CBDG funds would be the last funds used for the project.

The Town Board discussed options including having an indemnification agreement from the Housing Authority which would include the funds be held by the Town (grant sponsor) until groundbreaking on the project.



Aaron Lore and Doug Patterson, Windsor residents, recommended the Town Board not feel pushed into making a decision because the WHA had to make a presentation on their request on Tuesday.

Town Manager Arnold offered that it is important that the federal requirements are understood; the Town needs to have good faith but it may be wise to allow staff to research and bring back any concerns.

The Town Board discussed the issue at length with Mayor Pro-Tem Melendez stating she believes it would be a great loss to the project to not get the funding and Town Board Member Thompson noting that if a commitment is not being made at the meeting he wants to assure that there is not one voiced at the presentation tomorrow. There was continued discussion regarding an indemnification agreement and the disbursement of funds at the end of the project.

**Mayor Pro-Tem Melendez motioned to approve the Town of Windsor serve as the contract agency for a \$308,000 Community Development Block Grant for the acquisition of land, provided the following conditions are met:**

1. **Before Town signs grant documents, an agreement that indemnifies the Town.**
2. **Before Town signs grant documents, an agreement that requires these funds be disbursed as closely to the final phases of the project as legally and fiscally possible.**
3. **Before Town signs grant documents, an agreement that covers any other details that arise under full contract review by staff and legal.**
4. **Staff keeps TB informed of contract negotiations, status of funds once received.**
5. **Until we reach a signed agreement, WHA representatives are not authorized to represent there is an agreement on the Town's part to serve in this capacity - - the terms of our participation have yet to be determined;**

**Town Board Member Adams seconded the motion.**

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

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

#### **D. COMMUNICATIONS**

1. Communications from the Town Attorney

Town Attorney McCargar reported that the Board of Adjustment heard an appeal in December at which they denied the appeal. CIRSA represented the Town during legal proceedings and Mr. McCargar had been advised that the suit will be dismissed.

2. Communications from Town Staff

- Police Department – Police Chief Michaels reported on the National Night Out that was held last Tuesday and noted there were 11 parties that were held in the community. Town Board Member Thompson stated while he was at the parties he had received many compliments on the police department and had also had someone express concern regarding activities at Boardwalk Park.
- Parks, Recreation and Culture – Ms. Chew provided a summary of the closure experienced at Windsor Lake.
- Finance – Director of Finance Moyer reported the 2012 budget had received the distinguished budget award and thanked Vicki Miller and staff for their help on the project.

3. Communications from the Town Manager

Town Manager Arnold advised the Town Board that there was an option to link their town email addresses to the website; the Town Board directed to have that option provided. Mr. Arnold provided an overview of the upcoming Town Hall Strategic Planning Session scheduled for August 20, 2012.

4. Communications from Town Board Members

- Town Board Member Baker requested a work session regarding the July 4 activities as vendors only reported \$92.97 collected in sales tax.
- Town Board Member Thompson requested to have a firm document to be used for future oil and gas conditional use grant requests so there is consistency in the process.

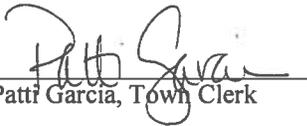
- Mayor Pro-Tem Melendez stated she would like the Town Board to look at all town-sponsored events to see how they can be optimized.
- Town Board Member Bishop-Cotner gave credit to Treasure Island and the work that has been done in the garden this year.
- Town Board Member Adams stated he participated on the Northern Colorado Water tour and encouraged other board members to attend. He also stated the Youth in Government session hosted by the Colorado Municipal League was beneficial.

**E. ADJOURN**

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

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

**Nayes – None. Motion carried.**

  
Patti Garcia, Town Clerk