



## TOWN BOARD REGULAR MEETING

May 13, 2013 - 7:00 P.M.

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

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

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### AGENDA

#### A. CALL TO ORDER

1. Roll Call
2. Pledge of Allegiance
3. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board
4. Board Liaison Reports
  - Town Board Member Baker – Parks, Recreation & 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. National Public Works Week Proclamation
6. Public Invited to be Heard

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#### B. CONSENT CALENDAR

1. Minutes of the April 22, 2013 Regular Town Board Meeting & May 6, 2013 Special Town Board Meeting – P. Garcia
2. Liquor License Renewal – Rachael Vigil dba Italian Grill, Hotel & Restaurant – P. Garcia
3. Liquor License Special Event Permit – Windsor Rotary Club (Boardwalk Park) – P. Garcia
4. Liquor License Special Event Permit – Windsor Rotary Club (Main Park) – P. Garcia
5. Liquor License Special Event Permit – Athletes in Tandem – P. Garcia
6. Liquor License Transfer of Ownership – Weld County Enterprises dba Corner Liquor, Retail Liquor Store – P. Garcia
7. Report of Bills – D. Moyer
8. Resolution No. 2013-24 – A Resolution Approving an Intergovernmental Agreement between the Town of Windsor, Colorado, and the Boxelder Sanitary Sewer Service to the Proposed Harmony Ridge Subdivision within the Town of Windsor, Colorado – I. McCargar

9. Resolution No. 2013-25 – A Resolution Approving the Initiation of Easement Acquisition, Facilities Design and Permitting Processes in Support of the Law Basin West Tributary Drainage Project within the Town of Windsor, Colorado – D. Wagner
10. Resolution No. 2013-27 – A Resolution Approving and Accepting a Dedication of Public Recreational Trail Easement and Right of Way within a Portion of the Eastbrook Annexation to the Town of Windsor, Colorado – M. Chew

### **C. BOARD ACTION**

1. Ordinance No. 2013-1454 - Amending Chapter 16 of the Windsor Municipal Code with respect to building location requirements
  - Second Reading
  - Legislative action
  - Staff presentation: Scott Ballstadt, Chief Planner
2. 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
3. Ordinance No. 2013-1455 - An Ordinance Approving the Disposition of Mineral Interests Underlying Covenant Park, and Authorizing the Mayor to Execute a Quit Claim Mineral Deed to Accomplish the Same
  - First reading
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4. Ordinance No. 2013-1456 – An Ordinance Amending the Windsor Municipal Code for the Purpose of Approving the Delegation of the Local Liquor Licensing Authority Duties to an Individual Familiar with Liquor Licensing and Learned in the Law
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5. Site Plan Presentation – Eagle Crossing Subdivision, Second Filing, Lot 1 - Family Entertainment Center - 4455 Fairgrounds Avenue – Summit Companies, Inc., applicant/Gary Dennison, Vaughn Frye Larson Architects, applicant's representative
  - Staff presentation: Josh Olhava, Associate Planner
6. Public Hearing – Conditional Use Grant for Temporary Outdoor Storage in the General Commercial (GC) zoning district – Burlington Subdivision, Lot 18 – 217 Second Street – Jeff and Joel Henderson, property owners, applicants/Suzanne and James Stewart, Arapahoe Rentals, applicants
  - Quasi-judicial action
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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

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10. Resolution No. 2013-26 – A Resolution Authorizing the Town of Windsor to Participate in the Efforts of the Great Western Railroad of Colorado to Obtain Funding for Local Rail Improvements Available under the Federal “TIGER V” Grant Program

- Legislative action
- Staff presentation: Kelly Arnold, Town Manager

#### **D. COMMUNICATIONS**

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

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1. Communications from the Town Attorney
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**E. ADJOURN**



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May 13, 2013 - 7:00 P.M.

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May 13, 2013 - 7:00 P.M.

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- Staff presentation: Brett Walker, Associate Planner

10. Resolution No. 2013-26 – A Resolution Authorizing the Town of Windsor to Participate in the Efforts of the Great Western Railroad of Colorado to Obtain Funding for Local Rail Improvements Available under the Federal “TIGER V” Grant Program

- Legislative action
- Staff presentation: Kelly Arnold, Town Manager

#### **D. COMMUNICATIONS**

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

#### **E. ADJOURN**



## TOWN BOARD REGULAR MEETING

May 13, 2013 - 7:00 P.M.

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

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

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### AGENDA

#### A. CALL TO ORDER

1. Roll Call
2. Pledge of Allegiance
3. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board
4. Board Liaison Reports
  - Town Board Member Baker – Parks, Recreation & 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. National Public Works Week Proclamation
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 22, 2013 Regular Town Board Meeting & May 6, 2013 Special Town Board Meeting – P. Garcia
2. Liquor License Renewal – Rachael Vigil dba Italian Grill, Hotel & Restaurant – P. Garcia
3. Liquor License Special Event Permit – Windsor Rotary Club (Boardwalk Park) – P. Garcia
4. Liquor License Special Event Permit – Windsor Rotary Club (Main Park) – P. Garcia
5. Liquor License Special Event Permit – Athletes in Tandem – P. Garcia
6. Liquor License Transfer of Ownership – Weld County Enterprises dba Corner Liquor, Retail Liquor Store – P. Garcia
7. Report of Bills – D. Moyer
8. Resolution No. 2013-24 – A Resolution Approving an Intergovernmental Agreement between the Town of Windsor, Colorado, and the Boxelder Sanitary Sewer Service to the Proposed Harmony Ridge Subdivision within the Town of Windsor, Colorado – I. McCargar

9. Resolution No. 2013-25 – A Resolution Approving the Initiation of Easement Acquisition, Facilities Design and Permitting Processes in Support of the Law Basin West Tributary Drainage Project within the Town of Windsor, Colorado – D. Wagner
10. Resolution No. 2013-27 – A Resolution Approving and Accepting a Dedication of Public Recreational Trail Easement and Right of Way within a Portion of the Eastbrook Annexation to the Town of Windsor, Colorado – M. Chew

### **C. BOARD ACTION**

1. Ordinance No. 2013-1454 - Amending Chapter 16 of the Windsor Municipal Code with respect to building location requirements
  - Second Reading
  - Legislative action
  - Staff presentation: Scott Ballstadt, Chief Planner
2. 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
3. Ordinance No. 2013-1455 - An Ordinance Approving the Disposition of Mineral Interests Underlying Covenant Park, and Authorizing the Mayor to Execute a Quit Claim Mineral Deed to Accomplish the Same
  - First reading
  - Legislative action
  - Staff presentation: Ian McCargar, Town Attorney
4. Ordinance No. 2013-1456 – An Ordinance Amending the Windsor Municipal Code for the Purpose of Approving the Delegation of the Local Liquor Licensing Authority Duties to an Individual Familiar with Liquor Licensing and Learned in the Law
  - First reading
  - Legislative action
  - Staff presentation: Ian McCargar, Town Attorney
5. Site Plan Presentation – Eagle Crossing Subdivision, Second Filing, Lot 1 - Family Entertainment Center - 4455 Fairgrounds Avenue – Summit Companies, Inc., applicant/Gary Dennison, Vaughn Frye Larson Architects, applicant's representative
  - Staff presentation: Josh Olhava, Associate Planner
6. Public Hearing – Conditional Use Grant for Temporary Outdoor Storage in the General Commercial (GC) zoning district – Burlington Subdivision, Lot 18 – 217 Second Street – Jeff and Joel Henderson, property owners, applicants/Suzanne and James Stewart, Arapahoe Rentals, applicants
  - Quasi-judicial action
  - Staff presentation: Josh Olhava, Associate Planner
7. Conditional Use Grant for Temporary Outdoor Storage in the General Commercial (GC) zoning district – Burlington Subdivision, Lot 18 – 217 Second Street - Jeff and Joel Henderson, property owners, applicants/Suzanne and James Stewart, Arapahoe Rentals, applicants
  - Quasi-judicial action
  - Staff presentation: Josh Olhava, Associate Planner
8. Continuation of Public Hearing opened on April 22, 2013 – 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

- Quasi-judicial action
- Staff presentation: Brett Walker, Associate Planner

9. 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

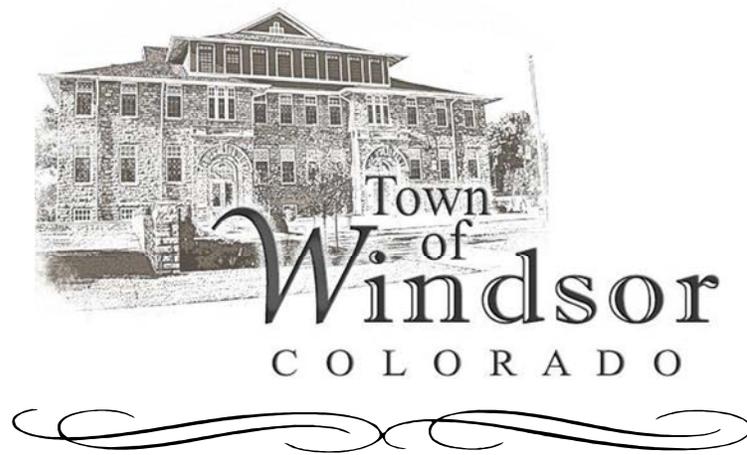
10. Resolution No. 2013-26 – A Resolution Authorizing the Town of Windsor to Participate in the Efforts of the Great Western Railroad of Colorado to Obtain Funding for Local Rail Improvements Available under the Federal “TIGER V” Grant Program

- Legislative action
- Staff presentation: Kelly Arnold, Town Manager

**D. COMMUNICATIONS**

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

**E. ADJOURN**



## *Proclamation*

*WHEREAS, public works infrastructure, facilities, and services are of vital importance to sustainable communities and to the health, safety, and well-being of the people of Colorado; and*

*WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers, and employees from State and local unit of operate, and maintain the transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential to serve out citizens; and*

*WHEREAS, it is in the public interest for citizens, civic leaders, and children in the United States of America to gain knowledge of and to maintain a progressive interest and understand the importance of public works and public works programs In the respective communities; and*

*WHEREAS, the year 2013 marks the 53<sup>rd</sup> annual National Public Works Week sponsored by the American Public Works Association;*

*Therefore, I, John Vazquez, Mayor of the Town of Windsor, do hereby proclaim May 19-25, 2013*

### *COLORADO PUBLIC WORKS WEEK*

*GIVEN under the hand and the  
Seal of the Town of Windsor,  
this thirteenth day of May, 2013*



*John Vazquez  
Mayor of Town of Windsor*



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.

MINUTES

A. CALL TO ORDER

Mayor Vazquez called the regular meeting to order at 7:10 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, Chief Planner, Director of Engineering, Director of Parks, Recreation & Culture, Chief of Police, Kelly Arnold, Ian McCargar, Patti Garcia, Dean Moyer, Joe Plummer, Scott Ballstadt, Dennis Wagner, Melissa Chew, John Michaels

2. Pledge of Allegiance

Town Board Member Bishop-Cotner led the Pledge of Allegiance.

3. Arbor Day Poster & Poetry Contest Recognition

Mayor Vazquez and Tree Board liaison Don Thompson acknowledged the students that received awards.

4. 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, Thompson, Melendez, Bishop-Cotner, Adams, Vazquez
Nays - None. Motion passed.

5. Board Liaison Reports

- Town Board Member Baker - Parks, Recreation & Culture Advisory Board; Cache La Poudre Trail Board Alternate
Town Board Member Baker reported the next meeting of the Parks, Recreation & Culture Advisory Board would be May 7, 2013.
Town Board Member Thompson - Planning Commission; Tree Board; Great Western Trail Authority
Town Board Member Thompson reported that both the Great Western Trail Authority and Planning Commission had met last week. Items from Planning Commission are included on the Town Board agenda for consideration, specifically items C.3. - C.9. Mr. Thompson also gave an update on Arbor Day events and acknowledged the hard work that it takes for the event to be successful.

- Mayor Pro-Tem Melendez – Downtown Development Authority (DDA); Chamber of Commerce; North Front Range/MPO Alternate  
Mayor Pro-Tem Melendez stated the DDA met the previous week and discussed opportunities to promote the downtown during the Pro Challenge that will be coming through Windsor in August. The Marketing Committee is looking at a program called Wheels & Deals which has been approved as an ancillary event which allows use of the Pro Challenge logo. The Beautification Committee is looking at a historic photo display program along with planters for 4<sup>th</sup> & 6<sup>th</sup> Streets. The Parking Committee is looking at bike racks that are to be ordered and in place before the Pro Challenge.
- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate  
Town Board Member Rose stated the Windsor Housing Authority meeting had been postponed due to weather; the meeting is rescheduled for tomorrow. The Water & Sewer Board discussed the drought plan that was also brought forward to the Town Board.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board  
Town Board Member Bishop-Cotner stated that the Clearview Library board meets on Thursday. The Historic Preservation Commission is hosting an event on Tuesday, May 7 from 6:30 – 7:30 at Clearview Library regarding the history of Windsor.
- 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 would be meeting the first Thursday in May. He reminded the Town Board and public that the Poudre River Trailathon would be held on May 11. Mr. Adams noted that meets on the 2<sup>nd</sup> & 4<sup>th</sup> Thursday of each month at 6:30 p.m. and members will be present on May 13 to provide a final report for the year.
- Mayor Vazquez – North Front Range/MPO  
No report.

5. Proclamation National Preservation Month

Mayor Vazquez read proclamation.

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.*

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

**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

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

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

### **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

**Mayor Pro-Tem Melendez 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 Second Reading; Town Board Member Adams seconded the motion.**

Director of Planning Plummer presented the ordinance and referred to the memorandum that was included in the Town Board packet. Mr. Plummer reported that the Town Board held a public hearing for the adoption of the referenced building codes which passed on first reading. The Homebuilders Association of Northern Colorado addressed the Town Board at the public hearing and requested a modification to the requirements of the per-lot test holes that are used to determine ground water table elevation. The amendment requested was to use a subdivision bore test or look at the proximity of homes to test holes since they understand that the drilling of the holes is between \$400 and \$500 and could be cost prohibitive for home builders. Staff reviewed the request and is presenting an amended ordinance in which it is incorporated; the new criteria will allow a single test hole to be used for two lots if the test hole is no further away than fifteen feet from either foundation and allows the data from any test hole to be valid for one year. The new criteria were highlighted on page 11 of the referenced ordinance.

Mayor Vazquez voiced concern regarding water levels being different based on the time of year and the validity of the one year criteria. Mr. Vazquez recommended that a specific time of year could be designated for the holes to be drilled, such as irrigation season, when the water could be potentially high.

Russ Weber, representing SafeBuilt, stated that some builders do not check water depth. There is a challenge as the water table changes between lots, even during irrigation season. The goal is to come up with a model that would catch everyone.

Mayor Vazquez stated that he envisions a policy that will help homeowners know they have made a wise investment. Town Board Member Thompson advised that he is concerned when standards are loosened. Mr. Plummer noted that staff and the Homebuilders Association feel there should be a relationship between the test hole and each foundation.

Director of Planning Plummer stated that the only change made to the ordinance was related to the bore hole test and noted the inclusion of a letter in the packet from a Windsor resident.

Town Board Member Thompson voiced some concerns regarding drywall inspections with Mr. Weber reporting that drywall inspections are not part of the building code, only for fire rated assemblies. As part of the 2003 building code adoption, SafeBuilt thought it would be good to include drywall inspections as greenboard was no longer allowed – only cement board was permitted. It is still not part of the code but assures that builders are using cement baseboard.

Mayor Vazquez opened the meeting for public comment.

Aaron Lore, Windsor resident, stated he believes that a pit should be standard in all houses and wondered what the difference in cost was between a perk test and installing a pit. Mayor Vazquez stated that all houses have a pit; the question is if a pump is mandated to evacuate the pit.

J.D. Ruybal voiced concern that when you look at production homes that you begin losing quality; the items that are being addressed are related to saving money and the homeowner will be the one that suffers. Mr. Ruybal recommended to abandon the bore hole test; he does not believe that the homebuilders association has their own agenda. Mr. Ruybal offered to research and help draft new criteria.

Jeff Schneider, Homebuilders Association of Northern Colorado Chairperson, stated that staff was willing to discuss questions regarding the test hole per lot. Many lots in Windsor are one acre properties; the ordinance did not address any sort of distance and based on where the test hole was drilled on the lot the results could vary. After discussion with staff, it was concluded that if you have a 40-50 foot wide lot, or if working within the setbacks, homes can be constructed within the purview of a single test hole. Mr. Schneider also noted that Jon Turner represented himself as a developer, not a builder at the last meeting.

Director of Planning Plummer stated that on March 7, 2013, the Planning Commission voted to recommend approval of the ordinance.

The Town Board discussed the ordinance at length with concerns regarding the potential cost savings to builders and its effect on the quality of a home. It was noted that the Town does not want to be overly restrictive but also has an obligation to assure that homes being built in Windsor are done right. There was discussion regarding the timing of the drilling related to the water table height and how long the hole is certified. The Town Board went on to discuss the water table fluctuations throughout Town and the various subdivisions. Potential costs and options were discussed depending if the home is in a high water level area or not.

Director of Planning Plummer stated the most restrictive option would be to pass the ordinance as originally drafted on second reading.

Mayor Pro-Tem Melendez stated she was unsure how the timing would work but supported the ordinance.

Mr. Arnold & Town Attorney McCargar brought forward several potential ordinance amendments that could be implemented that would address the concerns of the Mayor. Mr. Vazquez noted that if he were to make an amendment, it would be to do away with the test holes and mandate sump pumps. Mayor Vazquez stated he would rather provide exemptions to those that don't need a sump pump as opposed to relaxing the requirements. He does not believe the testing program is effective. An option provided by Town Manager Arnold was to possibly craft a formula that would designate the parts of the community that are considered to be in a high water table; Mayor Vazquez stated those areas could be identified and mandate sump pumps in those areas.

Town Attorney McCargar recommended that the ordinance be referred back to staff in order to work on this issue; it could then be brought back for consideration to the Town Board without having to address new posting and publication dates pursuant to statutory requirements.

**Town Board Member Bishop-Cotner motioned to postpone action on Item C.1. to a date to be determined; 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.**

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

**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 second reading; Town Board Member Bishop-Cotner seconded the motion.**

Town Attorney McCargar reported the ordinance had been approved on first reading on April 8, 2013. 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. Each year the district reviews the fees and this year the Poudre School District has recommended changes for fees to be collected. 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.**

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

**Mayor Pro-Tem Melendez motioned to open the public hearing; Town Board Member Thompson seconded the motion.**

Chief Planner Ballstadt reported the ordinance is proposing an amendment to Chapter 16 of the municipal code related to building location requirements. It is a housekeeping amendment which is intended to align the building location requirements of the Municipal Code with those in the International Residential Code and the International Building Code. Redundant language will be removed so there is no opportunity for conflicting information between the municipal code and building code information; additionally, the amendment strikes language from the municipal code and refers to the building code.

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

Mr. Ballstadt stated at their April 17, 2013 meeting, the Planning Commission recommended approval; staff concurs.

**Mayor Pro-Tem Melendez motioned to close the public hearing; 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.**

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

**Mayor Pro-Tem Melendez motioned to approve Ordinance No. 2013-1454, Amending Chapter 16 of the Windsor Municipal Code with respect to building location requirements on first reading; Town Board Member Thompson seconded the motion.**

Chief Planner Ballstadt stated he had no further information to provide.

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

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

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

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

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

Chief Planner Ballstadt stated that the applicant for items C.5. & C.6. were not able to attend the Town Board meeting and requested the agenda items be tabled until May 13, 2013 so they could be present.

Clayton Doke, representing the applicant, stated a continuance was requested due to Jerry Sommers not being able to attend the meeting.

**Mayor Pro-Tem Melendez motioned to suspend the public hearing and reconvene a the May 13 meeting with the applicant being present; 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.**

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

**Town Board Member Adams motioned to postpone Item C.6. to May 13, 2013; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows:**

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

7. Public Hearing – Approval of Final Major Subdivision – Highland Meadows Subdivision, Eleventh Filing

- Staff presentation: Scott Ballstadt, Chief Planner

**Mayor Pro-Tem Melendez motioned to open the public hearing; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:**

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

Chief Planner Ballstadt reported the agenda item is for a final major subdivision application received for Highland Meadows Subdivision, Eleventh Filing. The applicant is proposing to subdivide the property into eight parcels which are concurrently being site planned for four attached duplex patio homes for a total of eight housing units. The existing zoning is residential mixed use which allows for the housing units as a use by right. The application has been to three different neighborhood meetings; comments by Dr. Don Shanfelt, resident, are included. During the last discussions with Dr. Shanfelt, he indicated the changes were appreciated. The scale of the project is shorter with a more ranch style project fits in with the current neighborhood. The Planning Commission recommended approval to the Town Board.

Jason Sherrill, Landmark Homes, was present to address any questions. Mayor Vazquez inquired if there were any concerns with the changes being recommended. Mr. Sherrill responded that there were no concerns.

Chief Planner Ballstadt requested that all application materials, staff memorandum, supporting documents, recommendations and comments be part of the public record.

**Town Board Member Adams motioned to close the public hearing; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:**

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

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

**Mayor Pro-Tem Melendez motioned to approve Resolution No. 2013-22; Town Board Member Adams seconded the motion.**

Chief Planner Ballstadt stated the Planning Commission recommended approve of the resolution as presented; staff concurs.

Town Board Member Baker stated that Highland Meadows Subdivision is in his district; he has received calls and emails and commended the neighbors for their work and Mr. Sherrill for working with the citizens and implementing the changes.

Mayor Vazquez appreciated the collaboration between the various parties.

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

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

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

**Town Board Member Melendez motioned to approve Resolution No. 2013-23; Town Board Member Thompson seconded the motion.**

Chief Planner Ballstadt reviewed the agenda item noting it is a final site plan application and reported the purpose of the site plan process. Mr. Ballstadt provided a power point that noted the eight lots with four buildings, the landscape plan and building elevations. Pursuant to discussions at the three neighborhood meetings, the buildings were changed from two stories to one story, from 12 units to 8 units and increased the space between the driveways. Staff has worked with the applicant to address the comments that were received at the neighborhood meetings. The Planning Commission voted at their April 17, 2012 meeting to recommend approval of the resolution to the Town Board; staff concurs.

Chief Planner Ballstadt requested that all application materials, staff memorandum, supporting documents, recommendations and comments be part of the public record.

Town Attorney McCargar requested that any approval would take into consideration the need for the developer to execute the site plan agreement to make this complete.

Jason Sherrill addressed the Town Board and confirmed that any conditions that were requested and the request from Mr. McCargar have been agreed to.

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

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

**Nays – None. Motion passed.**

10. Financial Report

- Staff Presentation: Dean Moyer

Director of Finance Moyer reviewed the financial report included in the Town Board packet noting that 66 single-family home permits had been submitted in March, 2012 which brings the year to date submitted to 119. Sales tax had the highest monthly collection for the month of March and the year to date compared to last year is about 13.6% ahead although the sales tax base hasn't changed. Mr. Moyer reviewed the various charts and graphs included in the report and stated that the 2014 budget calendar will be forwarded in an upcoming packet.

**D. COMMUNICATIONS**

1. Communications from the Town Attorney

Town Attorney McCargar reported on a difficulty he was experiencing related to serving a land owner on a code violation; he will keep the Town Board apprised of any developments.

2. Communications from Town Staff

Director of Planning Plummer referenced the memo in the packet regarding the disbursement of the Community Development Block Grant Funds to the Windsor Housing Authority memo.

Director of Parks, Recreation & Culture Chew provided an update of the Pro Challenge Cycling event that will come through Windsor; the route is scheduled to be announced on Channel 9 on April 24.

3. Communications from the Town Manager

Town Manager Arnold stated that next week is the fifth Monday and there are no meetings scheduled. The Boxelder Intergovernmental Agreement is scheduled for discussion at the next work session on May 6.

4. Communications from Town Board Members

Town Board Member Thompson inquired about the easement along the Greeley Ditch; the Great Western Trail ends at the Greeley Ditch and the intent is for it to connect to the Windsor Lake. Town Manager Arnold stated that staff will follow up with the request.

Mayor Vazquez noted the passing of long-time resident Gene Hoehne and his impact on the community

**E. ADJOURN**

**Town Board Member Baker motioned to adjourn the meeting at 9:33 p.m.; 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.**



## TOWN BOARD SPECIAL MEETING

May 6, 2013 – Immediately following the work session  
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  
Mayor Vazquez called the meeting to order at 7:26 p.m.
2. Pledge of Allegiance  
Mayor Pro-Tem Melendez led the Pledge of Allegiance.

#### B. EXECUTIVE SESSION

1. An executive session pursuant to § 24-6-402 (4) (e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators; water storage site (K. Arnold, I. McCargar, D. Wagner, D. Moyer)  
Mayor Pro-Tem Melendez motioned to go into an executive session pursuant to § 24-6-402 (4) (e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators; water storage site; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:  
Yeas – Baker, Bishop-Cotner, Rose, Melendez, Thompson, Adams, Vazquez  
Nayes – None. Motion passed.

The meeting moved to Executive Session at 7:27 p.m.

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

#### C. ADJOURN

Town Board Member Bishop-Cotner motioned to adjourn at 9:18 p.m.; Town Board Member Thompson seconded the motion. Roll call on the vote resulted as follows:  
Yeas – Baker, Bishop-Cotner, Rose, Melendez, Thompson, Adams, Vazquez  
Nayes – None. Motion passed.

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Patti Garcia, Town Clerk



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## MEMORANDUM

**Date:** May 13, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk  
**Re:** Liquor License Renewal – Rachael Vigil dba Italian Grill, Hotel/Restaurant liquor license  
**Item #:** B.2.

**Background / Discussion:**

Italian Grill has submitted a hotel & restaurant liquor license renewal application. The current license has an expiration date of May 3, 2013 and the application was received by the Town of Windsor prior to the expiration date. The application has been reviewed by the Town Clerk's office and the respective license fees have been submitted.

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

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

**Financial Impact:**

None

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

3.A.

**Recommendation:**

Staff recommends approval of the liquor license renewal.

**Attachments:**

None.



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## MEMORANDUM

**Date:** May 13, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk  
**Re:** Liquor License Special Event Permit – Windsor Rotary Club/Boardwalk Park  
**Item #:** B.3.

**Background / Discussion:**

Windsor Rotary Club, Box 23, Windsor, CO, submitted on April 30, 2013 a Special Event Liquor License for events to be held at Boardwalk Park, 100 N. 5<sup>th</sup> Street, Windsor, CO 80550. The events are as follows:

Summer Concert Series/All Town Barbeque – June 6, 2013 from 4 p.m. to 10 p.m.  
Harvest Festival/Street Dance – August 31, 2013 from 4 p.m. to 10 p.m.

Each event will be a beer garden set up with a delineated licensed premise for the serving and consumption of alcohol. The area will be fenced off and installed by the Rotary Club.

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); each date is considered a separate permit. If approved, this will be considered as two special event permits for the Windsor Rotary Club 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

RECEIVED APR 30 2013

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 type="checkbox"/> Athletic	<input type="checkbox"/> Philanthropic Institution
<input type="checkbox"/> Fraternal	<input checked="" 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	

<b>TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:</b>	<b>DO NOT WRITE IN THE SPACE</b>
<input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR     \$100	LIQUOR PERMIT NUMBER
<input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2% BEER)     \$100	

1. NAME OF APPLICANT <i>Windsor Rotary Club</i>	State Sales Tax Number <i>04180904-0000</i>
--	--

2. MAILING ADDRESS (of Organization or Political Candidate) <i>Box 23 Windsor, CO 80550</i>	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT <i>Boardwalk Park</i>
--	--

NAME	DATE OF BIRTH	HOME ADDRESS	PHONE NUMBER
4. PRES./SEC OF ORG. OR POLITICAL CANDIDATE <i>Peter Jockum</i>	<i>10/6/49</i>	<i>6033 Windsor, CO Southern Hill Dr. 80550</i>	<i>303 250-5662</i>
5. EVENT MANAGER <i>Peter Hyland</i>	<i>12/7/58</i>	<i>37770 JARD Windsor, CO</i>	<i>227-0949</i>

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES     HOW MANY DAYS? _____	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES     TO WHOM? _____
--	---

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

Date <i>4/6/13</i>	Date <i>8/31/13</i>	Date	Date
Hours <i>4PM-10PM</i>	Hours <i>4PM-10PM</i>	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 <i>Peter C Hyland</i>	TITLE <i>Manager</i>	DATE <i>4/30/13</i>
------------------------------------	-------------------------	------------------------

**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
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5TH ST

MAIN ST

ASH ST

Windsor Lake



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## MEMORANDUM

**Date:** May 13, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk  
**Re:** Liquor License Special Event Permit – Windsor Rotary Club/Main Park  
**Item #:** B.4.

**Background / Discussion:**

Windsor Rotary Club, Box 23, Windsor, CO, submitted on April 30, 2013 a Special Event Liquor License for an event to be held at Main Park, 300 Locust Street, Windsor, CO 80550. The event is as follows:

Harvest Festival – September 1 and September 2, 2013 from 10 a.m. to 6 p.m. daily

Each event will be a beer garden set up with a delineated licensed premise for the serving and consumption of alcohol. The area will be fenced off and installed by the Rotary Club.

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); each date is considered a separate permit. If approved, this will be considered as two special event permits for the Windsor Rotary Club for a total of four 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

RECEIVED APR 30 2013

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 type="checkbox"/> Athletic                                      | <input type="checkbox"/> Philanthropic Institution           |
| <input type="checkbox"/> Fraternal | <input checked="" 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

Windsor Rotary Club

State Sales Tax Number

04180904-0000

2. MAILING ADDRESS (of Organization or Political Candidate)

Box 23  
Windsor, CO 80550

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT

Main Park

NAME

DATE OF BIRTH

HOME ADDRESS

PHONE NUMBER

4. PRES. SEC OF ORG. OR POLITICAL CANDIDATE

Peter Johann

10/6/49

6033 Windsor  
Southern Hill Dr. 80550

303  
250-5662

5. EVENT MANAGER

Peter Hyland

12/7/58

37770 JARRO  
80550

227-0949

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 9/1/13

Date 9/2/13

Date

Date

Date

Hours 10AM-6PM

Hours 10AM-6PM

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

*Peter C Hyland*

TITLE

Manager

DATE

4/30/13

**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY**

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 provision of Title 12, Article 48, C.R.S., as amended

SIGNATURE

TITLE

DATE



# Main Park

Electrical Outlets  110V/20A  220V/50A

Number of Outlets

Water Faucet  Number of Faucets

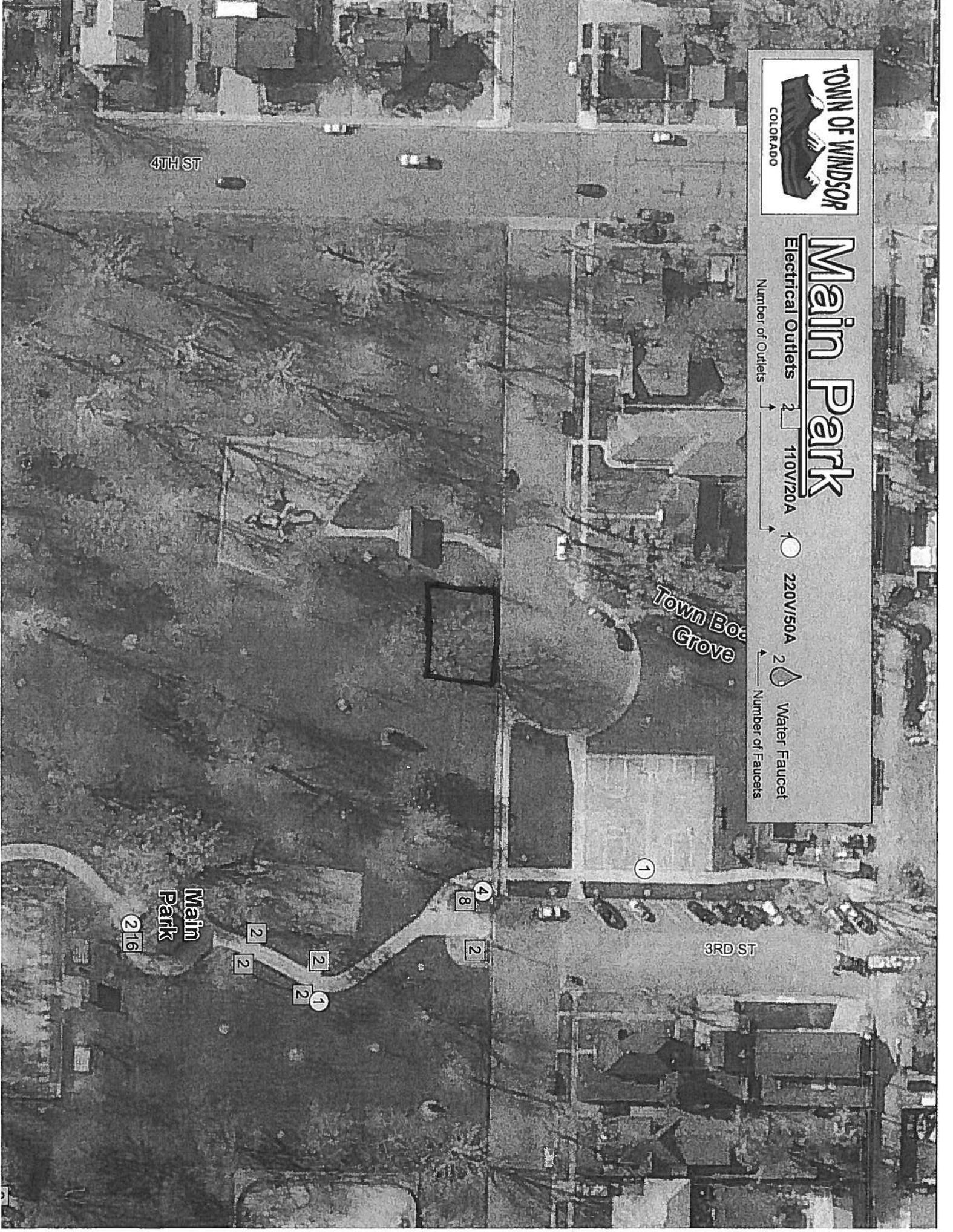
4TH ST

Town Board Grove

3RD ST

Main Park

216





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## MEMORANDUM

**Date:** May 13, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk  
**Re:** Liquor License Special Event Permit – Athletes in Tandem/Pelican Fest  
**Item #:** B.5.

**Background / Discussion:**

Athletes in Tandem, 2225 N. Vine Drive, Fort Collins, CO, submitted on April 29, 2013 a Special Event Liquor License for an event to be held at Boardwalk Park, 100 N. 5<sup>th</sup> Street, Windsor, CO 80550. The event is as follows:

Pelican Fest Triathlon – May 25, 2013 from 8 a.m. – 11 a.m.

This event will be a beer garden set up with a delineated licensed premise for the serving and consumption of alcohol. The area will be fenced off and installed by the Athletes in Tandem.

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); each date is considered a separate permit. If approved, this will be considered as one special event permit for Athletes in Tandem.

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: <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR      \$100 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2% BEER)      \$100	<b>DO NOT WRITE IN THE SPACE</b>  LIQUOR PERMIT NUMBER
--	--

1. NAME OF APPLICANT <i>Athletes in Tandem - Pelican Fest Triathlon</i>	State Sales Tax Number <i>9800012</i>
2. MAILING ADDRESS (of Organization or Political Candidate) <i>2225 W Vine Dr. Fort Collins, CO 80521</i>	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT <i>Boardwalk Park Windsor, CO</i>

NAME	DATE OF BIRTH	HOME ADDRESS	PHONE NUMBER
4. PRES./SEC OF ORG. OR POLITICAL CANDIDATE <i>Dennis Vanderbeiden</i>	<i>3/12/59</i>	<i>2225 W Vine Dr Fort Collins, CO 80521</i>	<i>970 217 6751</i>
5. EVENT MANAGER " "			

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES      HOW MANY DAYS? _____	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE <input type="checkbox"/> NO <input type="checkbox"/> YES      TO WHOM? _____
---	---

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

Date <i>5-25-13</i>	Date	Date	Date	Date
Hours <i>8 AM - 11 AM</i>	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

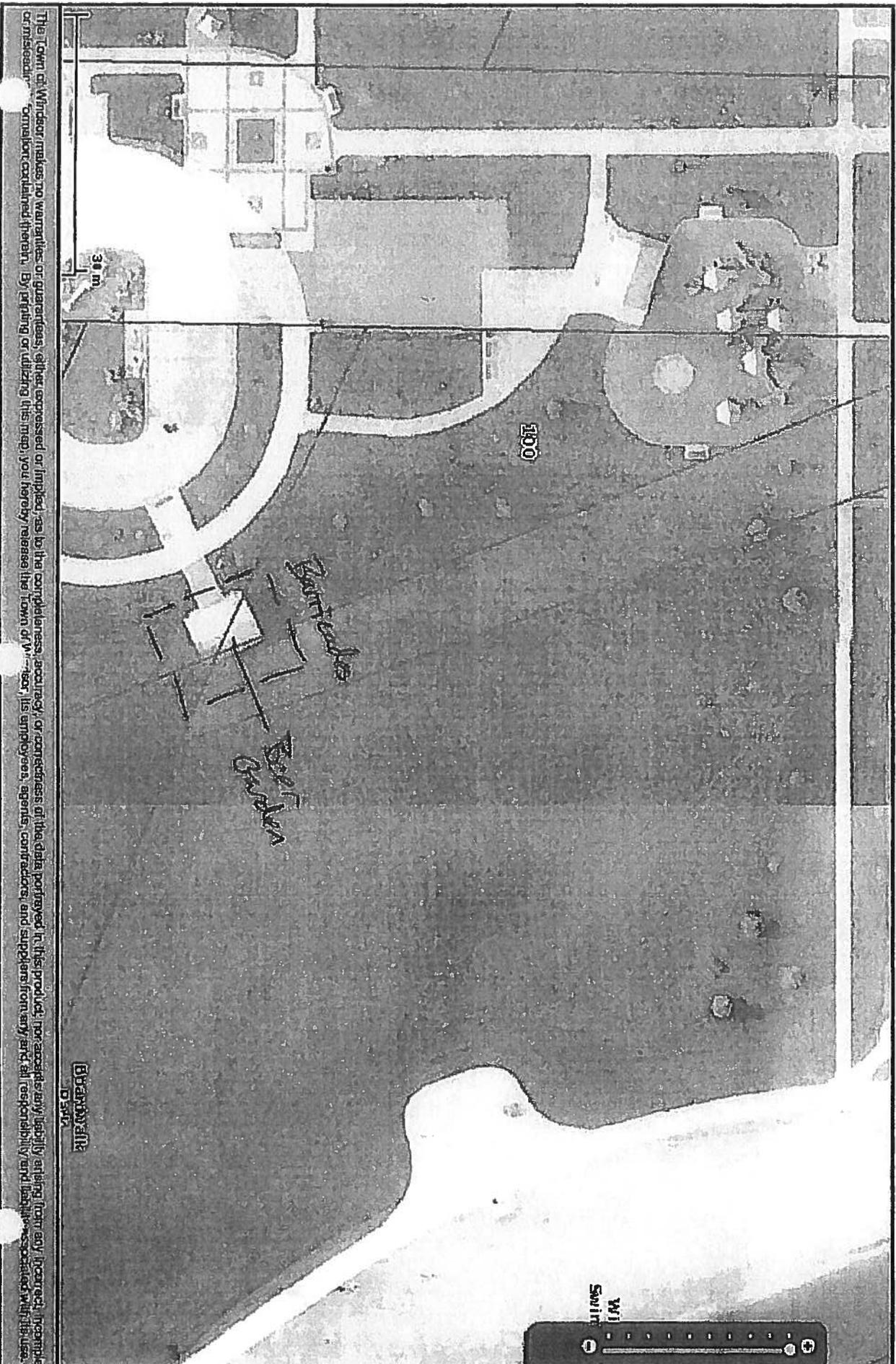
SIGNATURE <i>Dennis Vanderbeiden</i>	TITLE <i>President - Athletes in Tandem</i>	DATE <i>3/24/13</i>
---	--	------------------------

**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
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# Vendor/Finish GIS MAP

Beer Garden - Site Map



The Town of Windsor makes no warranties or guarantees, either expressed or implied, as to the completeness, accuracy, or correctness of the data portrayed in this product, nor accepts any liability for any inaccuracies, omissions, or misstatements contained therein. By printing or utilizing this map, you hereby release the Town of Windsor, its employees, agents, contractors, and suppliers from any and all responsibility and liability associated with its use.





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## MEMORANDUM

**Date:** May 13, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk  
**Re:** Liquor License Transfer of Ownership – Weld County Enterprises Inc. dba  
Corner Liquor, Retail Liquor License  
**Item #:** B.6.

**Background / Discussion:**

Weld County Enterprises Inc. dba Corner Liquor has applied for a transfer of the Retail Liquor License formerly held by Corner Liquor. The establishment is located at 117 N. 6<sup>th</sup> Street Windsor, CO 80550. The application has been reviewed and is in order; the respective license fees have been submitted to the Town Clerk's office and a temporary transfer of the liquor license was issued to allow for continued service by the establishment until the application is considered by the Town Board and State Liquor Enforcement.

The application was turned over to the Windsor Police Department for investigation. No information was received that would prohibit the applicants from holding a liquor license.

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

**Financial Impact:**

None

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

None

**Recommendation:**

Staff recommends approval of the Transfer of Ownership

**Attachments:**

Application

**COLORADO LIQUOR  
 RETAIL LICENSE APPLICATION**

NEW LICENSE     TRANSFER OF OWNERSHIP     LICENSE RENEWAL

- ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
- APPLICANT MUST CHECK THE APPROPRIATE BOX(ES)
- LOCAL LICENSE FEE \$ \_\_\_\_\_
- APPLICANT SHOULD OBTAIN A COPY OF THE COLORADO LIQUOR AND BEER CODE (Call 303-370-2165)

1. Applicant is applying as a  
 Corporation     Individual  
 Partnership (includes Limited Liability and Husband and Wife Partnerships)     Limited Liability Company  
 Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation    Fein Number  
 Weld County Enterprises Inc    841076949

2a. Trade Name of Establishment (DBA)    State Sales Tax No.    Business Telephone  
 Corner Liquor    14280140000    970.686.7152

3. Address of Premises (specify exact location of premises)  
 117 North 6th St  
 City: Windsor    County: Weld    State: CO    ZIP Code: 80550

4. Mailing Address (Number and Street)    City or Town    State    ZIP Code  
 SAME    SAME    SAME    SAME

5. If the premises currently have a liquor or beer license, you MUST answer the following questions:  
 Present Trade Name of Establishment (DBA)    Present State License No.    Present Class of License    Present Expiration Date  
 Corner Liquor    14280140000

LIAB	SECTION A	NONREFUNDABLE APPLICATION FEES	LIAB	SECTION B (CONT.)	LIQUOR LICENSE FEES
2300	<input type="checkbox"/>	Application Fee for New License .....	1985	<input type="checkbox"/>	Resort Complex License (City) .....
2302	<input type="checkbox"/>	Application Fee for New License - w/Concurrent Review .....	1986	<input type="checkbox"/>	Resort Complex License (County) .....
2310	<input checked="" type="checkbox"/>	Application Fee for Transfer .....	1988	<input type="checkbox"/>	Add Related Facility to Resort Complex ... \$ 75.00 X _____ Total _____
			1990	<input type="checkbox"/>	Club License (City) .....
			1991	<input type="checkbox"/>	Club License (County) .....
			2010	<input type="checkbox"/>	Tavern License (City) .....
			2011	<input type="checkbox"/>	Tavern License (County) .....
			2012	<input type="checkbox"/>	Manager Registration - Tavern .....
			2020	<input type="checkbox"/>	Arts License (City) .....
			2021	<input type="checkbox"/>	Arts License (County) .....
			2030	<input type="checkbox"/>	Racetrack License (City) .....
			2031	<input type="checkbox"/>	Racetrack License (County) .....
			2040	<input type="checkbox"/>	Optional Premises License (City) .....
			2041	<input type="checkbox"/>	Optional Premises License (County) .....
			2045	<input type="checkbox"/>	Vintners Restaurant License (City) .....
			2046	<input type="checkbox"/>	Vintners Restaurant License (County) .....
			2220	<input type="checkbox"/>	Add Optional Premises to H & R .....
			2370	<input type="checkbox"/>	Master File Location Fee .....
			2375	<input type="checkbox"/>	Master File Background .....

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

LIABILITY INFORMATION

County	City	Industry Type	License Account Number	Liability Date	License issued Through
				FROM	(Expiration Date)
				TO	
State	City	County	Managers Reg		
-750 (999)	2180-100 (999)	2190-100 (999)	-750 (999)		
Cash Fund New License		Cash Fund Transfer License		TOTAL	
2300-100 (999)		2310-100 (999)		\$	

<b>6.</b> Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												
<b>7.</b> Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state); (a) been denied an alcohol beverage license? (b) had an alcohol beverage license suspended or revoked? (c) had interest in another entity that had an alcohol beverage license suspended or revoked? If you answered yes to 7a, b or c, explain in detail on a separate sheet.	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>												
<b>8.</b> Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.	<input type="checkbox"/> <input checked="" type="checkbox"/>												
<b>9.</b> Are the premises to be licensed 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?	<input type="checkbox"/> <input checked="" type="checkbox"/>												
<b>10.</b> Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.	<input type="checkbox"/> <input checked="" type="checkbox"/>												
<b>11.</b> Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement? <input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) <u>ON going lease - no expiration</u>	<input type="checkbox"/> <input type="checkbox"/>												
a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:													
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:35%; padding: 2px;">Landlord <u>John Brunner</u></td> <td style="width:35%; padding: 2px;">Tenant <u>Weld County Enterprises, Inc</u></td> <td style="width:30%; padding: 2px;">Expires <u>NO Expiration</u></td> </tr> </table>	Landlord <u>John Brunner</u>	Tenant <u>Weld County Enterprises, Inc</u>	Expires <u>NO Expiration</u>										
Landlord <u>John Brunner</u>	Tenant <u>Weld County Enterprises, Inc</u>	Expires <u>NO Expiration</u>											
Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)													
<b>12.</b> Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.													
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:35%;">NAME</th> <th style="width:15%;">DATE OF BIRTH</th> <th style="width:15%;">FEIN OR SSN</th> <th style="width:35%;">INTEREST</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST									
NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST										
<i>Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.</i>													
<b>13. Optional Premises or Hotel and Restaurant Licenses with Optional Premises</b> Has a local ordinance or resolution authorizing optional premises been adopted?	Yes No <input type="checkbox"/> <input type="checkbox"/>												
Number of separate Optional Premises areas requested. _____ (See License Fee Chart)													
<b>14. Liquor Licensed Drug Store applicants, answer the following:</b> (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.	Yes No <input type="checkbox"/> <input type="checkbox"/>												
<b>15. Club Liquor License applicants answer the following and attach:</b> (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? (c) How long has the club been incorporated? _____ (Three years required) (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?	Yes No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>												
<b>16. Brew-Pub License or Vintner Restaurant Applicants answer the following:</b> (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)	Yes No <input type="checkbox"/> <input type="checkbox"/>												
<b>17a. Name of Manager (for all on-premises applicants)</b> _____ (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-1)).	Date of Birth _____												
<b>17b.</b> Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.	Yes No <input type="checkbox"/> <input type="checkbox"/>												
<b>18. Tax Distraint Information.</b> Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements.	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list** ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS. In addition applicant **must list** any stockholders, partners, or members with **OWNERSHIP OF 10% OR MORE** IN THE APPLICANT. ALL PERSONS LISTED BELOW must also attach form DR 8404-I (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*

\*If total ownership percentage disclosed here does not total 100% applicant must check this box

Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

**Additional Documents to be submitted by type of entity**

- CORPORATION**     Cert. of Incorp.     Cert. of Good Standing (if more than 2 yrs. old)     Cert. of Auth. (if a foreign corp.)  
 **PARTNERSHIP**     Partnership Agreement (General or Limited)     Husband and Wife partnership (no written agreement)  
 **LIMITED LIABILITY COMPANY**     Articles of Organization     Cert. of Authority (if foreign company)     Operating Agrmt.  
 **ASSOCIATION OR OTHER**    Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable)	Address for Service
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**OATH OF APPLICANT**

*I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.*

Authorized Signature <i>Sheela Comilla</i>	Title <i>Chairman</i>	Date <i>6 Nov 2012</i>
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**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)**

Date application filed with local authority <i>Nov 19 2012</i>	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S.
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**THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:**

- That each person required to file DR 8404-I (Individual History Record) has:
- |   |                          |                          |
|---|--------------------------|--------------------------|
|   | Yes                      | No                       |
| <input type="checkbox"/> Been fingerprinted .....   | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Been subject to background investigation, including NCIC/CCIC check for outstanding warrants ..... | <input type="checkbox"/> | <input type="checkbox"/> |
- That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license .....
- (Check One)
- Date of Inspection or Anticipated Date \_\_\_\_\_
- Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> TOWN, CITY
		<input type="checkbox"/> COUNTY
Signature	Title	Date
Signature (attest)	Title	Date

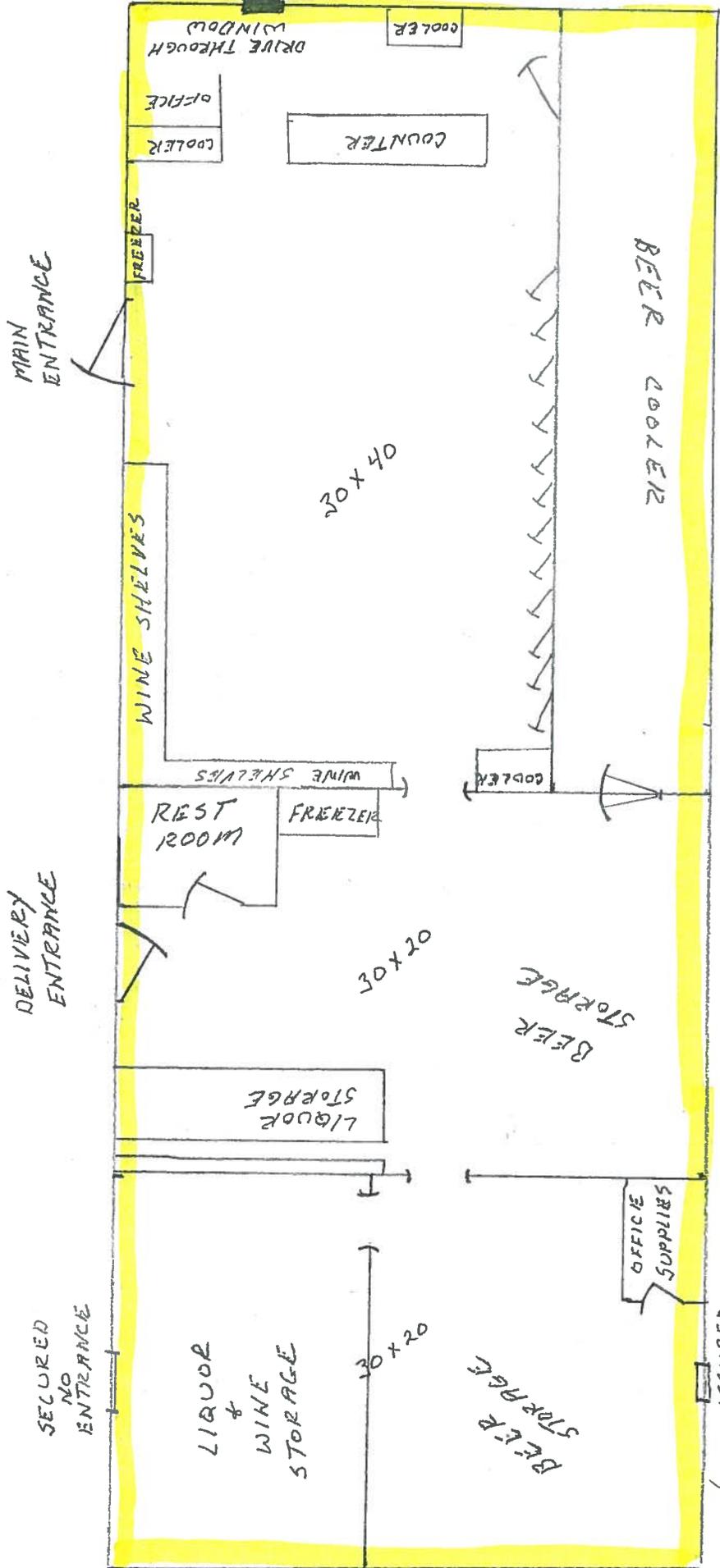
## INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

**NOTICE:** This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business <i>Weld County Enterprises, Inc. D.B.A. Corner Liquor</i>				
2. Your Full Name (last, first, middle) <i>Camilli, Sherri, Irene</i>			3. List any other names you have used.	
4. Mailing address (if different from residence)				
5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).				
<b>STREET AND NUMBER</b>		<b>CITY, STATE, ZIP</b>	<b>FROM</b>	<b>TO</b>
Current <i>401 28<sup>th</sup> Ave</i>		<i>Greeley CO 80634</i>	<i>10/07</i>	<i>Current</i>
Previous				
6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)				
<b>NAME OF EMPLOYER OR BUSINESS</b>	<b>ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)</b>	<b>POSITION HELD</b>	<b>FROM</b>	<b>TO</b>
<i>Travel Centers of America</i>	<i>4000 I-80 Service Rd <sup>80534</sup> Greeley, CO</i>	<i>Burger King General Manager</i>	<i>2/10</i>	<i>11-12</i>
<i>Univ of Northern Colorado</i>	<i>10<sup>th</sup> Street Greeley Co 80637</i>	<i>Retail Dining mg.</i>	<i>3/07</i>	<i>5/09</i>
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
<b>NAME OF RELATIVE</b>	<b>RELATIONSHIP TO YOU</b>	<b>POSITION HELD</b>	<b>NAME OF LICENSEE</b>	
<i>N/A</i>				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.				
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.				
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

W



E

CORNER  
LIQUOR  
1549 N 111  
WINDSOR

5

30'

80'

**COLORADO DEPARTMENT OF REVENUE**

Liquor Enforcement Division  
1375 Sherman St, Denver CO 80261  
September, 2005

**AFFIDAVIT OF TRANSFER AND STATEMENT OF COMPLIANCE**

Pursuant to the requirements of 12-47-303(3)(b), Colorado Revised Statutes, Licensee hereby states that all accounts for alcohol beverages sold to the Applicant are:

- Paid in full. There are no outstanding accounts with any Colorado Wholesalers.
- Licensee hereby certifies that the following is a complete list of accounts for alcohol beverages that are unpaid:

NONE

Licensee and Applicant agree that all accounts will be paid for from the proceeds at closing by the:  Licensee  Applicant

- Licensee unavailable to certify disposition of accounts for alcohol beverages - Inventory list attached. Transfer by operation of law - Regulation 47-304.
- Applicant will assume full responsibility for payment of the outstanding accounts as listed above.
- No alcohol beverage inventory transferred or sold.

Licensee hereby authorizes the transfer of its Colorado Retail Liquor License to the Applicant, its agent, or a company, corporation, partnership or other business entity to be formed by the Applicant.

Dated this 29 day of OCT, 20 12.

**Seller:**

14280140000

Licensee & License Number

CORNER LIQUOR

Trade name



Signature

OWNER & PRES.

Position

R.D. TRAUERNICHT

Print Name

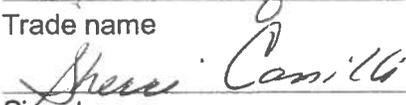
**Buyer:**

Sherri Camilli

Applicant

Corner Liquor

Trade name



Signature

Owner & Pres

Position

Sherri Camilli

Print Name

**TOWN OF WINDSOR**

**REPORT OF BILLS**

April 1, 2013

*At the regular meeting of the Town Board of the Town of Windsor,  
Colorado, held in the Town Hall Board Room on May 13, 2013  
the following claims were presented, examined, and approved by the Windsor Town Board.*

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>FUND</b>	<b>AMOUNT</b>
1st Bank of Northern Colorado	bi-weekly employee payroll deduction	GF	8,422.11
1st Bank of Northern Colorado	bi-weekly employee payroll deduction-correction	GF	2,268.22
1st Bank of Northern Colorado	bi-weekly employee payroll deductions	GF	8,365.93
Agfinity	fuel	FMF	15,363.01
Air Comfort	HVAC repairs PD	FS	1,792.53
A-J Sales & Svc	trailer	FMF	8,600.00
Allen, David	recreation refund	GF	99.00
Ameresco	Monthly monitoring	FS	375.00
American Public renewal fee	Association renewal fee	WF	169.00
Anderson Consulting Engineers	West Trib master channel preliminary	SDF	3,869.00
Anderson, Shannon	Facility reservation cancellation-reimbursement	CRCF	82.50
Aqua Sierra	Aquatic treat system maintenance	GF	1,339.50
Arapahoe Rental	propane fill	GF	16.96
Arma International	Membership/colorado Chapter dues	GF	200.00
AT&T Mobility	utilities	GF	75.71
B&B Manufacturing	lowering device/parts	GF	542.00
B&G Equipment	part	FMF	7.14
Baker, Myles	board member-congress cities conf D.C.expenses/mileage	GF	260.86
Banner Occupational health svcs	screening	GF	41.00
Barnett, Dave	water refund	SDF	26.67
Barnett, Dave	water refund	SF	32.35
Barnett, Dave	water refund	WF	8.27
BHA Design Inc	392/l-25 Community Identification signs	CIF	1,270.50
Big R of Greeley	uniform	FMF	83.41
Big R of Greeley	parts, uniforms	GF	165.70
Blanding Dirt Works	Meter Rental deposit refund	WF	1,950.00
Bobcat of the Rockies	tire assembly,belts, nuts/bolts, 25" blade	FMF	540.37
Bomgaars	welding cap, tip cleaner, phone holder	CIF	37.85
Bomgaars	uniform	FMF	81.94
Bow Wow Waste	pet pickup bags	GF	2,100.00
Bunting disposal	trash svc	CRCF	92.00
Bunting disposal	trash svc	GF	666.60
Bunting disposal	trash svc	SF	28.75
Canteen Refreshment Svcs	coffee service	GF	100.94
Caroline Elliott	uniform embroidery	FMF	245.70
Caroline Elliott	uniforms embroidery	GF	563.10
Caroline Elliott	uniform embroidery	SDF	247.20
Caroline Elliott	uniform embroidery	WF	168.50
Cash-WA Dist	concession supplies	GF	468.30
Century Link	utilities	CRCF	613.75
Century Link	utilities	CRCF	3.98
Century Link	utilities	CRCF	948.91
Century Link	utilities	FS	47.11
Century Link	utilities	GF	486.76
Century Link	utilities	GF	613.87
Century Link	utilities	GF	217.83
Century Link	utilities	GF	428.96
Century Link	utilities	SF	423.79

VENDOR	DESCRIPTION	FUND	AMOUNT
Century Link	utilities	SF	102.97
Century Link	utilities	WF	1.51
Chematox lab	drug screen	GF	242.50
Chematox lab	BAC	GF	17.50
Chematox lab	drug screen	GF	225.00
CIRSA	water damage/Feb 13 deduct	GF	1,229.49
CIRSA	boiler & machinery	SF	369.00
CIRSA	water damage meter/Feb 13 deduct	WF	5,974.28
City of Ft. Collins	ice buster	GF	13,662.69
City of Ft. Collins Rec Dept	spring football leagues fees	GF	2,520.00
City of Greeley	1st Qtr 2013 sales tax revenue	GF	8,295.80
City of Greeley	water purchased	WF	15,716.89
Clear Water Solutions	Kern/WCSD RE4 augmentation	Kern	7,127.50
Clear Water Solutions	Kern/WCSD RE4 augmentation	Kern	1,001.25
Clear Water Solutions	general water svcs	Kern	8,496.39
CM Express Apparel	baseball camp tshirts	GF	225.00
Coating Specialties	blast & coat sign posts	GF	216.00
Coating Specialties	powder coating gates/signs	GF	1,550.00
Coca-cola	concession supplies	GF	205.50
Coerber, Scott & Teckla	water refund	SDF	4.61
Coerber, Scott & Teckla	water refund	SF	20.00
Coerber, Scott & Teckla	water refund	WF	37.28
Colorado American Legion Baseball	Colo American Legion Baseball fees	GF	325.00
Colorado Asphalt Svc	bag of asphalt	GF	905.00
Colorado Association of Chiefs	membership renewal	GF	480.00
Colorado Coach Transportation	senior trip	GF	250.00
Colorado Designscape inc	north lights park pymt 2	PIF	217,687.62
Colorado District Attorney	amend 64 training	GF	5.00
Colorado Equipment	o-rings	FMF	11.60
Colorado Mosquito control	mosquito control	SDF	13,116.93
Colorado Water Congress	mwmbership dues May 13 2013-April 30 2014	WF	752.00
Coloradoan Media Group	legal ad	CIF	69.52
Coloradoan Media Group	job ads	GF	2,052.15
Coloradoan Media Group	public notice	GF	211.96
Comcast Cable Comm	CRC music/Cable	CRCF	481.36
Comcast Cable Comm	utilities	ITF	206.95
Concentra	testing	GF	365.00
Connell Resources	Meter Rental deposit refund	WF	2,100.00
Consolidated Comm	CCNC membership fee 2013	GF	100.00
Country John's	portable restroom svc	GF	520.00
Country John's	portable restroom svc	GF	520.00
Data West Corp	2013 bill master conference registration	WF	600.00
Dataprint	outsource water billing April	SDF	1,417.52
Dataprint	outsource water billing April	SF	1,417.51
Dataprint	water bill processing	WF	338.86
Dataprint	outsource water billing April	WF	1,417.51
Department of Labor and Employment	unemployment insur pay 2013 Qtr 1	GF	4,357.04
DigiPix	printing signs for Arbor Day 5K	GF	114.00
Dominoes	pizza for teen night	GF	56.00
Egbert, Stephanie	senior foot care March 2013	GF	120.00
Elite Awards & Trophies	arbor day 5K medals	GF	108.00
Ellena, Joel	water refund	SDF	8.90
Ellena, Joel	water refund	WF	65.31
Emil, Kim	legal svcs-Town Prosecutor	GF	4,575.00
Enviropest	pest control	FS	112.00
Enviropest	pest control	WF	75.00
ERA-A Waters Co	lab quality sampler	SF	827.29
F&C Door Check & Lock Svc	door svcs	GF	475.00
Falcon Environmental corp	pump for sewer lift station-Eastman pk	GF	4,080.08

VENDOR	DESCRIPTION	FUND	AMOUNT
Falon Environmental Corp	2 ABS Pirahna grinder pumps	GF	4,004.00
Family Support registry	wage assignment	GF	296.57
Family Support registry	wage assignment	GF	51.69
Family Support registry	wage assignment	GF	51.69
Family Support registry	wage assignment	GF	296.57
Farnsworth Group	WWTP headworks/Windsor interim lift stn relocate	SF	5,412.48
Fastenal Co	parts-ADA	CIF	40.52
Fastenal Co	parts for ADA	CIF	14.52
Fastenal Co	bolts	FMF	72.52
Fastenal Co	tester/eye wash depot	FS	410.47
Fastenal Co	safety supplies	FS	19.29
Fastenal Co	hardware	FS	2.49
Felsburg Holt & Ullevig	Windsor Railroad crossing study	CIF	2,033.43
Ferguson, Barb	water refund	SDF	5.19
Ferguson, Barb	water refund	SF	20.00
Fort Collins-Loveland Water dist	water purchased	GF	18.08
Fort Collins-Loveland Water dist	water purchased	WF	27,471.15
Frachetti Engineering	engineering svcs-UFP,SCADA	Kern	4,166.55
Frey McCargar Plock & Root	legal svcs	GF	24,000.00
Front Range Raynor Door Co	svc call -PD	FS	105.00
Ft. Collins Monument and Stone	1 bucket of setting compound	GF	50.00
Ft. Collins Soccer club	U10 soccer league fees	GF	150.00
Garretsons	needles	GF	6.00
Gordon, George	water refund	SDF	4.65
Grainger's	parts/lamps	FS	816.29
Grainger's	safety supplies	GF	134.37
Greeley Electric repair	pump repair	SF	1,269.24
Greeley Lock & Key	main park new lock/CRC repair fitn room lock/jamm cylinder	FS	743.55
Hamilton Linen	rental linens	CRCF	221.80
Harmony Gardens	arbor day trees	GF	355.00
Hawk II Systems	class	GF	60.00
Hensley battery	battery	FMF	160.10
Highland Park Lanes	adaptive bowling	GF	224.00
Hillyard	paper goods,trash liners,cleaner/mop, gloves	FS	3,929.51
Hirschfeld Backhoe & pipeline	final pymt for meter install	WF	502.65
Home Depot	protractor, drill attachment	CIF	94.84
Home Depot	metal cutting blade, wooden caps, oak trim	FS	31.57
Home Depot	Farmhouse paint/materials,skate pk repairs,CRC bulbs	GF	679.38
Houska Automotive Svc	4 tires	FMF	729.72
International Public Mgmt	IPMA membership	GF	149.00
J-2 Contracting Co	scada improvemets	Kern	21,402.00
Jax	uniform	GF	154.77
Jax	uniform	SF	129.99
John Brunner & Co	copper plumbing connections	FS	37.30
Jones, Stephen	musical performance	GF	100.00
Journey Homes	refund over chgd neighborhood park fee	SDF	5,136.61
JUB Engineers	WCR21 Bridge Engineer Svc	CIF	9,343.92
King Soopers	spices for CRC kitchen	CRCF	9.92
King Soopers	refresh for senior/adapative rec events, class/concess supplies	GF	599.70
Larimer County	OLOF regional study	PIF	5,000.00
Larimer County Clerk & Recorder	1st Ammend Windsor Highlands	GF	16.00
Larimer County Sales & Use Tax	use tax collections	GF	31,082.37
Lawrence Jones Custer Grasmick	legal svcs	GF	3,801.00
Lawson Products	wire rope, ty-rap, nuts, washers	GF	256.01
Lewan & Assoc	capital projet software/equip	ITF	1,337.50
LL Johnson Distrib Co	utilities	FMF	11,880.00
Loveland Ford Lincoln	PDI on new vehicle	FMF	95.25
Mail N Copy	shipping	GF	9.61
Mail N Copy	mailing	WF	54.63

VENDOR	DESCRIPTION	FUND	AMOUNT
Manweiler	handle & lights	CIF	45.73
Manweiler	concrete and form	FS	12.31
Manweiler	zip ties, key, adaptor, concrete	GF	237.69
Manweiler	wrench, pipe plugs	SF	18.51
Manweiler	flanges, pipe, copper strap	WF	92.93
Michael Manning	Municipal court judge scvs	GF	1,400.00
Michael Todd & Co	signs	GF	506.76
Michael Todd & Co	signs	GF	242.94
Mines & Associates	employee assistance pgm	CRCF	12.96
Mines & Associates	employee assistance pgm	FMF	9.72
Mines & Associates	employee assistance pgm	FS	22.68
Mines & Associates	employee assistance pgm	GF	226.80
Mines & Associates	employee assistance pgm	ITF	6.48
Mines & Associates	employee assistance pgm	SDF	3.24
Mines & Associates	employee assistance pgm	SF	9.72
Mines & Associates	employee assistance pgm	WF	9.72
Monroe, William	Arbor day expenses reimbursement	GF	75.10
Morey's Glass	windshield/rock chip repair	FMF	202.00
Morey's Glass	rock chip repair	FMF	35.00
Morey's Glass	window install	FMF	48.50
Motorola	radio equip	GF	4,503.00
Mountain States Employers Council	seminar fees	GF	425.00
Mountain States Recreation	parts for boat dock ADA	CIF	408.00
Myatt, Cheree	NYSICA membership	GF	20.00
N2 Publishing	advertising	CRCF	450.00
NAPA	parts/credit	FMF	259.66
NAPA	supplies	GF	2.69
National Meter & Automation	parts	WF	9,293.78
National Meter & Automation	annual svc agreement/meter parts	WF	17,816.20
NCGG Northern Colorado Communication Grp	job ads	GF	968.70
Newegg	Printer	ITF	136.98
North Front Range MPO	Unified plann. Work pgm, monthly share of MPO's work pgm-Apr	GF	1,461.16
North Front Range MPO	Unified plann. Work pgm, monthly share of MPO's work pgm-Mar	GF	755.71
North Weld County Water Dist	water purchased	WF	49,635.75
Northstar Concrete inc	storage bin, trash inclosure	CIF	20,525.00
Northstar Concrete inc	remove/replace trail, bollard replacements	GF	4,393.25
Northwest Parkway	toll road chg for oil/gas seminar	GF	4.05
Office Depot	office supplies	CRCF	1.18
Office Depot	office supplies	CRCF	0.81
Office Depot	office supplies	DDA	4.66
Office Depot	office supplies	FMF	11.97
Office Depot	office supplies	FS	3.53
Office Depot	office supplies	FS	2.44
Office Depot	office supplies	GF	411.54
Office Depot	office supplies	GF	1,049.11
Office Depot	office supplies	ITF	1.77
Office Depot	office supplies	ITF	1.21
Okole Maluna Hawaiian Grill	food for Advisory Board appreciation dinner	GF	2,350.50
Old National Bank	Energy Efficiency lease purchase May	FS	3,455.41
Old Town Design	refund for overpymt of investigative fees	GF	242.66
Operator certification Program	renewal of wastewater operators	SF	85.00
Operator certification Program	training units first aid/cpr	SF	50.00
Operator certification Program	certification renewal	SF	135.00
Oregon Dept of Transp	photo request	GF	31.00
Pedersen, Ela	Jan/March 2013 baton class instructor	GF	157.50
Pioneer Sand	whitney ditch maintenance	GF	597.32
Pitman Co	supplies	GF	805.03
Pitney Bowes	postage meter rental	CRCF	20.81
Pitney Bowes	postage meter rental	GF	332.92

VENDOR	DESCRIPTION	FUND	AMOUNT
Pitney Bowes	postage meter rental	SF	20.77
Pitney Bowes	postage meter rental	WF	41.61
Plummer, Joe	per diem /mileage reimbursement	GF	360.60
Poudre Valley Health Care	blood draws	GF	590.00
Poudre Valley REA	Sales Tax refund Jan/Feb 2013	CIF	15,281.16
Poudre Valley REA	Sales Tax refund Jan/Feb 2013	CRCF	2,546.85
Poudre Valley REA	utilities	GF	5,566.81
Poudre Valley REA	utilities	GF	3,337.47
Poudre Valley REA	utilities	GF	321.32
Poudre Valley REA	utilities	GF	22,921.75
Poudre Valley REA	utilities	SF	14,114.83
Poudre Valley REA	utilities	SF	2,272.23
Poudre Valley REA	utilities	WF	1,382.89
Poudre Valley REA	utilities	WF	31.43
Precision REO	water refund	SDF	4.77
Precision REO	water refund	SF	20.00
Precision REO	water refund	WF	15.33
PSI Digital imaging solutions	plotter paper & ink	ITF	467.70
Red Dog Signs	park rules signs-4 community parks	GF	2,341.77
Reserve Acct	postage meter load	CRCF	72.00
Reserve Acct	postage meter load	DDA	119.50
Reserve Acct	postage meter load	GF	3,430.50
Reserve Acct	postage meter load	SF	20.00
Reserve Acct	postage meter load	WF	1,358.00
Rhine, Daniel & Halma	water refund	SDF	8.94
Richard Ochoa	teen nights DJ	GF	425.00
Ritchie, Patrick	recreation refund	GF	30.00
RNR Supply	plumbing parts	FS	767.04
Rocky Mountain Power Generation	preventative maintenance generator	FS	390.00
Rowe, Brian	uniform reimbursement	GF	164.99
Safebuilt	permit fees March 2013 reimb	GF	130,401.55
Safety-Kleen Corp	service on unit	FMF	428.37
Safeway	Board room refreshments	GF	13.34
SAI North team sports	soccer balls/anchors	GF	510.00
Saint Aubyn Homes	refund over chgd neighborhood park fee	PIF	180.00
Sam' Club	concession supplies	GF	139.24
Sams Club	membership dues/concession supplies/refund	GF	1,995.57
Scott Hook Franchisee-Snap On Tools	parts	FMF	141.90
Scott's Electric & bucket truck service	locates	CIF	148.50
Scott's Electric & bucket truck service	service calls	GF	473.04
Seacrest Group	chronic biomonitoring tests on effluent from WWTP	SF	1,525.00
Sean Grogan	travel baseball umpires	GF	6,271.00
Shainline, Robert	PPCT Instructor class-expenses reimb	GF	92.75
Sportsman's Warehouse	uniforms	SF	79.99
Spradley Barr Ford	oil	FMF	60.24
Sprinkle, Brooke	tree sale refund	GF	40.00
Standard Insurance Co	long term disability	GF	2,854.44
Stanfield, Cynthia	water refund	SDF	5.36
Stanfield, Cynthia	water refund	SF	20.00
Stanfield, Cynthia	water refund	WF	16.47
Staples	office supplies	ITF	1,998.47
Staples	office supplies	ITF	672.36
Summit Supply Co	bathroom parts	FS	161.31
Swanson, Stacey	mileage reimb for bank runs	GF	23.73
Team Petruoleum	oil	SF	262.80
Technique Data Systems	annual maint software-check scanner	ITF	550.00
Tennant Sales & Svc	auto scrubber	FS	8,736.42
Terracon Consultants	Geotech svc-North Lights Park	PIF	3,658.75
The Local Pages	Windsor Community Directory	CRCF	1,345.00

VENDOR	DESCRIPTION	FUND	AMOUNT
The Pawnee Group	car wash tokens	FMF	104.00
The Welding & Fabrication Shop	welding-signs/panels	GF	1,840.00
Thomas Eckrich	plaque	GF	40.00
Thompson, Eric	NYSICA certification reimbursement	GF	20.00
Tire Centers	tires/repair	FMF	1,102.67
Traffic Master	flagger certif, traffic control	FMF	110.00
Traffic Master	flagger certif, traffic control	GF	275.20
Trane	HVAC parts Town Hall	FS	4,690.16
Trane	HVAC parts Town Hall	FS	4,768.00
Trane	HVAC parts Town Hall	FS	6,098.56
UMB credit card	Supplies/meal/park assoc renewal	CRCF	24.89
UMB credit card	parts/class	FMF	59.89
UMB credit card	supplies/webinar/film/exhibit	GF	762.63
UMB credit card	Congress Cities Conf for Board-lodging/regist for 6 board members	GF	7,318.76
UMB credit card	mtg food/permit/dues	GF	587.44
UMB credit card	craft/aqua supplies/CPR certif	GF	975.36
UMB credit card	tickets/senior trips meals	GF	2,418.72
UMB credit card	supplies/CPRA dues	GF	111.90
UMB credit card	mtg food/adaptive movie tickets/senior trip tickets	GF	788.43
UMB credit card	trip pkg/shuttle/news subscript	GF	163.22
UMB credit card	3 yr recertification fee/supplies	GF	110.80
UMB credit card	mtg coffee/supplies	GF	25.75
UMB credit card	Interview refresh/staff developmnt	GF	166.13
UMB credit card	Denver mtg parking/headset/lunch mtg	GF	357.49
UMB credit card	staff developmnt/office supplies	GF	337.66
UMB credit card	Coffee w/mayor/DC trip shuttles/expenses	GF	663.93
UMB credit card	Supplies/meal/park assoc renewal	GF	285.23
UMB credit card	tape/refunded charge	GF	27.62
UMB credit card	parts/class	GF	120.00
UMB credit card	meeting food	GF	9.98
UMB credit card	Annual dues	GF	170.00
UMB credit card	Mtg lunch	GF	126.25
UMB credit card	part	GF	26.49
UMB credit card	Records Document	GF	0.50
UMB credit card	Adaptive movie tickets	GF	39.00
UMB credit card	parts	ITF	82.69
UMB credit card	permit/dues/registration/mtg meals	Kern	28.75
UMB credit card	meeting lunches	SDF	15.44
UMB credit card	membership renewal	WF	320.00
United States Treasury	FICA taxes payable	GF	48.89
United Way	employee contribution	GF	15.00
United Way	Donation	GF	15.00
USA Blue Book	parts/service	SF	1,094.59
USA Blue Book	repair kit	SF	359.38
USA Mobility wireless inc	on call pager svcs	GF	31.31
USIS Commercial Svcs	recurring subscription fee	GF	129.00
Utility Notification Center	locate transmissions	WF	384.68
Vandelist, Marlou & Mark	water refund	WF	10.00
Verizon Wireless	utilities	CRCF	29.32
Verizon Wireless	utilities	GF	1,180.94
Verizon Wireless	utilities	GF	70.10
Verizon Wireless	utilities	ITF	40.01
Verizon Wireless	utilities	SF	40.01
Vermont Systems	rectrac/webtrac upgrades	GF	9,125.00
Victory Sales	baseball hats	GF	1,856.40
Vigil, Austin	PPCT Instructor class-expenses reimb	GF	72.44
Vision Services plan	vision April 2013 employer's share	GF	1,761.38
Wagner, Gregg & Deborah	water refund	SDF	5.08
Wagner, Gregg & Deborah	water refund	SF	20.00

VENDOR	DESCRIPTION	FUND	AMOUNT
Wagner, Gregg & Deborah	water refund	WF	7.95
Waste Management	recycle site	GF	1,234.00
Water Environment Federation	membership renewal	SF	72.00
WCC Enterprises	Deposit SCS performance	GF	200.00
Weld Co Clerk & Recorder	vacation of access easement	GF	21.00
Weld County	Intergovernmental agree-pymt of bonus amnt Oil & gas	GF	225.42
Weld County Clerk & Recorder	Water Valley S 13th Filing	GF	11.00
Weld County Clerk & Recorder	Windsor/Severance Intergov agreement	GF	186.00
Weld County Clerk & Recorder	Easement for Access	WF	36.00
Weld County Dept of Public health & Environ	total coiform samples	WF	660.00
Weld County Drug Task Force	fine surcharges March 2013	GF	1,267.00
Weld County Drug Task Force	municipal court collections Jan 2013	GF	1,442.00
Weld County Underground Water Users	well augmentation fee	GF	287.75
Wenaas, Jeffrey	Meter Rental deposit refund	WF	2,100.00
Western Enterprises	4th of July fireworks deposit	GF	12,000.00
Western Material Handling	microswitch	FMF	39.34
Williams Equipment Co	replacement jet hose	SF	1,728.00
Windsor Chamber of Commerce	annual funding	GF	25,000.00
Windsor Hardware (ACE)	parts	FMF	14.58
Windsor Hardware (ACE)	supplies/tools	FS	151.84
Windsor Hardware (ACE)	parts/supplies	GF	198.10
Windsor Hardware (ACE)	parts	SF	40.70
Windsor Hardware (ACE)	tool box	WF	34.99
Windsor Housing Authority	Comm dvlprmnt block grant funds for land aquist-Wind Meadows Apts	GF	307,000.00
Windsor Severance Fire Rescue	fire dept bldg permit fees collected	GF	20,925.00
Windsor Valley Auto Wash	car wash tokens	FMF	60.00
Wireless Advanced comm	repairs of PDU/Install pwr cable	FMF	274.80
Wireless Advanced comm	battery install	FMF	172.50
Wireless Advanced comm	radio equip for new police car	GF	1,089.00
Workspace Innovations	Finance dept flood moving of office furniture	FS	992.85
Xcel Energy	utilities	CRCF	6,634.65
Xcel Energy	utilities	GF	6,642.62
Xcel Energy	utilities	GF	2,530.05
Xcel Energy	utilities	GF	31,007.16
Xcel Energy	utilities	Kern	16.05
Xcel Energy	utilities	Kern	31.79
Xcel Energy	utilities	SF	147.27
Xcel Energy	utilities	SF	476.38
Xcel Energy	utilities	SF	148.35
Xerox Corp	copier maint agreement	ITF	3,400.74
Zep Sales	supplies	FMF	173.78
	TOTAL CASH DISBURSED		\$1,406,771.99
	PAYROLL (wages/ 2 pay periods)		\$337,678.85
	TOTAL		\$1,744,450.84



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## MEMORANDUM

**Date:** May 13, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Dennis Wagner, Director of Engineering  
**Re:** Intergovernmental Agreement with Boxelder Sanitation District for temporary sewer service to development northeast of the intersection of WCR 13 and WCR 74  
**Item #:** B.8.

Background / Discussion:

In 2004, the owner of the west half of Section 31, that is immediately east of WCR 13 and north of WCR 74, proposed development of the property, but Windsor's sewer system was still 4.5 miles from the property. The property, shaded yellow on the attached *Harmony Ridge.PDF* file, has been annexed to Windsor since 1985. The property owner asked Windsor to allow the property to be served on an interim basis by the Boxelder Sanitation District which had a sewer line approximately 1 mile west of the site. It resulted in an Intergovernmental Agreement (IGA) between Windsor and Boxelder Sanitation District (BSD) in June 2006. According to the IGA, BSD would provide sewer service until Windsor's sewer system was extended to the property and at that time service would be converted to Windsor. Discussions with the developer also included a stipulation that Windsor would collect Sewer Plant Investment Fees on each new tap, even initially when BSD was providing service, so that when service was converted to Windsor collection of plant investment fees wouldn't have to be done retroactively.

The 2004 owner was not successful in starting development and the property has come under new ownership that wants to proceed with a new development called Harmony Ridge, including an additional 160 acres (shaded green on map), but with temporary sewer service by BSD. As illustrated on the attached "*East Side Interceptor Sewer.PDF*" file, Windsor's sewer system is now about 3.5 miles from the Harmony Ridge property but would still be a cost-prohibitive endeavor.

The original 2006 IGA with BSD expired in 2011. Thus the current owner recently approached the BSD Board of Directors who responded positively to a new IGA with Windsor that would be similar to the original one.

Ian McCargar and Rick Zier, BSD's attorney, collaborated to develop the attached new IGA.

Recommendation:

The Windsor Water and Sewer Board considered the proposal for a new IGA on April 10, 2013, and passed a recommendation for approval; staff concurs.

Attachments:

Harmony Ridge.PDF  
East Side Interceptor Sewer.PDF  
Intergovernmental Agreement

# Town of Windsor GIS MAP



The Town of Windsor makes no warranties or guarantees, either expressed or implied, as to the completeness, accuracy, or correctness of the data portrayed in this product; nor accepts any liability arising from any incorrect, incomplete or misleading information contained therein. By printing or utilizing this map, you hereby release the Town of Windsor, its employees, agents, contractors, and suppliers from any and all responsibility and liability associated with its use.



# East Side Sewer Interceptor Master Plan

## Land Use

- Central Business District
- Community Separator
- Employment Corridor
- Heavy Industrial
- High Density Estate Single Family Residential
- Light Industrial
- Low Density Estate Single Family Residential
- Multi-Family Residential
- Neighborhood & General Commercial
- Other Public/Semi-Private
- Parks, Open Space, Mineral Extraction & Flood Plain
- Residential Mixed Use
- Schools
- Single Family Residential
- Greeley City Limits

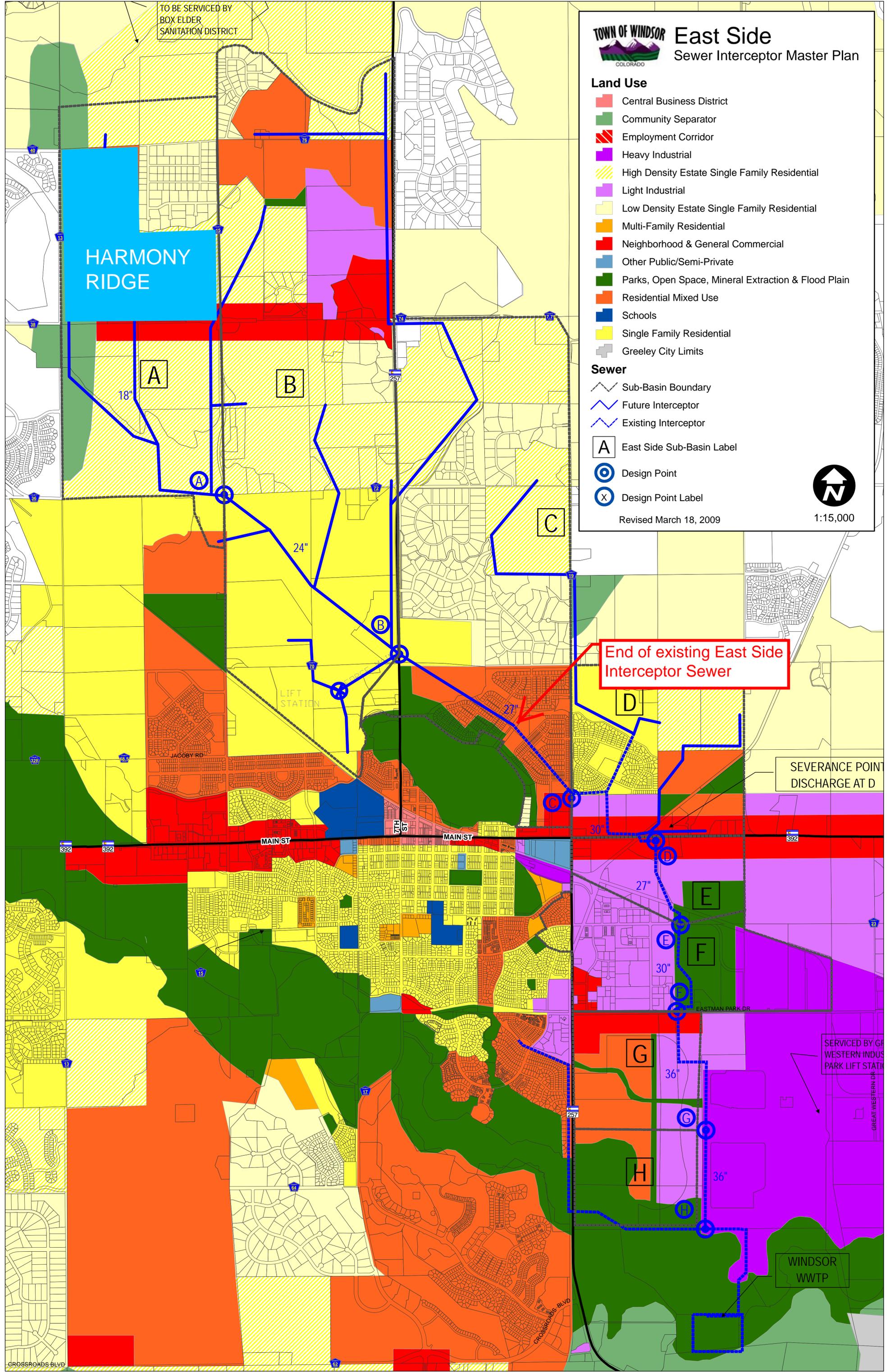
## Sewer

- Sub-Basin Boundary
- Future Interceptor
- Existing Interceptor
- East Side Sub-Basin Label
- Design Point
- Design Point Label

Revised March 18, 2009



1:15,000



HARMONY RIDGE

A

B

C

End of existing East Side Interceptor Sewer

D

SEVERANCE POINT DISCHARGE AT D

E

F

G

H

WINDSOR WWTP

TO BE SERVICED BY BOX ELDER SANITATION DISTRICT

SERVICED BY GREAT WESTERN INDUSTRIAL PARK LIFT STATION

CROSSROADS BLVD

CROSSROADS BLVD

GREAT WESTERN DR

TOWN OF WINDSOR

RESOLUTION NO. 2013-24

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF WINDSOR, COLORADO, AND THE BOXELDER SANITATION DISTRICT WITH RESPECT TO THE PROVISION OF SANITARY SEWER SERVICE TO THE PROPOSED HARMONY RIDGE SUBDIVISION WITHIN THE TOWN OF WINDSOR, COLORADO

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

WHEREAS, the Boxelder Sanitation District (“District”) is a Special District formed pursuant to Title 32 of the Colorado Revised Statutes; and

WHEREAS, the District serves a land area at and beyond the northern reaches of the Town’s corporate limits, and is presently able to serve customers north of Weld County Road 74;

WHEREAS, the Town and the District have a history of cooperation with respect to sanitary sewer service, having previously entered into an Intergovernmental Agreement that would enable development of portions of the land area within the Town’s corporate limits and lying north of Weld County Road 74; and

WHEREAS, the Harmony Ridge Subdivision is proposed for portions of Section 31; and

WHEREAS, the owner of the proposed Harmony Ridge development has requested that the Town and the District again reach an agreement under which the District will provide sanitary sewer service to the proposed development, with the eventual objective of having the Town take over sanitary sewer service at such time as the Town’s facilities are available to customers within the proposed development; and

WHEREAS, the Town and the District have negotiated the attached Intergovernmental Agreement, under which the terms for sanitary sewer service to the proposed Harmony Ridge development can be facilitated; and

WHEREAS, the Town Board has reviewed the attached Intergovernmental Agreement, and has determined that it promotes the public health, safety and welfare; and

WHEREAS, the Town Board wishes to approve the attached Intergovernmental Agreement, and to expressly authorize the Mayor to execute it on the Town’s behalf.

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

1. The attached Intergovernmental Agreement between the Town of Windsor and the Boxelder Sanitation District, the terms of which are incorporated herein by this reference as if set forth fully, is hereby approved by the Windsor Town Board.
2. The Mayor is hereby authorized to execute the attached Intergovernmental Agreement on behalf of Windsor.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 13<sup>th</sup> day of May, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

## INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement ("IGA") is made and entered into this \_\_\_\_ day of June, 2013, by and between the TOWN OF WINDSOR, COLORADO, a Colorado home-rule municipality, ("Town") and BOXELDER SANITATION DISTRICT, a Colorado special district ("District").

WITNESSETH:

WHEREAS, The Town and the District are Colorado governmental entities authorized by Colorado law to enter into agreements concerning the provision of governmental services; and

WHEREAS, the Town has received a comprehensive annexation and development proposal for a mixed-use development legally described on Exhibits "A" and "B," attached hereto and incorporated herein by this reference, hereinafter referred to as "Harmony Ridge." This development is proposed to be located on Section 31, T7N, R67W of Weld County on the northeast corner of Weld County Road 13 and Weld County Road 74. The Harmony Ridge development is anticipated to be located entirely within the future sanitary sewer service area of the Town; and

WHEREAS, the Town's Water and Sewer Advisory Board has conducted a preliminary review of Harmony Ridge and has recommended to the Town Planning Department that any approval to the development be specifically conditioned upon the agreement of the developer to provide adequate sanitary sewer service to all aspects of the development and that septic systems not be approved for any portion of the development. Additionally, the Water and Sewer Advisory Board has recommended that Harmony Ridge ultimately be served by the Town's sanitary sewer utility; and

WHEREAS, because of lack of infrastructure, the Town is not presently capable of serving sanitary sewer to Harmony Ridge in the absence of the developer's agreement to extend the Town's currently existing sanitary sewer line to the development, and the Town and the developer agree that such an extension is not economically feasible at this time; and

WHEREAS, the District has existing sanitary sewer infrastructure in reasonable proximity to Harmony Ridge. This infrastructure and other components of the District's wastewater collection system connected thereto, pending some infrastructure capacity and other enhancements, could potentially be utilized to provide sanitary sewer service to Harmony Ridge. The wastewater plant of the District has sufficient capacity to service the build-out hydraulic and load of Harmony Ridge under current permit conditions and into the reasonably near future; and

WHEREAS, the property described on Exhibit A is presently included in the District and the property described on Exhibit B is not included in the District. In anticipation that the Town will ultimately be the permanent sewer service provider for Harmony Ridge, it is appropriate that the Property described on Exhibit A be excluded from the District; and

WHEREAS, the District is able by contract to provide sanitary sewer service for

Harmony Ridge until such time as Harmony Ridge connects to the Town's sanitary sewer utility.

NOW THEREFORE, in consideration of the mutual covenants herein and other good and valuable consideration, the mutual receipt of which is hereby acknowledged, the parties agree as follows:

1. By the terms of this IGA, the Town and the District agree that the District shall provide sanitary sewer service to Harmony Ridge by contract on such terms and upon such conditions as the District may establish and after the property described on Exhibit A is excluded from the District. The costs of the extension and enhancements related to the District's extending service to Harmony Ridge shall be paid by the developer and are not recoverable or otherwise to be reimbursed. These improvements shall become and remain the property of the District, and the portion of the improvements located within the development are expected to become the property of the Town at such time as Harmony Ridge connects to the Town's sanitary sewer utility. Nothing contained herein shall limit or otherwise restrict the District from imposing whatever requirements of infrastructure construction, land dedication or other such conditions of service, as the District in its sole discretion may require. This includes the normal tap fees to reimburse the capital construction costs of the treatment plant.
2. The sanitary sewer infrastructure within Harmony Ridge shall meet or exceed the more stringent of the minimum design and construction standards and specifications of the Town and the District.
3. The District, using its customary practice, shall inspect the construction of the infrastructure within Harmony Ridge and accept the infrastructure if it meets or exceeds the applicable performance specifications (per Section 2 above). This includes but is not limited to house laterals (owned and maintained by owner of the property served), collection and interceptor lines and manholes and other appurtenances attached thereto.
4. These sanitary sewer assets, exclusive of the house laterals, shall be dedicated to the District and become its assets.
5. The District, while it owns and controls the wastewater collection system within Harmony Ridge, shall maintain said wastewater collection system in conformity with its routine maintenance practices.
6. The wastewater collection system, while the District owns it, shall be subject to all District Rules and Regulations. Any properties utilizing said collection system shall be customers of the District and, if necessary, will be subject to the District's Industrial Pretreatment Program requirements.
7. The Town acknowledges that so long as the District serves Harmony Ridge with sanitary sewer service pursuant to its duty of compliance with its NPDES permit and laws

applicable to the installation, operation and maintenance of the collection system, the Town shall not interfere with that duty by land use decisions that are incompatible with sanitary sewer capacity constructed on the basis of the Town's current or projected land use densities. Furthermore, the Town shall report immediately to the District any evidences of sanitary sewer overflows, any changes of commercial activities that may require pretreatment permitting, any change in the water supply sources that may impact the water quality of the wastewater, or any other new information that should be reported to the District to assure it remains in compliance. The District shall from time to time notify the Town of specific information the Town should provide relevant to the District's sanitary sewer service to this development. Failure to provide information specifically identified herein as relevant to permit compliance and within the control of the Town sufficiently to contribute materially to noncompliance resulting in civil penalties to the District shall be grounds for termination of this IGA by the District or civil action for damages by such breach of the IGA.

8. The Town and the District agree that the Town has the right to require the Harmony Ridge developer to enter into a comprehensive annexation and development agreement that shall in part address the obligation of the Harmony Ridge developer to connect to the Town's sanitary sewer utility when such connection is economically feasible. The terms and conditions of this development agreement, as those terms and conditions relate to sanitary sewer service, shall be negotiated between the District and the developer, which terms shall be integrated into the development agreement as a condition of building permit issuance by the Town.

9. The District shall continue to serve Harmony Ridge by contract until Harmony Ridge connects to the Town's sanitary sewer utility, subject to the District's Rules and Regulations. Nothing in this IGA shall prevent the District from serving portions of Harmony Ridge by contract while the Town serves other portions of Harmony Ridge, if doing so meets the sanitary sewer needs of the parties and Harmony Ridge customers.

10. Not less than one year prior to Harmony Ridge's anticipated date of termination of its wastewater discharges to the District's wastewater collection system, the Town shall advise the District of this event in writing.

11. When Harmony Ridge is required to connect to the Town's sanitary sewer utility pursuant to the aforesaid annexation and development agreement, the District agrees that upon such connection it shall relinquish its right to serve Harmony Ridge and shall convey to the Town the District-owned wastewater collection system within Harmony Ridge which was used to service the development, in an "as-is" condition. Nothing herein shall be deemed to foreclose the Town's ability to hold third parties (without limitation, such as the developer, a metropolitan district or property owner association) responsible for bringing the wastewater collection system within Harmony Ridge up to Town standards prior to conveyance to the Town.

12. The transfer of District infrastructure under this IGA to the Town shall not involve any portions of the District-owned wastewater collection infrastructure off-site from Harmony Ridge.

13. The District's sanitary sewer assets located within Harmony Ridge shall be transferred to the Town in an "as is" condition with no warranty, recognizing that the construction is to be in

accordance with the more restrictive of the minimum specifications of the Town and District.

14. The District will not be responsible for any clean up of sanitary sewer infrastructure or of water, soil or other media that may have been subject to any impact from the presence or operation of the Harmony Ridge sanitary sewer infrastructure, subsequent to the transfer of the Harmony Ridge development sanitary sewer infrastructure to the Town.

15. After the connection of Harmony Ridge to the Town's sanitary sewer utility and pursuant to the then existing requirements of the Windsor Municipal Code, the Town shall commence service to the development, and thereafter be obligated to maintain the infrastructure conveyed to the Town pursuant to this IGA. The transfer of the wastewater infrastructure within Harmony Ridge shall terminate all obligations of the District concerning the sanitary sewer assets transferred to the Town.

16. The Town and the District shall address by supplemental agreement such procedural and managerial issues that may arise relating to the transfer of Harmony Ridge sanitary sewer service from the District to the Town. This includes the resolution of disputes between the two entities.

17. At least six months prior to the transfer of Harmony Ridge sanitary sewer service from the District to the Town, the two governments shall prepare and complete to the reasonable satisfaction of the District, a transfer plan which shall address issues including but not limited to the effect of the transfer on the District's bonded indebtedness, the District's programs intended to ensure compliance with applicable portions of the federal Clean Water Act and associated federal regulations, and state Water Quality Act and associated state regulations, as applicable to Harmony Ridge. The parties shall ensure that customers shall not be assessed fees and charges from both the District and the Town simultaneously, although it is understood nonetheless that the District shall have the continuing right to collect delinquent sanitary sewer charges, fees and assessments following the Town's assumption of sanitary sewer service to former District customers.

18. Indemnities: To the extent permitted and as otherwise limited by Colorado law, the District shall indemnify the Town against any claims made before the transfer of the Harmony Ridge collection system from the District to the Town, except any claims based, or related to, alleged problems with the sanitary sewer infrastructure within the Harmony Ridge development. To the extent permitted and as otherwise limited by Colorado law, the Town shall indemnify the District against any claims made after the transfer of the Harmony Ridge collection system from the District to the Town.

19. This IGA shall become effective upon approval of its terms by the Windsor Town Board and the Board of Directors of the District and shall remain in effect for a period of five (5) years unless extended through formal actions by both the Town Board and the District Board. Notwithstanding anything to the contrary contained in the foregoing sentence, if during the five year term the District starts receiving any wastewater flow from Harmony Ridge, then this agreement shall remain in full force and effect until such time as the Town assumes ownership of the sanitary sewer assets located within Harmony Ridge.

20. This IGA shall be rendered void if the District is dissolved or merged or otherwise subsumed by another entity, unless that entity and the Town agree to extend this agreement within a reasonable time of such transaction.

21. The Town and the District specifically acknowledge that the provisions of this IGA are intended to address the rights and obligations of the Town and the District and such provisions are not intended to create any rights or provide any benefits to the developer of Harmony Ridge or the developer's successors or assigns.

IN WITNESS WHEREOF, the parties hereto have signed this IGA the day and year first written above.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Kelly Arnold, Town Manager

\_\_\_\_\_  
Ian D. McCargar, Town Attorney

BOXELDER SANITATION DISTRICT

\_\_\_\_\_  
By: Dennis Gatlin  
Chairman of the Board of Directors

ATTEST:

\_\_\_\_\_  
Secretary of the Board of Directors



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## MEMORANDUM

**Date:** May 13, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Dennis Wagner, Director of Engineering  
**Re:** Law Basin West Tributary Drainage Project  
**Item #:** B.9.

### Background / Discussion:

The Davis Seepage Pipe was constructed following an agreement in 1919 that committed several property owners to share in the costs of construction. Those property owners decided that a pipe would convey groundwater more effectively than the open ditch that existed at the time. High groundwater levels cause crop damage and the open ditch was an ongoing maintenance problem. Open ditches have a tendency to collect silt and weeds which reduce the ability to convey water.

Now almost 100 years later houses occupy the land instead of crops and the conveyance of water is a problem once again. Several homeowners within the Peakview Subdivision report frequent and persistent sump pump operation, and a high level of concern for potential damage to property. Two sources of water, groundwater and storm water, are involved. The original Davis Seepage Pipe was intended mainly to convey groundwater with some minor surface and storm water flows. However, with the development of the Greenspire and Peakview Estates Subdivisions, increased surface water runoff enters the Davis Seepage Pipe. Groundwater collection pipes are perforated to allow the water to steadily enter the pipe and flow downhill; they do not work well for conveying storm water. Storm water typically comes quickly, overpowering pipe capacity. The pressure forces water out of the pipe into the surrounding soil which eventually leads to system failure. Discussions involved stakeholders starting in the spring of 2011, followed by extensive information gathering and additional meetings. The conclusion at that point was that further consulting resources were needed to provide potential solutions.

Phase 1 preliminary design for rehabilitating the Davis Seepage Pipe system and a new channel to convey storm water in what is referred to in the town's Master Drainage Plan as the west tributary of the Law Drainage Basin was authorized by the Town Board in August 2012. Anderson Consulting Engineers (ACE) in Fort Collins was contracted to develop the preliminary design and cost estimate. The scope of that preliminary design started on the north side of State Highway 392 and extended south/southeast about 4,100 feet to the Law Ditch. ACE concluded that the groundwater and the storm water should be conveyed by separate and distinct facilities, thereby returning the Davis Pipe to its intended function of primarily carrying ground water.

Then in January 2013, the Town Board approved Phase 1A which expanded the scope of the preliminary design of the Law Basin West Tributary Channel from Highway 392 northwest to WCR 19. With the exception of re-routing Davis Seepage Pipe flows at WCR 19, the Davis Seepage Pipe was not included in the preliminary design for the segment from Highway 392 to WCR 19.

Anderson Consulting Engineers recently completed the latest phase of preliminary design that was authorized in January. Their work also included an estimate of \$1.95 million to complete the West Tributary Channel (and low-flow pipe) from the Law Ditch to WCR 19. Davis Seepage Pipe rehabilitation is not included.

The table below illustrates a schedule that would result in completion of the proposed Law Basin West Tributary Channel and Low-flow Pipe in early 2015.

Task	Time Period
Sign contract for final design	July 2013
CLOMR – Endangered Species Study, Submit, Approval US Fish & Wildlife	3 <sup>rd</sup> & 4 <sup>th</sup> Qtr 2013
Easement Acquisition	3 <sup>rd</sup> & 4 <sup>th</sup> Qtr 2013
Final Design & Bid Package Prep	3 <sup>rd</sup> & 4 <sup>th</sup> Qtr 2013 & 1 <sup>st</sup> Qtr 2014
Corps of Engineers Individual 404 Permit	1 <sup>st</sup> & 2 <sup>nd</sup> Qtr 2014
Advertise for Bids	July 2014
Award Bid	August 2014
Construction	4th Qtr 2014 & 1 <sup>st</sup> Qtr 2015

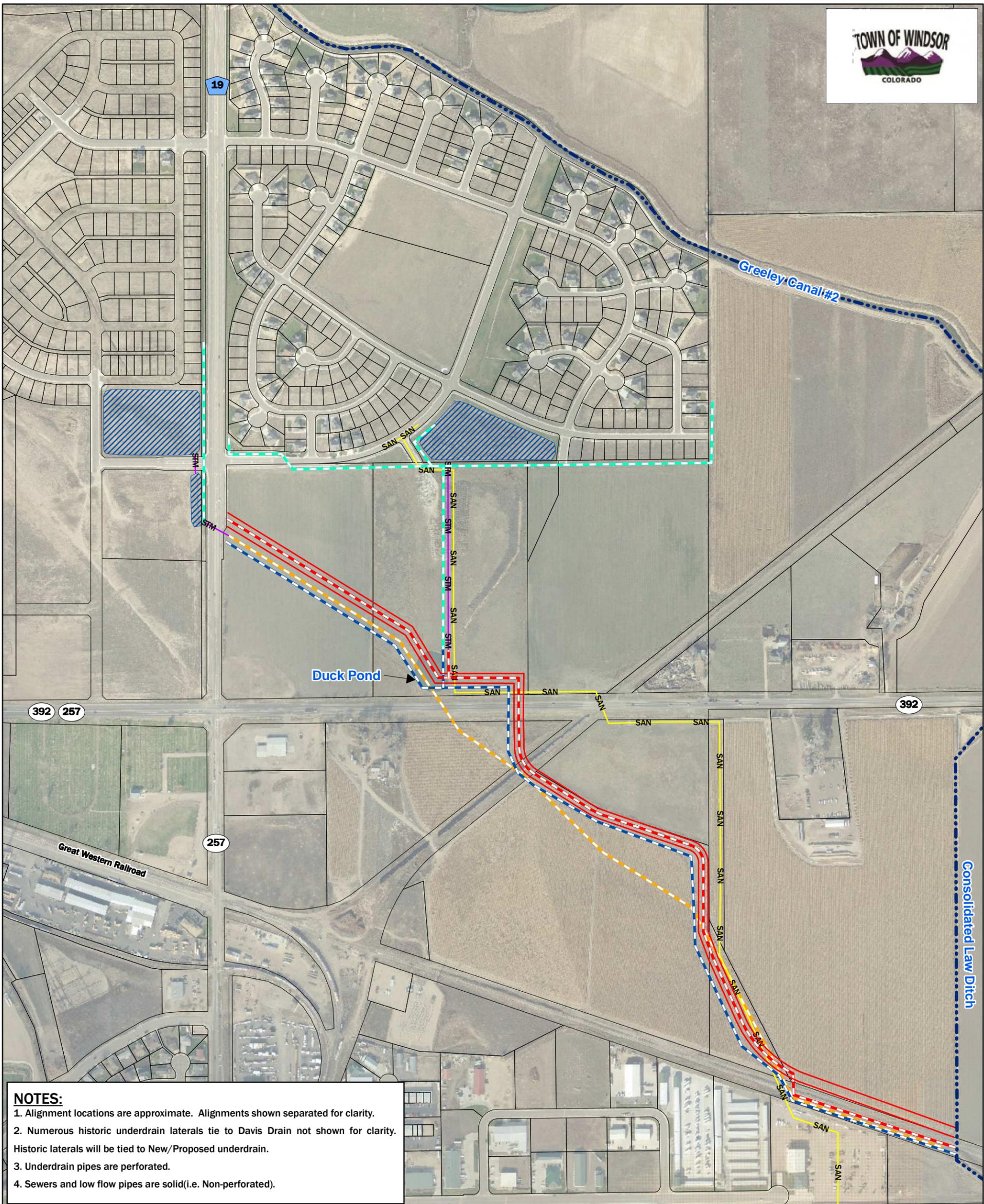
If the board chooses to pursue the schedule above, some unbudgeted expenditures are necessary in 2013. For example, \$35,000 for Conditional Letter of Map Revision (CLOMR) of the Law Basin Floodplain and Endangered Species Act permitting will be done. Also in 2013 will be easement negotiation and acquisition at an estimated \$180,000; and a majority of the final project design, costing approximately \$90,000.

Recommendation:

Approve resolution to initiate easement acquisition, design and permitting for the proposed Law Basin West Tributary Drainage Project.

Attachments:

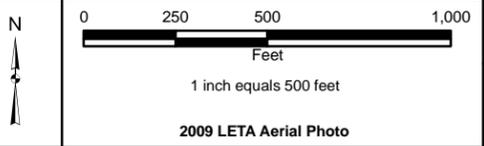
- Map of existing and proposed alignments.
- Cost Estimate.



**NOTES:**

1. Alignment locations are approximate. Alignments shown separated for clarity.
2. Numerous historic underdrain laterals tie to Davis Drain not shown for clarity. Historic laterals will be tied to New/Proposed underdrain.
3. Underdrain pipes are perforated.
4. Sewers and low flow pipes are solid (i.e. Non-perforated).

Existing		Proposed	
	Surface / Channel Drainage		
	Underdrains		
(Davis - 1919 Design)		(Davis - 2013 Design)	
	Storm Sewers		
(Subdivision)		(Low Flow Pipe)	
	Sanitary Sewer		
	Parcel		
	Detention Pond		



Project Number:  
**COTOW21.01**

Created by:  
**BNA**

Date:  
**1/30/2013**

Reviewed by:  
**CJP**

**Existing & Proposed Alignments Of The Davis Seepage Drain & The Law Basin West Tributary Channel**

**West Tributary Channel Preliminary Design - Law Ditch Confl. To Upstream/West Side of WCR 19**  
**Engineer's Opinion of Construction Costs - 30% PRELIMINARY Design**

Item Number	Description	Unit Costs		Estimated Quantity	Item Cost (\$)
		Cost	Unit		
1	Mobilization	\$ 60,000	LS	1	\$ 60,000
2	Traffic Control	\$ 75,000	LS	1	\$ 75,000
3	Construction Surveying and Staking	\$ 30,000	LS	1	\$ 30,000
4	ROW Acquisition	\$ 20,000	AC	9	\$ 180,000
5	Clearing and Grubbing	\$ 3,000	AC	10	\$ 30,000
6	Water Control and Dewatering	\$ 75,000	LS	1	\$ 75,000
7	Field Office	\$ 13,000	LS	1	\$ 13,000
8	Remove and Replace Fence (3-Strand Wire)	\$ 5	LF	350	\$ 1,750
9	Remove 20-inch VCP	\$ 4	LF	595	\$ 2,380
10	Remove CMP at SH 392	\$ 5,000	LS	1	\$ 5,000
11	Remove CMP at Railroad	\$ 5,000	LS	1	\$ 5,000
12	Unclassified Excavation&Place (Channel Only)	\$ 4	CY	9800	\$ 39,200
13	Topsoil Storing and Placement	\$ 5	CY	450	\$ 2,250
14	Imported Fill	\$ 11	CY	9500	\$ 104,500
15	Irrigation Tailwater Ditch	\$ 2,000	LS	1	\$ 2,000
16	Grade Control Structures (Riprap)	\$ 600	EA	12	\$ 7,200
17	Fabric Sediment Fence	\$ 5	LF	5700	\$ 28,500
18	Erosion Control Ditches and Berms	\$ 3	LF	500	\$ 1,500
19	18-inch Solid SDR-35 Pipe	\$ 20	LF	320	\$ 6,400
20	24-inch Solid SDR-35 Pipe	\$ 25	LF	6243	\$ 156,075
21	30-inch Solid SDR-35 Pipe	\$ 60	LF	60	\$ 3,600
22	36-inch Pipe Sleeves (~10 LF EA)	\$ 1,000	EA	17	\$ 17,000
23	36-inch RCP Carrier Pipe (Assumed Bored)	\$ 160	LF	170	\$ 27,200
24	Inlet Structures-Channel Bottom to Low Flow Pipe	\$ 2,500	EA	16	\$ 40,000
25	Manholes-Low Flow Pipe	\$ 6,500	EA	5	\$ 32,500
26	30-inch Perforated SDR-35 Pipe	\$ 65	LF	264	\$ 17,160
27	Manholes-Underdrain	\$ 6,500	EA	14	\$ 91,000
28	Concrete Linear (8'W x 4"Thick, SH392-WCR19)	\$ 28	LF	2000	\$ 56,000
29	18-inch RCP - Service Road Crossing (4 EA-50LF)	\$ 50	LF	200	\$ 10,000
30	Double Cell 3'x6' RCB Culvert (RR Spur & SH 392)	\$ 800	LF	280	\$ 224,000
31	Headwall/Wingwall (Double Cell 3'x6')	\$ 12,500	LS	6	\$ 75,000
32	Hydroseeding/Mulching	\$ 2,700	AC	13	\$ 35,100
33	Railroad Flagging	\$ 95	HR	200	\$ 19,000
34	Railroad Permitting and Insurance	\$ 12,500	LS	1	\$ 12,500
35	CLOMR & Endangered Species Act Permitting	\$ 35,000	LS	1	\$ 35,000
36	USACE 404 Permitting (Assumed Nationwide)	\$ 10,000	LS	1	\$ 10,000
37	Utility Relocations	\$ 10,000	LS	3	\$ 30,000

**Subtotal (\$): \$ 1,559,815**

**Engineering: \$ 90,000**

**Resident Construction Inspection Services: \$ 70,000**

**Contingency - 15%: \$ 233,972**

**TOTAL: \$ 1,953,787**

**Notes:**

1. Excavated channel and low flow pipe with channel bottom inlets
2. Design & cost estimate assumes project constructed independent from Davis Underdrain Rehabilitation
3. Design assumes interim grading to facilitate local drainage getting to proposed channel. Ultimate grading where indicated would be constructed at a future date.
4. CLOMR/ESA Permitting includes: Simplified ESA (\$5,000), CLOMR Prep.&Submit (\$25,000), and FEMA Review Fee (\$5,000).

TOWN OF WINDSOR

RESOLUTION NO. 2013-25

A RESOLUTION APPROVING THE INITIATION OF EASEMENT ACQUISITION, FACILITIES DESIGN AND PERMITTING PROCESSES IN SUPPORT OF THE LAW BASIN WEST TRIBUTARY DRAINAGE PROJECT WITHIN THE TOWN OF WINDSOR, COLORADO

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

WHEREAS, the Town has in place a comprehensive storm water Master Drainage Plan, the purpose of which is to identify Town-wide storm water needs and provide for the funding of storm water facility construction; and

WHEREAS, the Town is located at the lower end of the Law Drainage Basin, a large area of land stretching from northern Larimer County into western Weld County; and

WHEREAS, the Town has planned for storm water improvements within what is known as the Law Basin West Tributary, a storm water drainage sub-area on the east end of Windsor, in which significant development is taking place; and

WHEREAS, the demands of new development and the presence of both ground water and surface water within the Law Basin West Tributary area has caused the Town to examine the need for the construction of additional storm water facilities; and

WHEREAS, the construction of additional storm water facilities is necessary to address the commingling of storm water and ground water in the Davis Seep Pipeline, constructed in the early-1900’s to address agricultural ground water issues at that time; and

WHEREAS, the Town Board believes that the construction of additional storm water facilities within the Law Basin West Tributary will remove surface water from the Davis Seep Pipeline, thus facilitating storm water drainage within the Law Basin West Tributary area, the benefits of which will promote the Town’s overall storm water planning effort; and

WHEREAS, the Town has retained Anderson Consulting Engineers to provide a conceptual plan and preliminary design for the Law Basin West Tributary Project, which have been reviewed extensively by the Town Board; and

WHEREAS, in order to effectively address storm water issues during the most-appropriate time of year in 2014, certain steps must be taken in 2013; and

WHEREAS, funding for the cost of the Law Basin West Tributary project has not been appropriated in the 2013 Annual Budget; and

WHEREAS, the Town Board nonetheless believes that the steps required for 2013 are necessary and appropriate to assure the timely construction of the Law Basin West Tributary Project in 2014; and

WHEREAS, by this Resolution, the Town Board is not appropriating funds for 2014, but is directing that certain efforts be undertaken in 2013, the cost of which will be considered in a Supplemental Budget Appropriation for 2013; and

WHEREAS, by this Resolution, the Town Board is not foreclosing its ability to seek reimbursement of expenses related to the Law Basin West Tributary Project, either through the Town's Storm Water Utility or by other appropriate means.

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

1. The Town Manager is authorized to undertake the following steps in furtherance of the Law Basin West Tributary Project:
  - Sign contract for final design;
  - CLOMR – Endangered Species Study, Submit, Approval US Fish & Wildlife;
  - Easement Acquisition; and
  - Final Design & Bid Package Preparation
2. All other funding aspects of the Law West Tributary Project will be considered in the context of the 2014 Annual Budget.
3. To the extent required by the Charter and accepted accounting practices, any 2013 expenditures with respect to the foregoing action steps shall be considered in the context of a Supplemental Budget Appropriation for 2013.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 13<sup>th</sup> day of May, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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



---

## MEMORANDUM

**Date:** May 13, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture  
**Re:** Resolution for Trail Easement, Greeley No. 2 Canal  
**Item #:** B.10.a.

### **Background / Discussion:**

As you may be aware, Great Western Trail has recently made some improvements that will allow for a connection between Severance and Windsor Lake. This connection is not only via the Great Western Trail, but via a trail parallel to the Greeley No. 2 Canal across the Eastbrook Subdivision property north of Hwy 392 and immediately west of County Road 21. The Greeley No. 2 Canal trail is made possible via an agreement with the New Cache Irrigation Company allowing for recreational trail development as various properties are annexed into the town and subsequently developed.

The Annexation agreement for Eastbrook Subdivision requires the developer to complete a paved trail once the area is developed. However, as this area is not developed as yet, and this piece is essential to the Great Western Trail link, the Town is seeking a trail easement from the current property owner that will allow an unimproved trail on the site.

The Annexation Agreement requiring paving the trail at a future date when development occurs still stands, even if the property were to change ownership.

### **Financial Impact:**

N/A

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

Goal 4.B.

### **Recommendation:**

**Move to approve Resolution 2013-27 accepting a trail easement along the Greeley No. 2 Canal in the Eastbrook Subdivision.**

### **Attachments:**

- b. Resolution 2013-27
- c. Eastbrook Trail Easement
- d. Eastbrook Trail Legal Description
- e. Trail Easement Sketch

TOWN OF WINDSOR  
RESOLUTION NO. 2013 - 27

A RESOLUTION APPROVING AND ACCEPTING A DEDICATION OF PUBLIC  
RECREATIONAL TRAIL EASEMENT AND RIGHT OF WAY WITHIN A PORTION OF  
THE EASTBROOK ANNEXATION TO THE TOWN OF WINDSOR, COLORADO

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

WHEREAS, the Town has developed a system of recreational trails within its corporate limits; and

WHEREAS, in keeping with sound land use practices, the Town requires the dedication of easements for public recreational trail purposes in conjunction with the development of land within the Town; and

WHEREAS, in conjunction with the Town’s approval of the Eastbrook Annexation Master Plan, the developer identified an envelope within which to dedicate a recreational trail easement for public use; and

WHEREAS, although the subdivision process within the Eastbrook Annexation has not yet been finalized, Town staff has secured the attached Dedication of Public Recreation Trail Easement (“Easement”) from the property owner; and

WHEREAS, the dedication of the easement is intended to facilitate bicycle and pedestrian traffic flow within the east side of Windsor; and

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

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

**Section 1.** The attached Dedication of Public Recreation Trail Easement is hereby approved and is deemed accepted upon delivery by the Grantor.

**Section 2.** The Mayor is hereby authorized to execute the Acceptance section of the attached Dedication of Public Recreation Trail Easement on behalf of the Town.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 13<sup>th</sup> day of May, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

Upon recording return to:  
Patti Garcia, Town Clerk  
301 Walnut Street  
Windsor, CO 80550

DEDICATION OF PUBLIC RECREATIONAL TRAIL EASEMENT AND RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS that VILLAGE EAST, LLC, a Colorado limited liability company (“Grantor”), does hereby grant and forever convey to the TOWN OF WINDSOR, COLORADO, a Colorado home rule municipality (“Grantee”), a permanent easement and right of way for the purpose of establishing, constructing, improving, maintaining, operating, using and providing for the benefit of the public a ten-foot (10’) wide recreational trail to be located within the Easement Area described in the attached Exhibit A, incorporated herein by this reference as if set forth fully. Grantor warrants title to the same, free and clear of all liens and encumbrances, subject to reservations and exceptions of record.

The permanent easement and right of way dedication herein granted shall include the right to establish, construct, maintain, operate, use and provide for the public such other related facilities necessary or appropriate for a public recreational trail, and shall further include ingress and egress as necessary or appropriate for the construction, improvement, operation, repair, reconstruction and maintenance of all said recreational trail facilities.

DATED THIS \_\_\_\_ day of May, 2013.

GRANTOR:

VILLATE EAST, LLC

By: \_\_\_\_\_  
David Tschetter, Manager

ACKNOWLEDGEMENT

STATE OF COLORADO )  
 ) ss:  
CITY/COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of May, 2013, by David Tschetter, in his capacity as Manager of Village East, LLC.

Witness my official hand and seal. [seal]

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

\_\_\_\_\_  
Notary Public

ACCEPTANCE

The Town of Windsor hereby accepts the above Dedication of Public Recreational Trail Easement and Right Of Way for municipal purposes as defined herein.

Dated this 13<sup>th</sup> day of May, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Ian D. McCargar, Town Attorney

DRAFT

**PROPERTY DESCRIPTION**

A tract of land, being part of the Southeast Quarter (SE1/4) of Section Fifteen (15), Township Six North (T.6N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), Town of Windsor, County of Weld, State of Colorado and being more particularly described as follows:

**COMMENCING** at the Southeast corner of said Section 15 and assuming the East line of said Southeast Quarter as bearing North 00°03'21" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2644.65 feet with all other bearings contained herein relative thereto;

THENCE North 00°03'21" West along the East line of said Southeast Quarter a distance of 1562.83 feet;  
THENCE South 89°56'39" West a distance of 57.50 feet to the Westerly Right of Way line of County Road 21 and to the **POINT OF BEGINNING**;

THENCE South 00°03'21" East along said Westerly Right of Way line a distance of 77.99 feet;  
THENCE North 74°07'57" West a distance of 64.71 feet;  
THENCE North 74°17'10" West a distance of 100.23 feet;  
THENCE North 78°32'47" West a distance of 62.22 feet;  
THENCE North 83°26'45" West a distance of 78.79 feet;  
THENCE North 85°25'41" West a distance of 88.24 feet;  
THENCE South 85°36'12" West a distance of 73.26 feet;  
THENCE South 73°54'58" West a distance of 39.44 feet;  
THENCE South 67°15'44" West a distance of 47.45 feet;  
THENCE South 63°35'10" West a distance of 177.29 feet;  
THENCE South 73°37'03" West a distance of 66.58 feet;  
THENCE South 87°57'20" West a distance of 43.81 feet;  
THENCE North 80°16'36" West a distance of 50.18 feet;  
THENCE North 67°04'38" West a distance of 41.48 feet;  
THENCE North 58°00'22" West a distance of 56.61 feet;  
THENCE North 35°43'08" West a distance of 90.61 feet;  
THENCE North 34°21'29" West a distance of 65.61 feet to the Southerly line of that parcel described in Quit Claim Deed recorded November 14, 2006 at Reception No. 3434659 of the Records of Weld County;  
THENCE North 51°18'48" East along said Southerly line a distance of 75.21 feet to the center line of Greeley No. 2 Canal;

Thence along the center line of said Greeley No. 2 Canal the following Sixteen (16) courses:

THENCE South 34°21'29" East a distance of 70.39 feet;  
THENCE South 35°43'08" East a distance of 74.95 feet;  
THENCE South 58°00'22" East a distance of 35.89 feet;  
THENCE South 67°04'38" East a distance of 26.85 feet;  
THENCE South 80°16'36" East a distance of 33.78 feet;  
THENCE North 87°57'20" East a distance of 26.65 feet;  
THENCE North 73°37'03" East a distance of 50.56 feet;  
THENCE North 63°35'10" East a distance of 173.12 feet;  
THENCE North 67°15'44" East a distance of 54.22 feet;  
THENCE North 73°54'58" East a distance of 51.48 feet;  
THENCE North 85°36'12" East a distance of 86.81 feet;  
THENCE South 85°25'41" East a distance of 95.42 feet;  
THENCE South 83°26'45" East a distance of 83.30 feet;  
THENCE South 78°32'47" East a distance of 68.22 feet;  
THENCE South 74°17'10" East a distance of 103.12 feet;  
THENCE South 74°07'57" East a distance of 43.41 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 83,427 Square Feet or 1.915 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

**SURVEYORS STATEMENT**

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



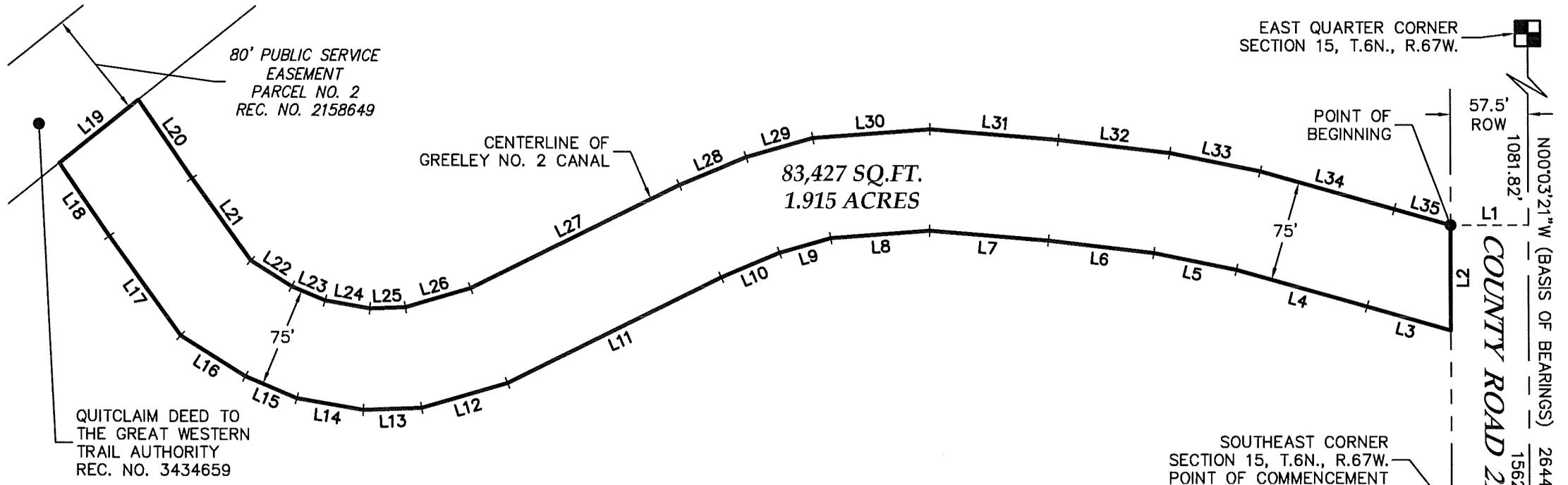
Lawrence S. Pepek - on behalf of King Surveyors, Inc.  
Colorado Registered Professional Land Surveyor #33642

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



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

**PROJECT NO: 2013275**  
**DATE: 5/8/2013**  
**CLIENT: TOWN OF WINDSOR**  
**DWG: 2013275EXH**  
**DRAWN: CSK CHECKED: LSP**



LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°56'39"W	57.50'
L2	S00°03'21"E	77.99'
L3	N74°07'57"W	64.71'
L4	N74°17'10"W	100.23'
L5	N78°32'47"W	62.22'
L6	N83°26'45"W	78.79'
L7	N85°25'41"W	88.24'
L8	S85°36'12"W	73.26'
L9	S73°54'58"W	39.44'
L10	S67°15'44"W	47.45'

LINE TABLE		
LINE	BEARING	LENGTH
L11	S63°35'10"W	177.29'
L12	S73°37'03"W	66.58'
L13	S87°57'20"W	43.81'
L14	N80°16'36"W	50.18'
L15	N67°04'38"W	41.48'
L16	N58°00'22"W	56.61'
L17	N35°43'08"W	90.61'
L18	N34°21'29"W	65.61'
L19	N51°18'48"E	75.21'
L20	S34°21'29"E	70.39'

LINE TABLE		
LINE	BEARING	LENGTH
L21	S35°43'08"E	74.95'
L22	S58°00'22"E	35.89'
L23	S67°04'38"E	26.85'
L24	S80°16'36"E	33.78'
L25	N87°57'20"E	26.65'
L26	N73°37'03"E	50.56'
L27	N63°35'10"E	173.12'
L28	N67°15'44"E	54.22'
L29	N73°54'58"E	51.48'
L30	N85°36'12"E	86.81'

LINE TABLE		
LINE	BEARING	LENGTH
L31	S85°25'41"E	95.42'
L32	S83°26'45"E	83.30'
L33	S78°32'47"E	68.22'
L34	S74°17'10"E	103.12'
L35	S74°07'57"E	43.41'

Lawrence S. Pepek — On Behalf Of King Surveyors, Inc.  
 Colorado Registered Professional Land Surveyor #33642

NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

**PROPERTY DESCRIPTION**

A tract of land, being part of the Southeast Quarter (SE1/4) of Section Fifteen (15), Township Six North (T.6N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), Town of Windsor, County of Weld, State of Colorado and being more particularly described as follows:

**COMMENCING** at the Center Quarter corner of said Section 15 and assuming the West line of said Southeast Quarter as bearing South 00°01'24" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2634.87 feet with all other bearings contained herein relative thereto;

THENCE South 00°01'24" East along the West line of said Southeast Quarter a distance of 194.54 feet to the center line of Greeley No. 2 Canal and to the **POINT OF BEGINNING**;

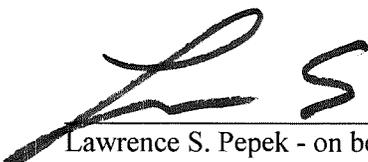
Thence along the center line of said Greeley No. 2 Canal the following Seventeen (17) courses:

- THENCE South 66°23'43" East a distance of 194.46 feet;
- THENCE South 68°20'03" East a distance of 79.83 feet;
- THENCE South 75°01'08" East a distance of 125.05 feet;
- THENCE South 73°15'55" East a distance of 122.18 feet;
- THENCE South 73°15'05" East a distance of 184.75 feet;
- THENCE South 74°26'43" East a distance of 78.00 feet;
- THENCE South 74°03'41" East a distance of 61.68 feet;
- THENCE South 75°39'53" East a distance of 144.70 feet;
- THENCE South 78°17'34" East a distance of 79.65 feet;
- THENCE South 81°07'24" East a distance of 92.42 feet;
- THENCE South 76°05'54" East a distance of 102.89 feet;
- THENCE South 54°51'29" East a distance of 82.59 feet;
- THENCE South 35°37'23" East a distance of 86.55 feet;
- THENCE South 31°03'56" East a distance of 103.23 feet;
- THENCE South 45°32'19" East a distance of 73.30 feet;
- THENCE South 46°35'22" East a distance of 73.33 feet;
- THENCE South 48°37'47" East a distance of 51.24 feet to the Northerly line of that parcel described in Quit Claim Deed recorded November 14, 2006 at Reception No. 3434659 of the Records of Weld County;
- THENCE South 51°18'48" West along said Northerly line a distance of 76.14 feet;
- THENCE North 48°37'47" West a distance of 39.43 feet;
- THENCE North 46°35'22" West a distance of 75.35 feet;
- THENCE North 45°32'19" West a distance of 83.51 feet;
- THENCE North 31°03'56" West a distance of 109.77 feet;
- THENCE North 35°37'23" West a distance of 70.86 feet;
- THENCE North 54°51'29" West a distance of 55.82 feet;
- THENCE North 76°05'54" West a distance of 85.54 feet;
- THENCE North 81°07'24" West a distance of 90.98 feet;
- THENCE North 78°17'34" West a distance of 83.22 feet;
- THENCE North 75°39'53" West a distance of 147.47 feet;
- THENCE North 74°03'41" West a distance of 62.48 feet;
- THENCE North 74°26'43" West a distance of 78.53 feet;
- THENCE North 73°15'05" West a distance of 185.53 feet;
- THENCE North 73°15'55" West a distance of 121.01 feet;
- THENCE North 75°01'08" West a distance of 128.28 feet;
- THENCE North 68°20'03" West a distance of 85.48 feet;
- THENCE North 66°23'43" West a distance of 162.92 feet;
- THENCE North 00°01'24" West a distance of 81.86 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 127,577 Square Feet or 2.929 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

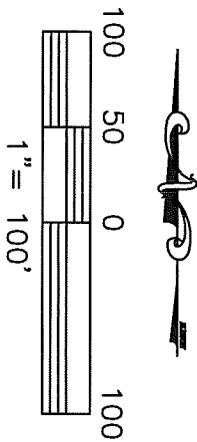
**SURVEYORS STATEMENT**

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

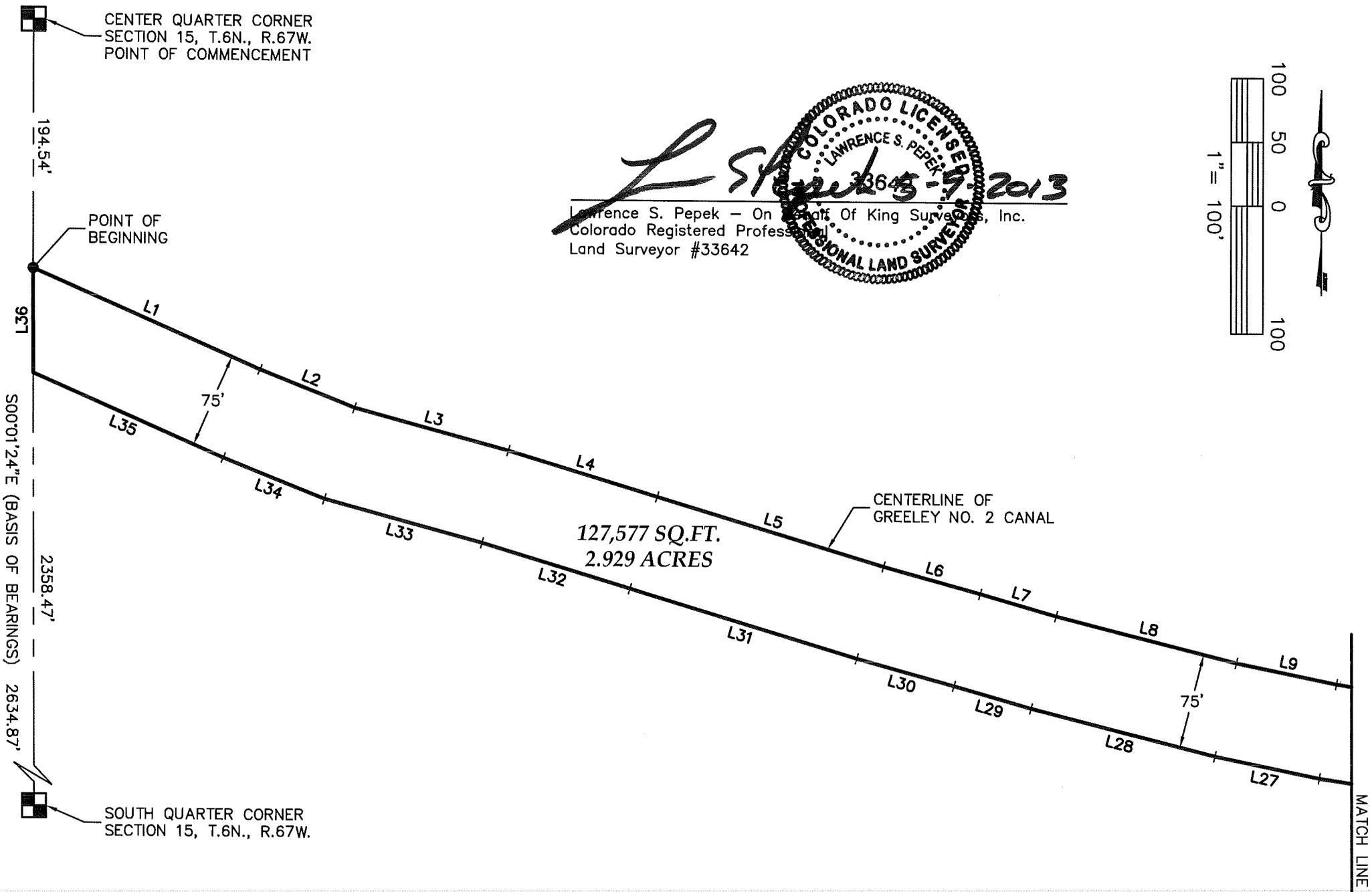
 

Lawrence S. Pepek - on behalf of King Surveyors, Inc.  
 Colorado Registered Professional Land Surveyor #33642

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



Lawrence S. Pepek - On Staff Of King Surveyors, Inc.  
 Colorado Registered Professional  
 Land Surveyor #33642



NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.



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650 E. Garden Drive | Windsor, Colorado 80550

phone: (970) 686-5011 | fax: (970) 686-5821

www.kingsurveyors.com

PROJECT NO: 2013275

DATE: 5/8/2013

CLIENT: TOWN OF WINDSOR

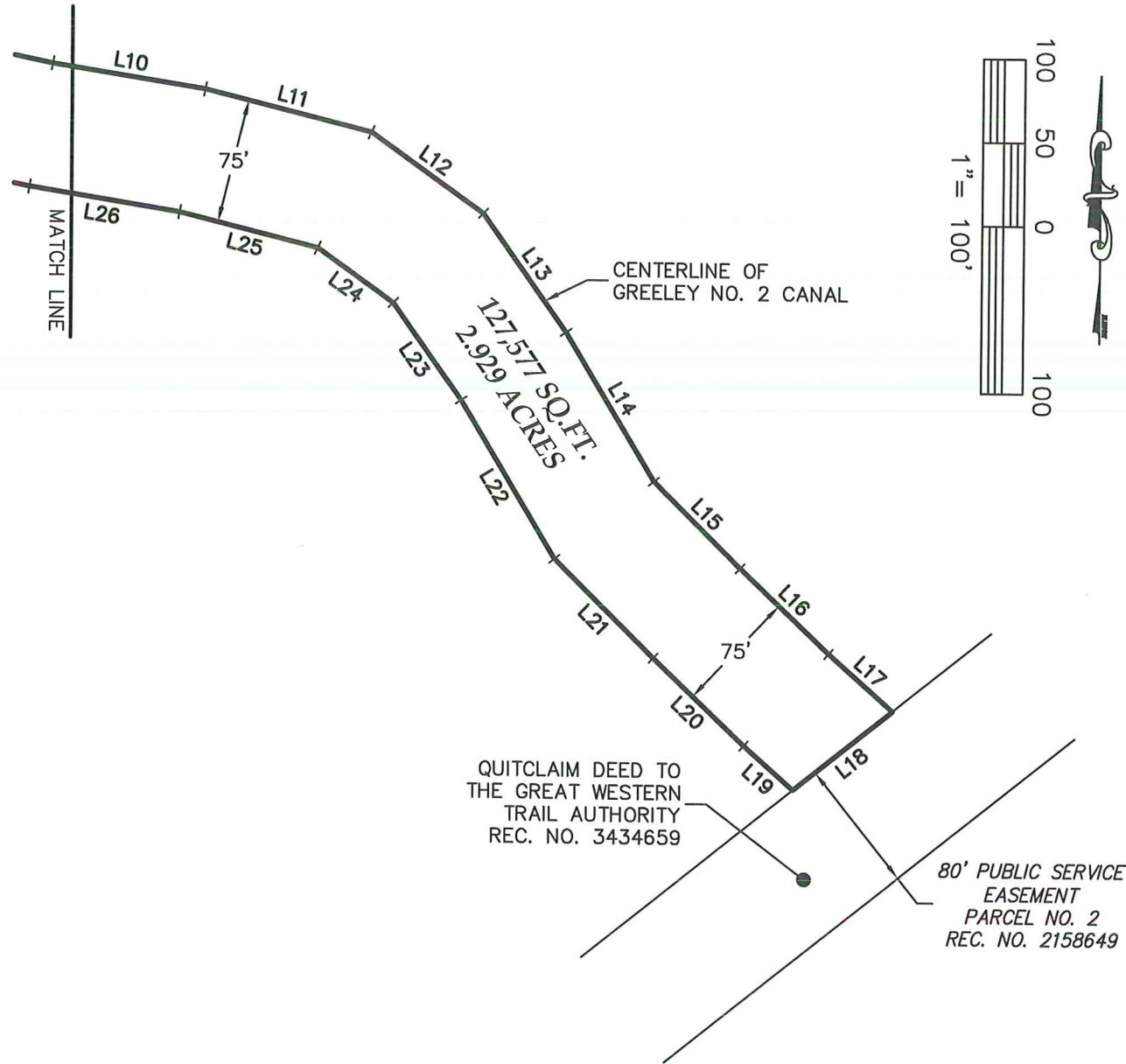
DWG: 2013275EXH

DRAWN: CSK CHECKED: LSP



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**PROJECT NO:** 2013275  
**DATE:** 5/8/2013  
**CLIENT:** TOWN OF WINDSOR  
**DWG:** 2013275EXH  
**DRAWN:** CSK **CHECKED:** LSP



LINE TABLE		
LINE	BEARING	LENGTH
L1	S66°23'43"E	194.46'
L2	S68°20'03"E	79.83'
L3	S75°01'08"E	125.05'
L4	S73°15'55"E	122.18'
L5	S73°15'05"E	184.75'
L6	S74°26'43"E	78.00'
L7	S74°03'41"E	61.68'
L8	S75°39'53"E	144.70'
L9	S78°17'34"E	79.65'
L10	S81°07'24"E	92.42'
L11	S76°05'54"E	102.89'
L12	S54°51'29"E	82.59'
L13	S35°37'23"E	86.55'
L14	S31°03'56"E	103.23'
L15	S45°32'19"E	73.30'
L16	S46°35'22"E	73.33'
L17	S48°37'47"E	51.24'
L18	S51°18'48"W	76.14'
L19	N48°37'47"W	39.43'
L20	N46°35'22"W	75.35'

LINE TABLE		
LINE	BEARING	LENGTH
L21	N45°32'19"W	83.51'
L22	N31°03'56"W	109.77'
L23	N35°37'23"W	70.86'
L24	N54°51'29"W	55.82'
L25	N76°05'54"W	85.54'
L26	N81°07'24"W	90.98'
L27	N78°17'34"W	83.22'
L28	N75°39'53"W	147.47'
L29	N74°03'41"W	62.48'
L30	N74°26'43"W	78.53'
L31	N73°15'05"W	185.53'
L32	N73°15'55"W	121.01'
L33	N75°01'08"W	128.28'
L34	N68°20'03"W	85.48'
L35	N66°23'43"W	162.92'
L36	N00°01'24"W	81.86'

NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

*Lawrence S. Pepek*  
 Lawrence S. Pepek –  
 Colorado Registered Professional  
 Land Surveyor #33642





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## MEMORANDUM

**Date:** May 13, 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:** Ordinance No. 2013-1454 amending Chapter 16 of the Windsor Municipal Code with respect to building location requirements (Second Reading)  
**Item #s:** C.1

**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~~ 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:** Approval of the ordinance on second reading.

**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

**Attachment:** Ordinance No. 2013-1454

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 22<sup>nd</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 13<sup>th</sup> day of May, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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



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## MEMORANDUM

**Date:** May 13, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk  
**Re:** Marijuana Cultivation Facilities – Repeat Second Reading of Ordinance  
**Item #:** C.2.

**Background / Discussion:**

Staff has learned that Ordinance No. 2013-1450, An Ordinance Prohibiting the Establishment and Operation of Certain Marijuana Cultivation Facilities Within the Town of Windsor, Colorado was not published in full in the Windsor Beacon after first reading. The Town of Windsor became aware of the problem when reconciling the confirmation of publications against the invoice that was received from the Coloradoan/Beacon. The Town had received a confirmation of publication and had not been notified of any problems. It was explained by the Beacon advertising staff that there was a rate error prior to publishing Ordinance No. 2013-1450. The proper reports had not been run to identify any affected legals and the Town had not been notified.

Pursuant to Section 4.10 of the Town Charter, all ordinances must be published in full text after first reading and at least four days prior to second reading. In order to comply with the Charter requirement, Ordinance No. 2013-1450 was confirmed published in full on April 26, 2013 and scheduled for second reading on May 13, 2013. If approved on second reading in its original text, it will be published in title only on May 17, 2013 and become part of the municipal code on May 27 (10 days past publication).

The rate error issue has been discussed with the advertising rep staff. We have been told that the proper reports will be run prior to publication to assure that the confirmed legal ads will be published.

TOWN OF WINDSOR

ORDINANCE NO. 2013-1450

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

Introduced, passed on second reading, and ordered published this 10<sup>th</sup> day of June, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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



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## MEMORANDUM

**Date:** May 13, 2013  
**To:** Mayor and Town Board  
**Via:** Regular meeting packets  
**From:** Ian D. McCargar, Town Attorney  
**Re:** Ordinance approving mineral rights quit claim deed (Linda Francis)  
**Item #:** C.3.

**Background / Discussion:**

Prior to development of Covenant Park, we negotiated a quit-claim deed from Linda Francis to the Town, the sole purpose of which was to eliminate miscellaneous easements within the property that at one time benefitted the Francis property. Ms. Francis was very cooperative, and we developed the park without having to be concerned about these easements.

In late-March of this year, Ms. Francis contacted me and indicated that she was having difficulty completing negotiations with an oil and gas company because the quit claim deed we did for Covenant Park did not exclude her mineral interests. She and I agree that the Covenant Park quit claim deed was never intended to do anything other than eliminate the miscellaneous easements from the site; we did not intend to receive her mineral rights in that property. The solution proposed by Ms. Francis is that the Town quit-claim the mineral rights back to her. She has presented us with the attached Quit Claim Mineral Deed, which is acceptable as to form.

Section 16.3 of the Charter states:

The Town Board may not sell, exchange, or dispose of ... any fee interest in real property except by ordinance or a majority vote of the electors at the option of the Town Board Members.

The mineral interests are a "fee interest in real property" and, therefore, in order to dispose of them, an ordinance is necessary. This transaction does not call for a referral to the electors, as we are really just correcting the inadvertent over-breadth of an earlier transaction.

**Financial Impact:** None.

**Relationship to Strategic Plan:** Hometown feel

**Recommendation:** Approve on first reading attached Ordinance Approving the Disposition of Mineral Interests Underlying Covenant Park, and Authorizing the Mayor to Execute a Quit Claim Mineral Deed to Accomplish Same. (Simple majority required)

**Attachments:** Ordinance Approving the Disposition of Mineral Interests Underlying Covenant Park, and Authorizing the Mayor to Execute a Quit Claim Mineral Deed to Accomplish Same; Quit Claim Mineral Deed

TOWN OF WINDSOR

ORDINANCE NO. 2013-1455

AN ORDINANCE APPROVING THE DISPOSITION OF MINERAL INTERESTS UNDERLYING COVENANT PARK, AND AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM MINERAL DEED TO ACCOMPLISH SAME

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

WHEREAS, the Town has completed improvements to Covenant Park, a community park located within the Town limits; and

WHEREAS, prior to development of Covenant Park, the Town discovered that the former owner of the Park property had placed a number of miscellaneous easements within the Park site, the purpose of which was to provide access to neighboring property owned by the former owner; and

WHEREAS, in order to assure that the development of Covenant Park did not run afoul of the various miscellaneous easements, the Town negotiated an agreement with the former owner, Linda Eklund-Francis, under which Ms. Eklund-Francis delivered to the Town a quit claim deed for her legal interest in the Park site; and

WHEREAS, the sole purpose of the quit claim deed to the Town from Ms. Eklund-Francis was to eliminate the miscellaneous easements, thus allowing the Town the ability to develop Covenant Park without concern for the easements; and

WHEREAS, it was never intended that the quit claim deed from Ms. Eklund-Francis would transfer mineral rights to the Town; and

WHEREAS, it has become advantageous for Mr. Eklund-Francis to develop the minerals lying under Covenant Park, and she has requested that the Town re-convey the mineral rights to her; and

WHEREAS, as it was never the Town's intention to own the mineral rights lying under Covenant Park, the Town Board has concluded that a re-conveyance of the mineral rights to Ms. Eklun-Francis is appropriate; and

WHEREAS, the Town Attorney has reviewed and referred to the Town Board the attached Quit Claim Mineral Deed; and

WHEREAS, the Town's Home Rule Charter requires that the disposal of a Town-owned fee interest in real property be accomplished by ordinance, unless the Town Board in its sole discretion elects to refer the matter to the voters; and

WHEREAS , the Town Board does not feel a referral to the voters is appropriate, as the re-conveyance of the mineral interests simply restores the status of title to what was intended by the earlier transfer of the Covenant Park property to the Town; and

WHEREAS, the Town Board finds the attached Quit Claim Mineral Deed is proper in all respects.

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

**Section 1.** The attached Quit Claim Mineral Deed is approved by the Windsor Town Board.

**Section 2.** Following the effective date of this Ordinance, the Mayor is hereby authorized to execute the said Quit Claim Mineral Deed on behalf of the Town.

Introduced, passed on first reading, and ordered published this 13<sup>th</sup> day of May, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

Introduced, passed on second reading, and ordered published this 10<sup>th</sup> day of June, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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





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## MEMORANDUM

**Date:** May 13, 2013  
**To:** Mayor and Town Board  
**Via:** Regular Meeting packets, May 13, 2013  
**From:** Ian D. McCargar, Town Attorney  
**Re:** Liquor Licensing Authority Code amendment  
**Item #:** C.4.

### **Background / Discussion:**

In accordance with instructions received during the May 6, 2013, work session, I have prepared the attached Ordinance Amending the *Windsor Municipal Code* for the Purpose of Approving the Delegation of Local Liquor Licensing Authority Duties to an Individual Familiar with Liquor Licensing and Learned in the Law. Chapter 6, Article I of the Code contains general liquor licensing regulations, so it is the logical home for this Code amendment.

The Code amendment is very simple. It states that the Local Licensing Authority shall be appointed by Town Board Resolution. This leaves you the ability to appoint without amending the Code, and also allows you to include approval of a Professional Services Agreement within the Resolution approving the appointment.

The remainder of Chapter 6, Article I is unchanged. We have simply plugged the new section in at the top, and re-numbered all of the remaining Code sections in that Article.

**Financial Impact:** Estimated annual cost for full delegation: \$1,000 to \$2,000 annually. Estimated cost for partial delegation: \$500 to \$1000 annually.

**Relationship to Strategic Plan:** Strong local economy, diverse business sectors; community spirit and pride.

**Recommendation:** Approval attached Ordinance on First Reading; simple majority required.

**Attachments:** Ordinance Amending the Windsor Municipal Code for the Purpose of Approving the Delegation of Local Liquor Licensing Authority Duties to an Individual Familiar with Liquor Licensing and Learned in the Law

TOWN OF WINDSOR

ORDINANCE NO. 2013-1456

AN ORDINANCE AMENDING THE *WINDSOR MUNICIPAL CODE* FOR THE PURPOSE OF APPROVING THE DELEGATION OF LOCAL LIQUOR LICENSING AUTHORITY DUTIES TO AN INDIVIDUAL FAMILIAR WITH LIQUOR LICENSING AND LEARNED IN THE LAW

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

WHEREAS, pursuant to the Colorado Liquor Code, § 12-47-101, *et. seq.*, the Town Board has ably served as the “Local Licensing Authority” with respect to all determinations required under the Colorado Liquor Code; and

WHEREAS, the Town Board believes that the administration and determination of liquor licensing matters within the Town can be improved by the delegation of liquor licensing duties to an individual familiar with liquor licensing law and procedure; and

WHEREAS, the Town Board remains committed to assuring that liquor licensing administration and determination is handled fairly, expeditiously and with due regard to the community’s sensibilities; and

WHEREAS, the Town Board believes that through the appointment process, the selection of a qualified individual can be accomplished, and the ongoing responsibilities of the local liquor licensing authority can be reviewed on a periodic basis.

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

Chapter 6, Article I of the *Windsor Municipal Code* is hereby repealed, amended and re-adopted as follows::

**ARTICLE I**

**Alcoholic Beverages**

**Sec. 6-1-10. Delegation of Local Licensing Authority duties to Town Board appointee.**

The Town of Windsor Local Licensing Authority for all purposes under the Colorado Liquor Code, § 12-47-101, *et. seq.*, C.R.S., shall be appointed by Resolution of the Town Board from time to time.

**Sec. 6-1-20 Definitions.**

As used in this Article, the following words or phrases shall have the following meanings, respectively:

*Malt liquor* includes beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar products or any combination thereof in water, containing more than three point two percent (3.2%) alcohol by weight.

*Medicinal liquor* means any liquor sold by a duly licensed pharmacist or drugstore solely on a bona fide doctor's prescription.

*Operator* means a person licensed by law to sell three point two (3.2) beer and malt, vinous and spirituous liquors, other than medicinal liquors, for beverage purposes at retail and who is engaged at any time during the calendar year in such operation within the Town. Person includes persons, partnerships, associations, organizations or corporations.

*Spirituos liquor* means any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things: brandy, rum, whiskey, gin and every liquid or solid, patented or not, containing alcohol and which are fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor except as above provided shall not be construed to be malt or vinous liquors but shall be construed to be spirituous liquor.

*Three point two (3.2) beer* means malt liquor as herein defined as containing not more than three point two percent (3.2%) alcohol by weight.

*Vinous liquor* includes wine and fortified wines not exceeding twenty-one percent (21%) alcohol by volume and shall be construed to mean an alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural produce containing sugar.

**Sec. 6-1-30. Applicability.**

In addition to any of the rules or laws which may be applicable, these rules shall govern all proceedings before the Town Board. If any of the rules contained herein shall conflict with any provisions of the laws of the State or the rules of the State Licensing Authority pertaining to the Colorado Liquor Code or to rules pertaining to the licensing or sale of fermented malt beverages, the provisions of state law or the rules of the State Licensing Authority shall govern.

**Sec. 6-1-40. Application for liquor license; fee.**

(a) All applications for liquor licenses and for fermented malt beverage licenses shall be filed with the Town Clerk. Any person applying for such license shall file the state license application form which shall be filled out and completed in all material details. Incomplete

application forms shall be rejected. All license forms shall be filled out by typewriter or printed in ink, and all other information or exhibits submitted shall be typewritten or printed in ink, except plans and specifications which may be required.

(b) At the time of submitting the application, the applicant shall pay an application fee to the Town. Such fee shall be used to defray the expense incurred by the Town for the review, investigation, supplies, posting and publication of premises and all other services of personnel of the Town which pertain to the application. Such application fee shall apply only to applications for new licenses and to applications for the transfer of ownership of an existing license or for transfer of the location of an existing license. Such application fee shall be set by resolution of the Town Board.

**Sec. 6-1-50. Classification.**

The business of selling at retail any three point two (3.2) beer or malt, vinous or spirituous liquor, other than medicinal liquors, for beverage purposes within the Town is hereby defined and separately classified as such occupation for the purposes of this Article, as follows:

- (1) Class "A" Operators. All operators who are licensed to sell beer, wine and spirituous liquors for consumption on the premises, either at hotels or restaurants, shall be Class "A" Operators.
- (2) Class "B" Operators. All operators licensed as retail liquor stores to sell, in original containers, malt, vinous or spirituous liquors for consumption off the premises shall be Class "B" Operators.
- (3) Class "C" Operators. All operators licensed to sell only three point two (3.2) beer and who sell the same for consumption on the premises are Class "C" Operators.
- (4) Class "D" Operators. All operators licensed to sell only three point two (3.2) beer and who sell the same solely in the original package or container for consumption off the premises shall be Class "D" Operators.
- (5) Class "E" Operators. All operators licensed to sell malt, vinous or spirituous liquors by the drink only to members of clubs and their guests within the premises of said club shall be Class "E" Operators.
- (6) Class "F" Operators. All hotel and restaurant licensees, beer and wine licensees, tavern licensees, club licensees, and arts licensees obtaining a special license to sell, serve or distribute malt, vinous and spirituous liquors by the drink after the hour of 8:00 p.m. and until midnight on Sundays and Christmas, an Extended Hours License shall be a Class "F" Operator.

**Sec. 6-1-60. Tax nondiscriminatory.**

The Town hereby finds, determines and declares that, considering the nature of the business of selling at retail three point two (3.2) beer and malt, vinous and spirituous liquors for beverage purposes and relation of such business to the municipal welfare, as well as the relation thereof to the expenditures required by the Town and a proper, just and equitable distribution of tax burdens within the Town, and all other matters proper to be considered in relation thereto, the classification of said business as a separate occupation is reasonable, proper, uniform and nondiscriminatory and that the amount of tax hereby imposed by this Article is reasonable, proper, uniform and nondiscriminatory and necessary for a just and proper distribution of tax burdens within the Town.

**Sec. 6-1-70. Assessment of tax; rate.**

There is hereby levied and assessed an annual occupation tax on the business of selling three point two (3.2) beer or malt, vinous and spirituous liquors, except medicinal liquors, in the Town, as said occupation has been herein classified, such occupation tax to be set by resolution of the Town Board.

**Sec. 6-1-80. Payment of tax.**

- (a) Such tax shall be due and payable to the Town Clerk on the same date as the liquor license renewal fee is due for each licensee, and shall be deemed delinquent thirty (30) days after the liquor license renewal date appearing in the Town's liquor license records. Prepayment of said tax may be made in during the month preceding the liquor license renewal due date.
- (b) Upon receipt of such tax, it shall be the duty of the Town Clerk to execute and deliver to the operator paying the tax a receipt showing the name of the operator paying the tax, the date of payment, the annual period for which said tax is paid and the place at which said operator conducts business.
- (c) The operator shall, at all times during said year, keep said receipt posted in a conspicuous place in his or her place of business.
- (d) Whenever any licensee begins business with a new license, subsequent to January 1 of any year, the occupational license tax required herein shall be prorated on a monthly basis for the remaining portion of the year; but no refund shall be made to any person who discontinues business under a license before the expiration of the period covered by the tax. In the event the ownership of an existing license is transferred to a new licensee during any year, the transferred license shall not be considered a new license and no additional occupational license tax shall be required in connection with such license. If this Article is adopted in the middle of a fiscal year, the operator shall pay only that share of taxes which apply to the balance of the fiscal year in which this Article is adopted. All taxes provided for in this Article shall be due as provided above, except that all taxes provided for in this Subsection shall be due and payable upon the

beginning of business or upon adoption of this Article and shall be delinquent ten (10) days thereafter. Interest shall accrue on all delinquent taxes from the day of delinquency until paid and shall accrue at the rate of one percent (1%) per month.

**Sec. 6-1-90. Delinquency.**

No delinquency in payment of the tax herein provided for shall be grounds for suspension or revocation of any such operator by any licensing authority pursuant to the statutes enacted by the General Assembly of the State, and in performance of any duties imposed by said statutes upon the Town Board, as a licensing authority, the Town Board shall exclude from consideration any delinquency in payment of the tax herein provided for.

**Sec. 6-1-100. Civil action for collection.**

The Town shall have the right to recover all sums due by the terms of this Article by judgment and execution thereon in a civil action, in any court of competent jurisdiction. Such remedy shall be cumulative with all other remedies provided herein for the enforcement of this Article.

**Sec. 6-1-110. Optional premises licenses.**

(a) Authority. The Town Board shall have the power to issue optional premises licenses and optional premises for hotel and restaurant licenses in accordance with the provisions of the Colorado Liquor Code, Section 12-47-101 et seq., C.R.S., and the provisions of this Section. The provisions of this Section shall be considered in addition to all other standards applicable to the issuance of licenses under this Article and under the Colorado Liquor Code.

(b) Definitions. In addition to the definitions set forth in Section 6-1-10 of this Article, the following definitions shall apply for the purposes of this Section.

*Optional premises* means:

(1) The premises specified in an application for a hotel and restaurant license under this Article with related outdoor sports and recreational facilities for the convenience of its guests or the general public located on or adjacent to the hotel or restaurant within which such operator is authorized to sell or serve three point two (3.2) beer or malt, vinous or spirituous liquors, other than medicinal liquors, in accordance with the provisions of this Article and at the discretion of the Town Board and the State Licensing Authority; or

(2) The premises specified in an application for an optional premises license located on an applicant's outdoor sports and recreational facility.

The optional premises license and the optional premises for hotel and restaurant licenses shall be collectively referred to as an optional premises license unless otherwise specified herein.

Outdoor sports and recreational facility means a facility that charges a fee for the use of such facility, as defined in Section 12-47-103(22), C.R.S.

(c) Eligible facilities. An optional premises license may only be considered for premises which are located upon an outdoor sports and recreational facility as defined herein.

(d) Size of eligible facilities. There shall be no minimum size requirement for the outdoor sports and recreational facilities which may be eligible for the approval of an optional premises license. However, the Town Board may consider the size of the particular outdoor sports and recreational facility in relation to the number of optional premises requested for the facility.

(e) Number of optional premises per facility. There shall be no restrictions on the number of optional premises which any one (1) licensee may have on an outdoor sports and recreational facility. However, any applicant requesting approval of more than one (1) optional premises on an outdoor sports and recreational facility shall demonstrate the need for each optional premises in relationship to the outdoor sports and recreational facility and its guests.

(f) Information required on application. When submitting a request for the approval of an optional premises license, an applicant shall comply with all application requirements set forth in Section 6-1-30 of this Article. In addition, the applicant for an optional premises license shall submit the following information:

(1) A map or other drawing illustrating the outdoor sports and recreational facility boundaries and the approximate location of each optional premises requested;

(2) A description of the method which shall be used to identify the boundaries of the optional premises when in use; and

(3) A description of the provisions which have been made for storing three point two (3.2) beer or malt, vinous or spirituous liquor, other than medicinal liquors, in a secured area on or off the optional premises for future use on the optional premises.

(g) Processing of applications. An application for a new optional premises license shall be processed in the same manner as any other new license application under this Article. An application for an optional premises license filed in connection with an existing hotel and restaurant license shall be processed in the same manner as an application to modify or expand the licensed premises.

(h) Discretion of Town Board. Any decision by the Town Board to grant, deny or renew an optional premises license under this Section shall be discretionary.

(i) Notice of operation. Pursuant to Section 12-47-310, C.R.S., no alcoholic beverages may be served on the optional premises unless the operator has provided written notice to the Town Board and the State Licensing Authority forty-eight (48) hours prior to serving alcoholic beverages on the optional premises. Such notice shall contain the specific days and hours during which the optional premises are to be used. There shall be no limitation on the number of days which an operator may specify in each notice; however, no notice may specify any date of use which is beyond the current license period.

(j) Compliance with Article required. Nothing in this Section shall be construed to permit the violation of any other provision of this Article under circumstances not specified in this Section.

Introduced, passed on first reading and ordered published this 13<sup>th</sup> day of May, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

Passed on second reading, and ordered published this 10<sup>th</sup> day of June, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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



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## MEMORANDUM

**Date:** May 13, 2013  
**To:** Town of Windsor Town Board  
**Via:** Joseph P. Plummer, AICP, Director of Planning  
**From:** Josh Olhava, Associate Planner  
**Subject:** Site Plan Presentation – Eagle Crossing Subdivision Second Filing, Lot 1, Block 1 (Family Entertainment Center)  
**Location:** 4455 Fairgrounds Avenue  
**Item #s:** C.5

**Background:**

The applicant, Mr. Nick Cashion, Summit Companies, Inc., represented by Mr. Gary Dennison of Vaught Frye Larson Architects and Ms. Stephanie Sigler of Ripley Design Inc., is proposing a family entertainment center in the General Commercial (GC) zoning district along Fairgrounds Avenue. This family fun center will contain bowling lanes, an arcade, lasertag, food and drink establishments, and private rooms for parties.

The total area of the building will be approximately 56,000 square feet with 54,000 square feet on the first floor and 2,000 square feet on the second floor for office and storage. The building will not exceed 35' tall. Various architectural elements are being used throughout the building with the main entrance on the southwest corner using distinctly different elements to contrast with the rest of the building. The facility will employ approximately 130 part-time (20-30 hrs/ week) employees and 15 full-time management positions.

The Planning Commission previously approved the parking on March 20, 2013 and a variance of Section of Chapter 17, Article XIII Division 2 on April 17, 2013, determining that the project should not be considered a "large retail establishment" and is not subject to those standards. Therefore, the project will be reviewed in accordance with the Commercial Corridor Plan and I-25 Corridor Plan standards.

The current presentation is intended for the Town Board's information. Should the Town Board have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff's review of the project. The site plan will be reviewed and approved administratively by staff, however, if the project review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Planning Commission and Town Board for review.

The Planning Commission commented that the non-entry elevations look very plain in appearance in contrast to the entry and asked that the applicant work with staff on improving these facades. (enclosed draft minutes from the May 2, 2013 Planning Commission meeting) Staff had previously been working with the applicant to improve the non-entry elevations and will continue doing so in accordance with the I-25 Corridor Plan.

**Conformance with Comprehensive Plan:** The application is consistent with the following Commercial goals and policies of the Comprehensive Plan:

**Goals:**

1. *All commercial and industrial development should provide a safe, aesthetically-appealing and healthy environment which does not have adverse impacts on surrounding areas.*
3. *Windsor should continue to encourage and promote commercial and industrial development, redevelopment and expansions in order to strengthen its tax base, increase revenue sources, and provide high-quality employment opportunities for its residents.*

**Policies:**

3. *Encourage and support pedestrian ways, trails and bicycle connections between residential areas and commercial and light industrial areas.*
6. *All commercial and industrial site plans should provide landscaping plans for the exterior portions of the buildings, walkways, parking lots, and street frontages; develop specific landscaping regulations and requirements to implement this policy.*
10. *Encourage employment centers to locate in areas where traffic generation and environmental impacts will have the least impact on adjacent areas, and where connections to existing economic activity can be maximized.*

**Conformance with Vision 2025:** The proposed application is consistent with various elements of the Vision 2025 document.

**Notification:** The Municipal Code does not require notification as this item is for presentation purposes

**Recommendation:** No recommendation as this item is for presentation purposes.

**Enclosures:** excerpt from Planning Commission minutes  
application materials  
staff PowerPoint

pc: Nick Cashion, Summit Companies Inc., applicant  
Gary Dennison, Vaught Frye Larson Architects, applicant's representative  
Stephanie Sigler, Ripley Design Inc., applicant's representative  
Patrick McMeekin, Raintance Aquatic Investments

1. Site Plan Presentation – Eagle Crossing Subdivision, Second Filing, Lot 1 - Family Entertainment Center - 4455 Fairgrounds Avenue – Summit Companies, Inc., applicant/Gary Dennison, Vaught Frye Larson Architects, applicant’s representative – J. Olhava

Mr. Olhava began his presentation by stating the applicant, Mr. Nick Cashion, Summit Companies, Inc., represented by Mr. Gary Dennison of Vaught Frye Larson Architects and Ms. Stephanie Sigler of Ripley Design Inc., is proposing a family entertainment center in the General Commercial (GC) zoning district along Fairgrounds Avenue. This family fun center will contain bowling lanes, an arcade, laser tag, food and drink establishments, and private rooms for parties. He explained the total area of the building will be approximately 56,000 square feet with 54,000 square feet on the first floor and 2,000 square feet on the second floor for office and storage. Various architectural elements are being used throughout the building with the main entrance on the southwest corner using distinctly different elements to contrast with the rest of the building. The facility will employ approximately 130 part-time (20-30 hrs. / week) employees and 15 full-time management positions.

Mr. Olhava reminded Commissioners the Planning Commission previously approved the parking on March 20, 2013 and a variance of Section of Chapter 17, Article XIII Division 2 on April 17, 2013, determining that the project should not be considered a “large retail establishment” and is not subject to those standards. Therefore, the project will be reviewed in accordance with the Commercial Corridor Plan and I-25 Corridor Plan standards. He clarified this presentation is intended for the Planning Commission’s information; should the Planning Commission have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff’s review of the project. Mr. Olhava reminded Commissioners the site plan will be reviewed and approved administratively by staff, however, if the project review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Planning Commission for review.

Mr. Olhava concluded his presentation by stating the applicant has been notified that another similar site plan presentation by the applicant is scheduled on Monday, May 13, 2013 before the Windsor Town Board.

Mr. Frank asked if there was an official timeline for the project. Mr. Olhava responded the site plan is currently being reviewed by staff, and the first round of review should be complete by Friday, May 10. He added the applicant anticipates dirt work to begin by late summer.

Mr. Ehrlich commented the non-entry elevations are very plain in appearance in contrast to the entry way where they have done “a great job” and asked staff to confirm that the Town requires “four-sided” architecture. Mr. Ballstadt noted staff has had preliminary discussions with the applicant regarding the need to further address the north and west elevations of the structure particularly and the applicant has indicated agreement and is in the process of updating the building facades.

Mr. Frelund asked who determines the maximum occupancy of the building. Mr. Ballstadt noted that is set by the fire code, and will be determined by the Fire Marshall during review.

Stephanie Sigler of Ripley Design, Inc. spoke briefly to the Commission displaying photos from other development of similar structures as an example of exterior appearance. She also presented photos of the bowling / multi-function / bar and restaurant areas of the interior as well. She commented their desire is to make this a destination location for families throughout northern Colorado. Ms. Sigler also stated they are looking closely at augmentations to landscaping to reduce the massive appearance of the parking lot.

Mr. Frelund inquired about street access to the facility. Mr. Ballstadt briefly reviewed streets and pointed out that neither Steeplechase Drive nor Stallion Drive are currently in existence, and clarified that the nearest existing street to the south of the site is Crossroads Boulevard and to the north is Aladar Drive, which aligns with the southern entrance to The Ranch. Mr. Schick thanked the applicant and welcomed them and this facility to Windsor.

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. The Town of Windsor Planning Department reserves the right to refuse to accept incomplete submittals. Please see the Town's Municipal Code (Code) for submittal requirements.

**APPLICATION TYPE:**

- ANNEXATION
- MASTER PLAN
- REZONING
- MINOR SUBDIVISION
- LOT LINE ADJUSTMENT
- MAJOR SUBDIVISION
- SITE PLAN
- ADMINISTRATIVE SITE PLAN

**STATUS:**

(for MAJOR SUBDIVISIONS and SITE PLANS only)

- Preliminary
- Final

SITE PLAN - Qualified Commercial or Industrial (Fast Track)

**PROJECT NAME\*:** Eagle Crossing - Family Entertainment Center

**LEGAL DESCRIPTION\*:** Eagle Crossing Lot, Block 1, Second Filing

**PROPERTY ADDRESS (if available):** \_\_\_\_\_

<b>PROPERTY OWNER (APPLICANT):</b>	
Owner's Name(s)*:	<u>Nick Cashion</u>
Company:	<u>Summit Entertainment of Northern Colorado, LLC</u>
Address*:	<u>9085 E. Mineral Circle, Suite #240 Centennial, CO</u>
Primary Phone #*:	<u>303.759.9161</u>
Secondary Phone #:	_____
Fax #*:	<u>303.759.8909</u>
E-Mail*:	<u>ncashion@summitcomp</u>

<b>OWNER'S AUTHORIZED REPRESENTATIVE:</b>	
Representative's Name:	<u>Stephanie Sigler</u>
Company:	<u>Ripley Design, Inc</u>
Address:	<u>401 Wt Mountain Ave Suite 100, Fort Collins, CO 80521</u>
Primary Phone #:	<u>970.224.5828</u>
Secondary Phone #:	_____
Fax #:	_____
E-Mail:	<u>stephanie.sigler@ripleydesigninc.com</u>

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 of Owner or Owner's Authorized Representative\*\* \_\_\_\_\_ Date 04-12-13

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

NICK CASHION  
Print Name(s)

\*Required fields

**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: <i>General Commercial</i>	PROPOSED ZONING: <i>General Commercial</i>
TOTAL ACREAGE: <i>4.74</i>	
TOTAL # OF PROPOSED LOTS: <i>1</i>	
AVERAGE LOT SIZE: <i>4.74</i>	
MINIMUM LOT SIZE: <i>4.74</i>	
TOTAL # OF PROPOSED PHASES: <i>1</i>	
ACREAGE PER PHASE: <i>4.74</i>	
LOTS PER PHASE: <i>1</i>	
PARKLAND (sq. ft. & acreages): <i>N/A</i>	
PARKLAND (public or private): <i>N/A</i>	
IRRIGATION WATER (potable or non-potable): <i>Potable</i>	

<b>UTILITIES TO BE PROVIDED BY:</b>
WATER: <i>Fort Collins-Loveland</i>
SEWER: <i>South Fort Collins</i>
GAS: <i>Excel</i>
ELECTRIC: <i>Poudre Valley REA</i>
PHONE: <i>Comcast</i>

<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:



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# **SITE PLAN PRESENTATION**

## **EAGLE CROSSING SUBDIVISION**

### **SECOND FILING, LOT 1, BLOCK 1**

**FAMILY ENTERTAINMENT CENTER**  
**4455 FAIRGROUNDS AVENUE**

**Josh Olhava, Associate Planner**  
**May 13, 2013**

Town Board

Item C.5



# QUALIFIED COMMERCIAL & INDUSTRIAL SITE PLAN

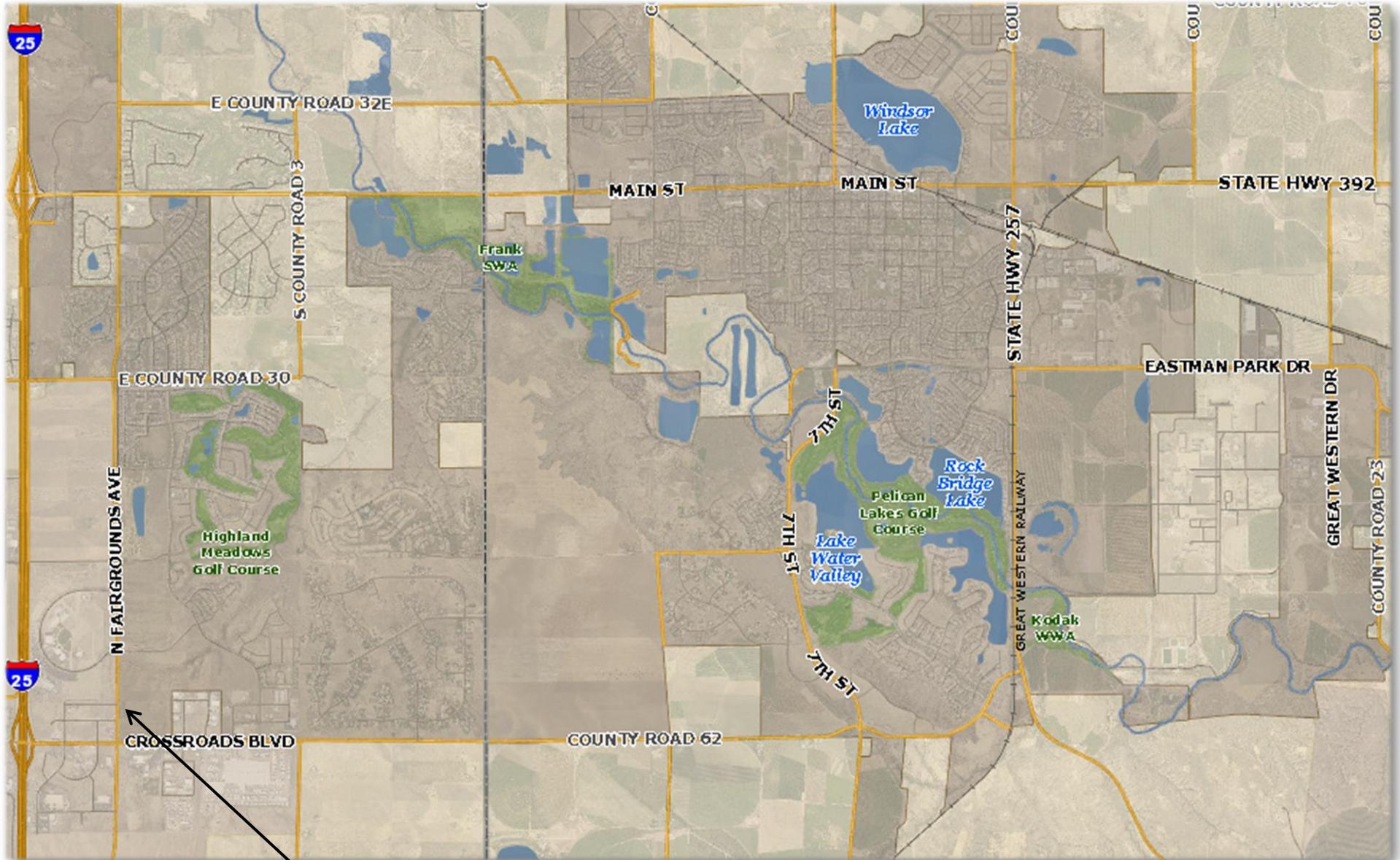
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Article IX of Chapter 17 of the Municipal Code outlines the purposes of the Qualified Commercial & Industrial Site Plan process such that:

## **Sec. 17-9-10. Intent and Purpose**

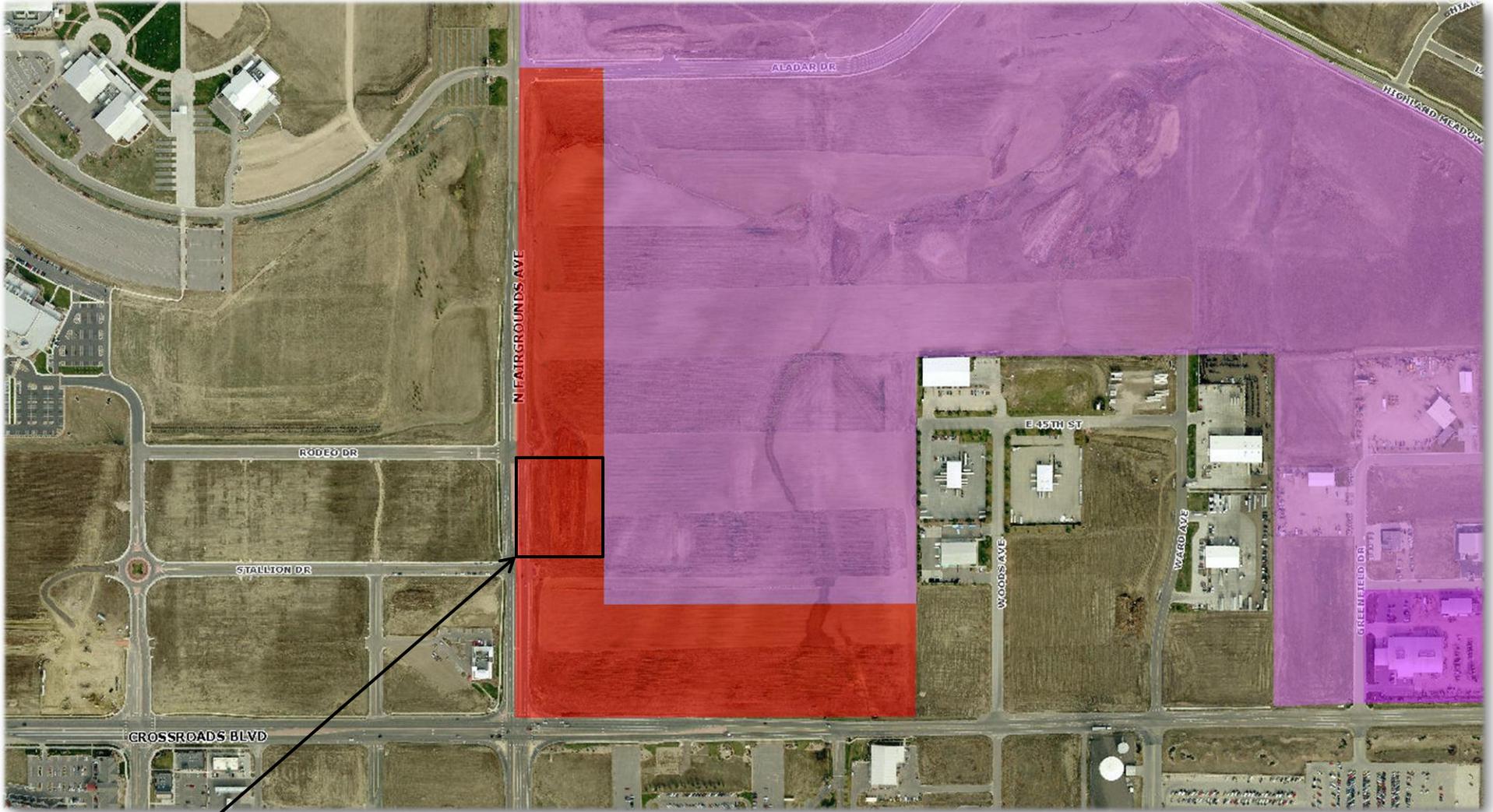
“Commercial and industrial site plans proposed to be developed on lots that have either previously been subdivided or are presently being subdivided as part of a minor subdivision shall qualify for administrative site plan review in accordance with the requirements of this Section.”

# SITE VICINITY MAP



Site Location

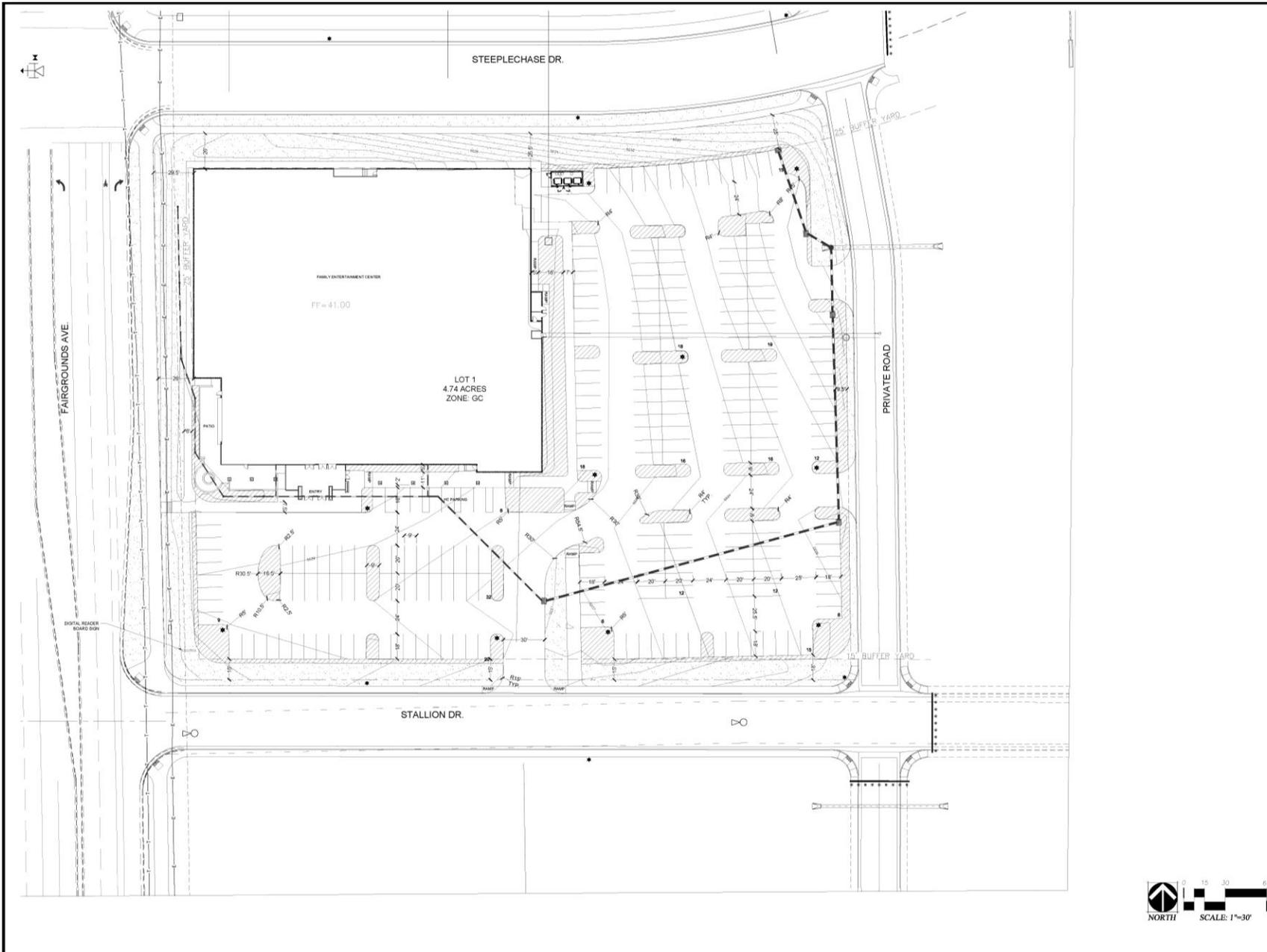
# SITE PROXIMITY ZONING MAP



Site Location – Zoned General Commercial (GC)



# SITE PLAN



**FAMILY ENTERTAINMENT CENTER**

WINDSOR, COLORADO



• land planning • landscape architecture •  
 • urban design • entitlement •

451 West Mountain Avenue, Suite 100, Fort Collins, CO 80521  
 970.224.1191 phone 970.224.8208 www.ripleydesign.com

**IN ASSOCIATION WITH:**  
**DEVELOPER / APPLICANT**  
 ISAMIT COMPANIES  
 GARY LIPPERMAN  
 9585 EAST MINERAL CIRCLE SUITE 240  
 CENTENNIAL, CO 80112  
 303.759.9161

**ARCHITECT**  
 VILA  
 GARY DENISON  
 401 W. MOUNTAIN AVE., SUITE 100  
 FORT COLLINS, CO  
 970.224.1191

**SITE ENGINEER**  
 NORTH STAR  
 PATRICIA, P.E.  
 700 AUTOMATIC DR.  
 WINDSOR, CO 80500  
 970.666.9000

ISSUED		
NO.	DESCRIPTION	DATE
1	SITE PLAN	4.15.15
2		
3		

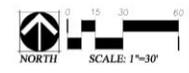
REVISIONS		
NO.	DESCRIPTION	DATE

**SITE PLAN**

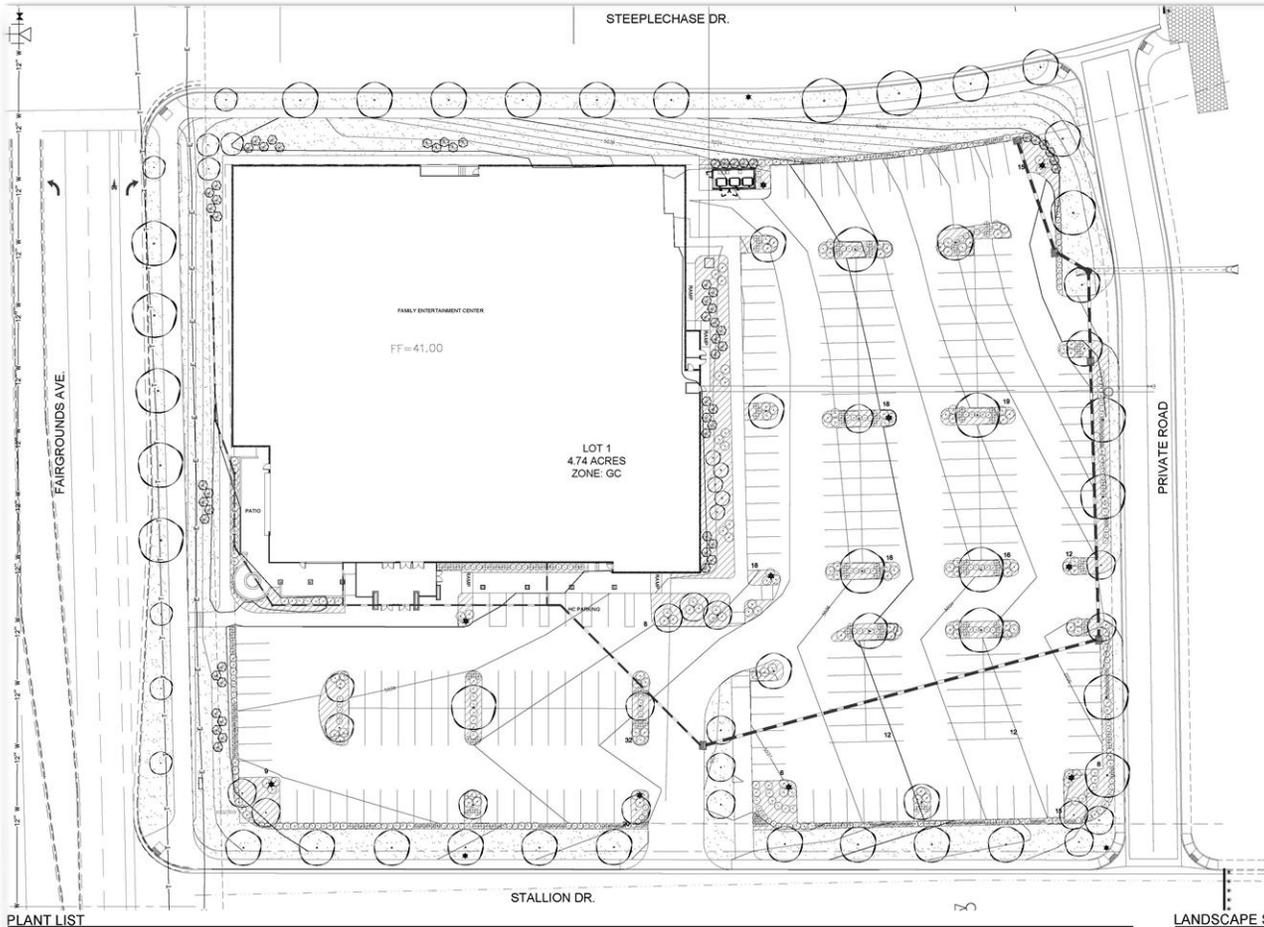
SEAL:

PROJECT No: R15-000  
 DRAWN BY: SS  
 REVIEWED BY:

**SITE PLAN**



# LANDSCAPE PLAN



PLANT LIST

### PLANTING AND IRRIGATION NOTES

1. ALL PLANT MATERIALS SHALL BE IN ACCORDANCE WITH AAS SPECIFICATIONS FOR NUMBER ONE GRADE.
2. ALL TURF AREAS TO BE IRRIGATED WITH AN AUTOMATIC POP-UP IRRIGATION SYSTEM. ALL SHRUB BEDS AND TREES ARE TO BE IRRIGATED WITH AN IN-PIPE LOW FLOW TRICKLE IRRIGATION SYSTEM. ALL ACCESSIBLE ALTERNATIVE IRRIGATION SYSTEMS ARE TO BE SUBMITTED TO THE TOWN ENGINEER FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
3. ALL NATIVE SEED AREAS ARE TO BE MANUALLY IRRIGATED TO ENSURE SEED ESTABLISHMENT.
4. ALL TREES TO BE MAINTAINED & BUSHINGS, ROOT CONTROL MULCH OR CONTAINERS.
5. CHANGES IN PLANT SPECIES OR PLANT LOCATIONS FROM WHAT IS LISTED ON THE LANDSCAPE PLAN WILL REQUIRE THE APPROVAL OF THE TOWN ENGINEER PRIOR TO INSTALLATION. OVERALL QUANTITY AND QUALITY TO BE CONSISTENT WITH APPROVED PLANS. IN THE EVENT OF CONFLICT WITH THE QUANTITIES SHOWN IN THE PLANT LIST, SPECIES AND QUANTITIES SHOWN HEREIN SHALL BE PROVIDED.
6. EDGING BETWEEN GRASS AND SHRUB BEDS SHALL BE 1/2" X 4" ROLLED EDGE STEEL SET LEVEL WITH TOP OF TURF OR GRADE.
7. MINIMUM CLEARANCE OF 3" ON EACH SIDE OF FREE DEPARTMENT CONNECTION (FDC). NO VEGETATION OTHER THAN TURF OR GRASS COVERED PAVED SURFACE ON FDC.
8. THE IRRIGATION SYSTEM SHALL BE REVIEWED AND APPROVED BY THE TOWN WATER DEPARTMENT PRIOR TO THE BEGINNING OF A BUILDING PERMIT. THE IRRIGATION SYSTEM MUST BE INSTALLED OR SECURED WITH A FINANCIAL INSTRUMENT DEPOSITED WITH THE TOWN PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE BUILDING.
9. DEVELOPER SHALL ENSURE THAT THE LANDSCAPE PLAN IS COORDINATED WITH THE PLANS DONE BY OTHER CONSULTANTS SO THE PROPOSED SHADING, STREAM CHANNELS, OR OTHER CONSTRUCTION DOES NOT CONFLICT WITH PREVIOUS INSTALLATION AND MAINTENANCE OF LANDSCAPE ELEMENTS ON THIS PLAN.
10. PRIOR TO INSTALLATION OF PLANT MATERIALS, AREAS THAT HAVE BEEN COMPACTED SHALL BE THOROUGHLY LOOSENED. ORGANIC AMENDMENTS SUCH AS COMPOST, PEAT OR ASER MULCH SHALL BE THOROUGHLY INCORPORATED AT A RATE OF AT LEAST 3 CUBIC YARDS PER 1,000 SQUARE FEET.
11. TURF GRASSES WILL BE SPECIFIED WITH A 40% TURF BLENDED SEED. TREES THAT ARE TO BE PLANTED IN TURF AREAS WILL BE INSTALLED WITH AN ORGANIC MULCH 8" DEEP HAVING A RADIUS OF AT LEAST 18 INCHES.
12. TO THE MAXIMUM EXTENT FEASIBLE, TURF THAT IS REMOVED DURING CONSTRUCTION ACTIVITY SHALL BE CONSERVED FOR LATER USE ON AREAS REQUIRING RESEEDING AND LANDSCAPING.
13. CONTACT TOWN OF WINDSOR PARKS AND RECREATION DEPARTMENT PRIOR TO PLANTING IN ORDER FOR TOWN TO VERIFY PROPER PLANTING.
14. NO SUBSTANTIAL IMPEDIMENT TO VISIBILITY BETWEEN HEIGHTS OF THREE (3) FEET AND EIGHT (8) FEET SHALL BE CREATED OR MAINTAINED AT STREET INTERSECTIONS WITHIN A 50' BUFFER ZONE BEYOND AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EDGES OF THE DRIVING SURFACE, THEN TO FORTY (40) FEET ALONG BOTH INTERSECTING SIDES AND THEN TO THE CENTERLINE TRANSVERSE CROSSING THESE POINTS.
15. IF PLANTS ARE IN NEED OF REPLACEMENT DUE TO DECLINING HEALTH, DISEASE OR DEATH, THE PLANTS MUST BE REPLACED WITH THE ORIGINAL SPECIES UNLESS APPROVED BY THE TOWN FORESTER.
16. REFER TO SPECIFICATIONS FOR ADDITIONAL INFORMATION.

### TREE PROTECTION NOTES

- TOWN OF WINDSOR TREE AND LANDSCAPE STANDARDS - AUGUST 24, 2008
1. EXISTING TREES NOTED FOR PROTECTION AND PRESERVATION SHALL NOT BE REMOVED.
  2. ALL EXISTING TREES SHALL BE PRESERVED TO THE STANDARDS PROVIDED BY THE TOWN OF WINDSOR "LANDSCAPE AND TREE STANDARDS".
  3. WITHIN THE DRIP LINE OF ANY PROTECTED EXISTING TREE, NO CUT OR PILE GREATER THAN A FOUR (4) INCH DEPTH AREAS IS ALLOWED UNLESS A QUALIFIED ARBORIST OR FORESTER HAS EVALUATED AND APPROVED THE DISTURBANCE.
  4. ALL PROTECTED EXISTING TREES SHALL BE PRUNED ACCORDING TO THE MOST CURRENT STANDARDS AND GUIDELINES DEVELOPED BY THE ISA.
  5. PRIOR TO AND DURING CONSTRUCTION, BARRIERS SHALL BE ERECTED AND ALL PROTECTED EXISTING TREES WITH SUCH BARRIERS TO BE OF ORANGE FLASHING APPROXIMATELY FOUR (4) FEET IN HEIGHT, SECURED WITH STEEL POSTS OR CAPPED WITH A 2" DIA. CAP. THE TOP OF THE BARRIER SHALL BE AT LEAST 100% OF THE WIND-CHIEF IS GREATER. THE SPACING OF STAKES SHALL BE TEN (10) FEET. THERE SHALL BE NO STORAGE OR MOVEMENT OF EQUIPMENT MATERIALS, DEBRIS OR FILL WITHIN THE PROTECTED TREE PROTECTION ZONE.
  6. DURING THE CONSTRUCTION STAGE OF DEVELOPMENT, THE APPLICANT SHALL PREVENT THE CLEANING OF EQUIPMENT MATERIALS OR THE STORAGE OF WASTE MATERIAL, SUCH AS PAVEMENT, OILS, SOLVENTS, ASPHALT, CONCRETE, MORTAR, OR ANY OTHER MATERIAL, HAZARDOUS TO THE LIFE OF A TREE, WITHIN THE DRIP LINE OF ANY PROTECTED TREE OR GROUP OF PROTECTED TREES.
  7. NO DAMAGING ATTACHMENT, WIRES, SIGNS, OR PERMITS MAY BE FASTENED TO ANY PROTECTED TREE.
  8. LARGE PROPERTY AREAS CONTAINING PROTECTED TREES AND SEPARATED FROM CONSTRUCTION OR LAND CLEARING AREAS, ROAD RIGHT-OF-WAY AND UTILITY EASEMENTS MAY BE "BRIDGED OFF" RATHER THAN ERECTING PROTECTIVE FENCING AROUND SUCH TREES AS REQUIRED ABOVE. THIS MAY BE ACCOMPLISHED BY PLACING METAL POSTS AT A MAXIMUM OF TWENTY (20) FEET APART AND FRAG BARS OR ROPE FROM STAKE-TO-STAKE ALONG THE OUTSIDE PERIMETERS OF SUCH AREAS, BEING CLEARED.
  9. THE INSTALLATION OF UTILITY IRRIGATION LINES, OR ANY UNDERGROUND FUTURE REQUIRES EXCAVATION DEEPER THAN SIX (6) INCHES SHALL BE ACCOMPISHED BY BRIDGING AROUND THE BODY SYSTEM OF PROTECTED EXISTING TREES AT A MINIMUM DEPTH OF TWENTY (20) INCHES. THE AUGER DISTANCE IS ESTABLISHED FROM THE FACE OF THE TREE. OUTSIDE BARK AND IS SOLID FROM THE TREE DIAMETER AT THE BREAST HEIGHT AS DESCRIBED IN THE CHART BELOW:

TREE DIAMETER AT BREAST HEIGHT (DI IN INCHES)	AUGER DISTANCE FROM FACE OF TREE (DI IN FEET)
0-2	1
3-4	2
5-9	5
10-14	10
15-18	12
Over 18	15

### LANDSCAPE STATISTICS

REFER TO TOWN OF WINDSOR "TREE AND LANDSCAPE STANDARDS" DATED AUGUST 24, 2008

**REQUIRED LANDSCAPE**  
20% OF NET SITE (206,607 S.F.) = 41,321 S.F.  
ONE (1) TREE AND FIVE (5) SHRUBS FOR EVERY 750 S.F.

**TOTAL TREES REQUIRED:** 53  
**TOTAL SHRUBS REQUIRED:** 275  
**TOTAL SHRUBS PROVIDED:** 583

**BUFFER YARD REQUIRED LANDSCAPE**  
20' WIDE ALONG FAIRGROUNDS AVE. AND STEEPLCHASE DR.  
15' WIDE ALONG STALLION DR.  
ONE (1) TREE AND FIVE (5) SHRUBS FOR EVERY 500 S.F. (29,455 S.F. TOTAL)  
**TOTAL TREES REQUIRED:** 59  
**TOTAL SHRUBS REQUIRED:** 294  
**TOTAL SHRUBS PROVIDED:** 100

**INTERIOR PARKING LANDSCAPE CALCULATION REQUIRED**  
10% OF PARKING AREA (98,075) = 9,808 S.F.  
**PROVIDED:** 9,932 S.F.

- SHADE TREES ARE ADDED TO ISLANDS WHERE FEASIBLE IN RELATION TO OVERHEAD STRUCTURES, AND UTILITY LINES.

### LEGEND

- RIVER COBBLE (4" TO 6" WASHED RIVER ROCK)
- SRUB BED AREA (SHREDDED CEDAR MULCH)
- IRRIGATED TURF AREA (TEXAS BLUEGRASS 'REVELLIE' OR EQUAL)
- CRUISHER FINES
- CANOPY SHADE TREE
- EVERGREEN TREE
- ORNAMENTAL TREE
- SHRUBS & ORNAMENTAL GRASSES
- BOULDERS
- STEEL EDGER

**FAMILY ENTERTAINMENT CENTER**

WINDSOR, COLORADO



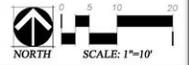
land planning • landscape architecture • urban design • entitlement

411 West Mountain Avenue, Suite 100, Fort Collins, CO 80521  
970.224.1191 phone 970.224.8228 fax 970.224.1191 www.ripleydesign.com

**IN ASSOCIATION WITH:**  
**DEVELOPER / APPLICANT**  
SUMMIT COMPANIES  
GARY LIPPINCOTT  
9085 EAST MINERAL CIRCLE, SUITE 240  
CENTENNIAL, CO 80112  
303.758.9151

**ARCHITECT**  
VILA  
GARY DENAVSON  
801 W. MOUNTAIN AVENUE, SUITE 100  
FORT COLLINS, CO  
970.224.1191

**SITE ENGINEER**  
NORTH STAR  
PATRICIA, PE  
700 AUTOMATION DR.  
WINDSOR, CO 80550  
970.686.8939



ISSUED

No.	DESCRIPTION	DATE
1	SITE PLAN	4.15.13
2		
3		

REVISIONS

No.	DESCRIPTION	DATE

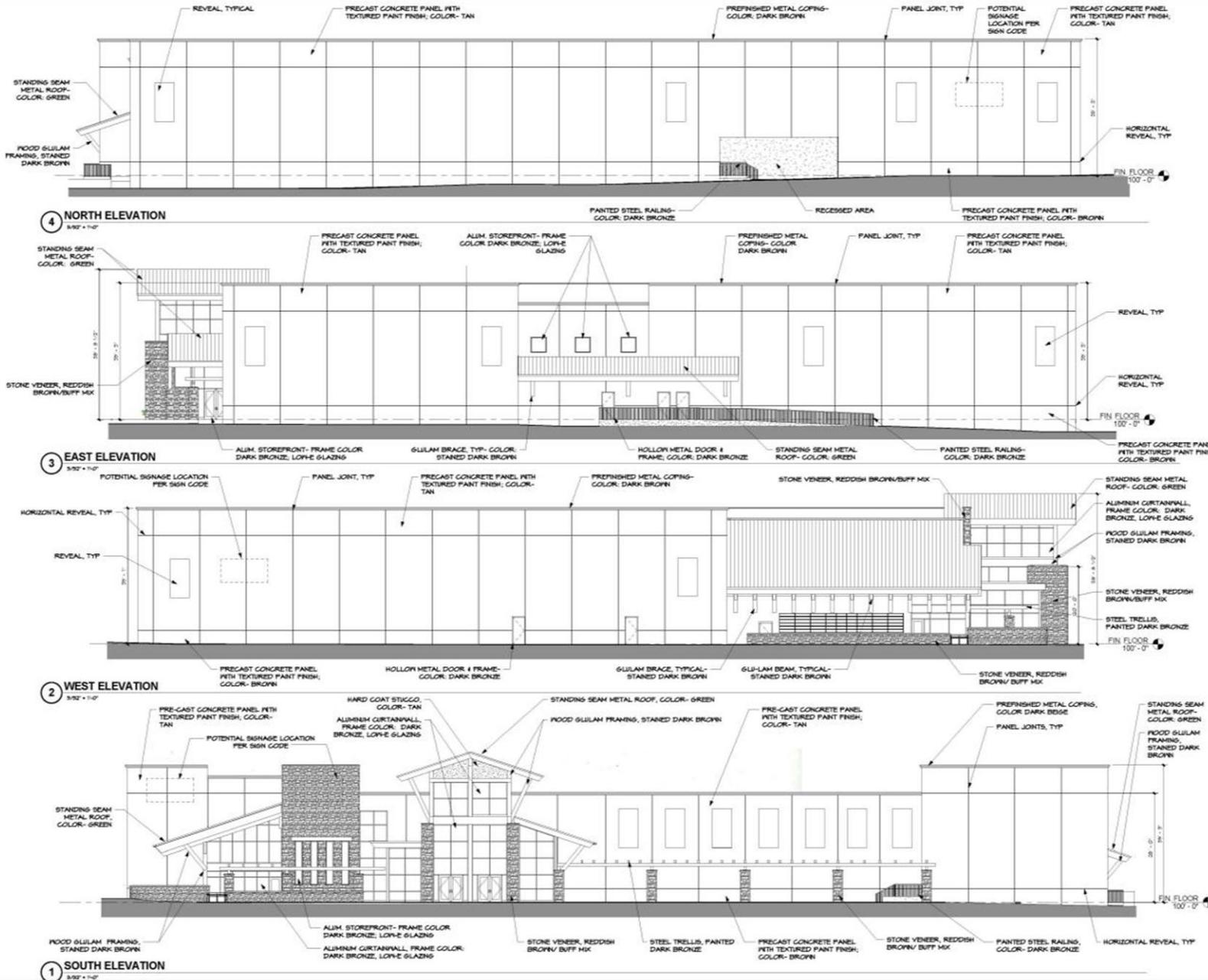
**SITE PLAN**

SEAL:

PROJECT No.: R13-009  
DRAWN BY: SS  
REVIEWED BY:

**LANDSCAPE PLAN**

# BUILDING ELEVATIONS



PROJECT NUMBER: 2015-18

**FAMILY ENTERTAINMENT CENTER**

WINDSOR, COLORADO

**VFLA**  
VAUGHN FRYE LARSON ARCHITECTS

Strength in design. Strength in partnership.  
Strength in community.

401 THE CENTRAL AVENUE, SUITE 1000 DENVER, CO 80202  
PH: 303.733.1033 WWW.VFLAARCHITECTS.COM

DESIGNER: VFLA

SCHEMATIC DESIGN

NO.	DESCRIPTION	DATE
1	SITE PLAN REVIEW	04-15-2013
2		
3		
4		
5		
6		
7		
8		
9		
10		

DESIGNER: VFLA

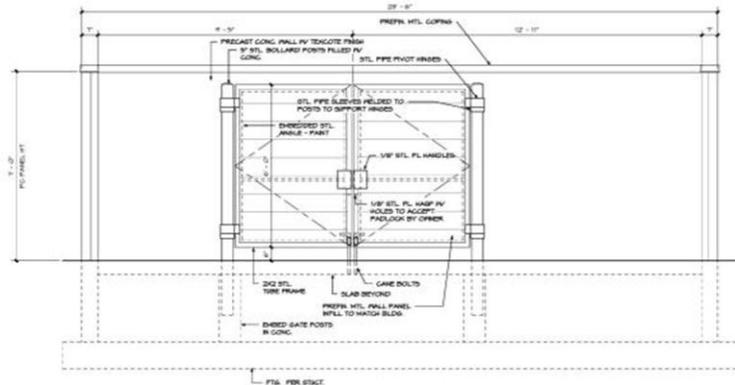
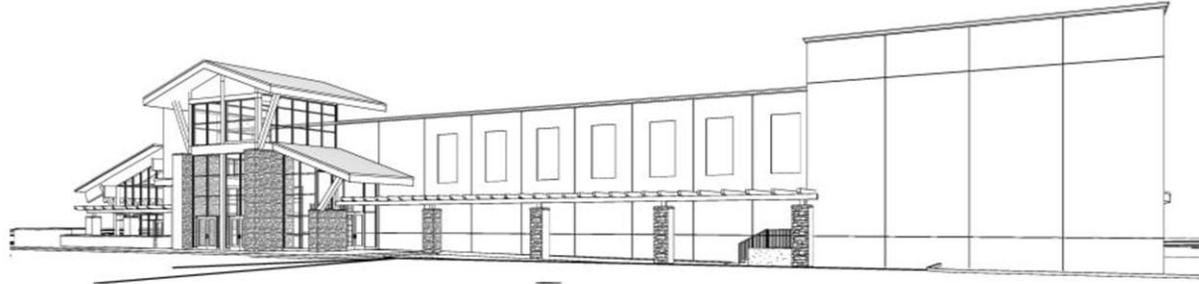
DATE: 4/15/2013 4:58:04 PM

FILED UNDER: 107 38 807 COMPASS, COUNTY: DENVER, CO

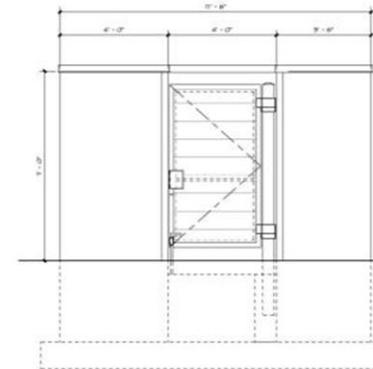
EXTERIOR ELEVATIONS

10

# 3D ELEVATION



FRONT ELEV.



SIDE ELEV. (NO GATE OPP. SIDE)

1 ELEVATION\_TRASH ENCLOSURE  
1/2" = 1'-0"

PROJECT NUMBER: 2013-16

**FAMILY ENTERTAINMENT CENTER**

WINDSOR, COLORADO

**VFLA**  
VAUGHT FRYE LARSON architects

Strength in design. Strength in partnership.  
Strength in community.

401 West Shoshone Avenue, Suite 100 Fort Collins, CO 98521  
957.226.1191 www.vaughtfrylarson.com

---

SCHEMATIC DESIGN

Rev	Description	Date
1	SITE PLAN REVIEW	04-10-2013
2		
3		
4		
5		
6		
7		
8		
9		
10		

Rev	Description	Date
1		
2		
3		

Drawn by: BSE  
Checked by: FV

DATE: 4/15/2013 4:03:11 PM

3D VIEWS - EXTERIOR ELEVATION - TRASH ENCLOSURE

11

0:20:03.336 - Environmental Control Room/FAMILY ENT. CENTER/04

4/15/2013 4:03:11 PM



## MEMORANDUM

**Date:** May 13, 2013  
**To:** Town of Windsor Town Board  
**Via:** Joseph P. Plummer, AICP, Director of Planning  
**From:** Josh Olhava, Associate Planner  
**Subject:** Public Hearing and Town Board Action – Conditional Use Grant for Temporary Outdoor Storage in the General Commercial (GC) zoning district – Arapahoe Rentals – Burlington Subdivision, Lot 18  
**Location:** 217 2<sup>nd</sup> Street  
**Item #:** C.6 & C.7

### **Background:**

Per the enclosed draft of the minutes of the May 2, 2013 planning commission meeting, the Planning Commission held a public hearing on a request from the property owners, Mr. Joel Henderson and Mr. Jeff Henderson, and the business owners, Mrs. Suzanne Stewart and Mr. James Stewart of Arapahoe Rentals, for Conditional Use Grant (CUG) approval for 217 2<sup>nd</sup> Street. There was not any public testimony received during the public hearing.

The original CUG that was approved the CUG on June 27, 2005 required that the applicant submit a building permit application within two years of approval. In April of 2007 the applicant applied for and received a three year extension due to the original time frame not being economically feasible. Again in April 2010 the applicant applied for and received another three year extension as a new building was not economically feasible at that time. These extensions have required that the applicant submit a site plan application showing all of the permanent improvements which are proposed for the site as of April 23, 2010. The applicants are requesting a new Conditional Use Grant as staff advised, due to the change in business ownership.

The reason that a conditional use grant is required is because the General Commercial (GC) zoning district does not allow for outdoor storage to be the principal use of the property. Limited outdoor storage is permissible as an accessory use, however, in order for the storage to be considered accessory there needs to be a principal use on the same property (similar to the Arapahoe Rental site on the west side of 2nd Street). Therefore, the original conditional use grant was approved to temporarily allow for the outdoor storage use until such time that the applicants site plan the property and build a building for the principal use of the property. The subsequent extensions were approved to give the applicants more time to address the issue.

**Conformance with Comprehensive Plan:** The proposed use is consistent with the Commercial and Industrial Land Use Goals and Policies of the Comprehensive Plan:

#### **Goal:**

4. *Encourage industrial uses to locate in areas which lessen the impact on the downtown area of Windsor.*

**Conformance with Vision 2025:** The proposed application is consistent with various elements of the Vision 2025 document.

**Recommendation:** Per the enclosed draft of the minutes of the May 2, 2013 planning commission meeting, the Planning Commission approved a motion to forward a recommendation of approval of the conditional use grant to the Town Board, subject to the following conditions:

1. Site plan and building permit applications shall be submitted as follows:
  - a. Applicant shall submit a complete site plan application and obtain approval within two (2) years of Town Board approval of this conditional use grant.
  - b. Applicant shall submit a complete building permit application and begin construction of improvements within one (1) year of site plan approval.
2. Alley requirements and improvements shall be implemented as follows:
  - a. Applicant shall dedicate a public use perpetual non-exclusive alleyway easement for public access purposes within six (6) months of approval. The alley easement is expected to be 15' wide along the southerly end of Burlington Subdivision Lot 17. The general alignment of the existing alley is not proposed to be changed. The easement is only being dedicated to encompass the existing alley alignment.
  - b. Applicant shall pave the alley along the length of Burlington Subdivision Lot 17 using concrete pavement in accordance with Town of Windsor Design Criteria and Construction Specifications by October 31, 2014. A grading plan and proposed pavement section and schedule shall be provided to the Town of Windsor Engineering Department for approval prior to commencing work. Approval of the grading plan shall be conditioned upon sufficient evidence of insurance and indemnification for the Town's benefit.
3. Existing landscaping shall be maintained, with any dead or dying planting materials being replaced within thirty (30) days of Town Board approval. The applicant shall contact the Town Forester to complete an inspection after completion.

**Notification:** April 17, 2013 – Sign Posted on the Property  
April 19, 2013 – Legal Ad Published  
April 19, 2013 – Affidavit of Mailing to property owners within 100 feet

**Enclosures:** May 2, 2013 draft planning commission minutes  
application materials  
zoning certificates from the 2005, 2007, and 2010  
staff PowerPoint

pc: Joel and Jeff Henderson, property owner, applicants  
Suzanne and James Stewart, Arapahoe Rental business owners, applicants

2. Public Hearing – Conditional Use Grant for Temporary Outdoor Storage in the General Commercial (GC) zoning district – Burlington Subdivision, Lot 18 – 217 Second Street – Jeff and Joel Henderson, property owners, applicants/Suzanne and James Stewart, Arapahoe Rentals, applicants – J. Olhava

Mr. Olhava began by telling Commissioners the property owners, Mr. Joel Henderson and Mr. Jeff Henderson, and the business owners, Mrs. Suzanne Stewart and Mr. James Stewart of Arapahoe Rentals, are requesting Conditional Use Grant (CUG) approval for 217 2<sup>nd</sup> Street. He reminded the Commissioners the original CUG required that the applicant submit a building permit application within two years of approval. The Windsor Town Board approved the CUG on June 27, 2005. Mr. Olhava went on to state in April of 2007 the applicant applied for and received a three year extension due to the original time frame not being economically feasible. Again in April 2010 the applicant applied for and received another three year extension as a new building was not economically feasible at that time. He noted these extensions have required that the applicant submit a site plan application showing all of the permanent improvements which are proposed for the site as of April 23, 2010. The applicants are requesting a new Conditional Use Grant as staff advised, due to the change in business ownership.

Mr. Olhava clarified the reason that a conditional use grant is required is because the General Commercial (GC) zoning district does not allow for outdoor storage to be the principal use of the property, adding limited outdoor storage is permissible as an accessory use, however, in order for the storage to be considered accessory there needs to be a principal use on the same property (similar to the Arapahoe Rental site on the west side of 2nd Street). Therefore, the original conditional use grant was approved to temporarily allow for the outdoor storage use until such time that the applicants site plan the property and build a building for the principal use of the property. He reminded Commissioners the subsequent extensions were approved to give the applicants more time to address the issue.

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

3. Recommendation to Town Board – Conditional Use Grant for Temporary Outdoor Storage in the General Commercial (GC) zoning district – Burlington Subdivision, Lot 18 – 217 Second Street - Jeff and Joel Henderson, property owners, applicants/Suzanne and James Stewart, Arapahoe Rentals, applicants – J. Olhava

Mr. Olhava went on to state staff recommends that the Planning Commission forward a recommendation of approval of the conditional use grant to the Town Board, subject to the following conditions:

1. Site plan and building permit applications shall be submitted as follows:

- a. Applicant shall submit a complete site plan application and obtain approval within two (2) years of Town Board approval of this conditional use grant.
  - b. Applicant shall submit a complete building permit application and begin construction of improvements within one (1) year of site plan approval.
2. Alley requirements and improvements shall be implemented as follows:
- a. Applicant shall dedicate a public use perpetual non-exclusive alleyway easement for public access purposes within six (6) months of approval. The alley easement is expected to be 15' wide along the southerly end of Burlington Subdivision Lot 17. The general alignment of the existing alley is not proposed to be changed. The easement is only being dedicated to encompass the existing alley alignment.
  - b. Applicant shall pave the alley along the length of Burlington Subdivision Lot 17 using concrete pavement in accordance with Town of Windsor Design Criteria and Construction Specifications by October 31, 2014. A grading plan and proposed pavement section and schedule shall be provided to the Town of Windsor Engineering Department for approval prior to commencing work. Approval of the grading plan shall be conditioned upon sufficient evidence of insurance and indemnification for the Town's benefit.
3. Existing landscaping shall be maintained, with any dead or dying planting materials being replaced within thirty (30) days of Town Board approval. The applicant shall contact the Town Forester to complete an inspection after completion.

Mr. Ehrlich commented this property has come before the Commission several times, asking if this proposal is contingent upon a timeline for completion. Mr. Schick agreed, asking the applicant if the conditions of approval were agreeable to them. Mr. Henderson and Mr. Stewart answered they are in agreement with the conditions. Mr. Thompson echoed the concerns of the Commissioners suggesting the applicant develop a timeline and project plan before addressing the Town Board as the Board will also have concerns regarding the number of times this project has come before them. The applicants indicated they will take that under consideration, and thanked the Commission and Mr. Thompson for their input.

**Mr. Ehrlich moved to forward a recommendation of approval of the Conditional Use Grant based upon the aforementioned conditions being met. Mr. Frank seconded the motion. Roll call on the vote resulted as follows: Yeas – Gale Schick, Paul Ehrlich, Robert Frank, Victor Tallon, Steve Scheffel, David Cox, Wayne Frelund; Nays – None. Motion carried.**

FEE (Non Refundable): \$100.00

APPLICATION FOR CONDITIONAL USE

TOWN OF WINDSOR  
301 WALNUT STREET  
WINDSOR, CO 80550

Office: (970) 674-2415  
Fax: (970) 674-2456  
www.windsorgov.com



For office use only:	
DATE: _____	BY: _____
Project ID #: _____	
Zoning: _____	

TO BE COMPLETED BY APPLICANT: (Type or print in black ink)

Street Address\*: 217 2nd Street Lot: 17 Block: 13  
Subdivision: Burlington

\*\*\*Conditional Use Grant approval is only valid for the applicant(s) who receive the original approval and is not transferable to subsequent occupants of the property.\*\*\*

\*Describe the non conforming use or home occupation. Include activity description, average number of clients, need for parking, hours of operation, size of area to be used, justification of continuance of non conforming use and result of any communication with neighbors. (use back or additional sheets if necessary)

(continue on back)

Windsor Municipal Code Chapter 16 Article VII and Article XXXI <http://www.colocode.com/windsor.html>

- > Legible, accurate drawings (drawn to an appropriate scale, which cannot be smaller than 1"=30") and specifications necessary for the property consideration of this grant shall be submitted with this application.
- > The Planning Department shall provide the proponent with a form of written notice which shall contain the description of the land use proposal in question; the location of the land which is the subject of the hearings; the date, time and location of the hearings; and a recital that public comment will be taken at the public hearing.
- > The Planning Department shall provide the proponent with a listing of all property owners within 100' of the subject property.
- > No less than ten (10) days prior to the date of any public hearing the applicant shall send such notice by first-class mail, postage prepaid, to all the listing provided by the Planning Department.

\*Present use of land: Outdoor Storage Size: \_\_\_\_\_  
 \*Present use of structure: \_\_\_\_\_ Size: \_\_\_\_\_  
 \*Proposed use of land: Outdoor Storage Size: \_\_\_\_\_  
 \*Proposed use of structure: \_\_\_\_\_ Size: \_\_\_\_\_

If granted this conditional use grant, I/We the undersigned, agree to comply with the Code of the Town of Windsor, Colorado and any other stipulations as determined by the Town Board. I hereby depose and state under penalties of perjury that all statements and proposal submitted within this application are true and correct to the best of my knowledge.

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

CARD & CO DBA Arapahoe Rental  
Applicant (please print)

Henderson Brothers Real Estate  
Property Owner\* (please print)

Suzanne Stewart  
Applicant's Signature

\_\_\_\_\_  
Property Owner's Signature\*

661-619-9296 303-795-1759  
Phone (daytime) Fax

\_\_\_\_\_  
Phone\* (daytime) Fax\*

suzie@arapahoerental.com  
Email (If you do not have a email provide a mailing address)

\_\_\_\_\_  
Email\* (If you do not have a email provide a mailing address)

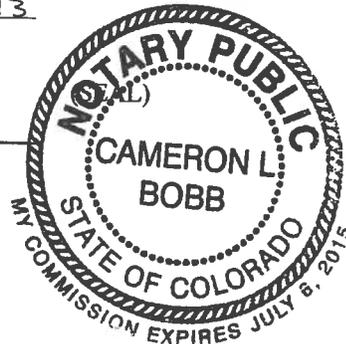
Applicant's Representative (if any) Name \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

\*NOTARY: (all signatures) Subscribed before me this 28th day of March, 20 13

By: Suzanne and James Stewart  
Print name of property owner(s) and applicant(s)

\_\_\_\_\_  
Notary Public Signature

July 6, 2015  
My commission expires



FEE (Non Refundable): \$100.00  
 APPLICATION FOR CONDITIONAL USE  
 TOWN OF WINDSOR Office: (970) 674-2415  
 301 WALNUT STREET Fax: (970) 674-2456  
 WINDSOR, CO 80550 www.windsorgov.com



For office use only:	
DATE: _____	BY: _____
Project ID #: _____	
Zoning: _____	

**TO BE COMPLETED BY APPLICANT: (Type or print in black ink)**

Street Address\*: 217 2nd Street Lot: 17 Block: 13  
 Subdivision: Burlington

\*\*\*Conditional Use Grant approval is only valid for the applicant(s) who receive the original approval and is not transferable to subsequent occupants of the property.\*\*\*

\*Describe the non conforming use or home occupation. Include activity description, average number of clients, need for parking, hours of operation, size of area to be used, justification of continuance of non conforming use and result of any communication with neighbors. (use back or additional sheets if necessary)

(continue on back)

- Windsor Municipal Code Chapter 16 Article VII and Article XXXI <http://www.colorado.com/windsor.html>
- > Legible, accurate drawings (drawn to an appropriate scale, which cannot be smaller than 1"=30') and specifications necessary for the property consideration of this grant shall be submitted with this application.
  - > The Planning Department shall provide the proponent with a form of written notice which shall contain the description of the land use proposal in question; the location of the land which is the subject of the hearings; the date, time and location of the hearings; and a recital that public comment will be taken at the public hearing.
  - > The Planning Department shall provide the proponent with a listing of all property owners within 100' of the subject property.
  - > No less than ten (10) days prior to the date of any public hearing the applicant shall send such notice by first-class mail, postage prepaid, to all the listing provided by the Planning Department.

\*Present use of land: Outdoor Storage Size: \_\_\_\_\_  
 \*Present use of structure: \_\_\_\_\_ Size: \_\_\_\_\_  
 \*Proposed use of land: Outdoor Storage Size: \_\_\_\_\_  
 \*Proposed use of structure: \_\_\_\_\_ Size: \_\_\_\_\_

If granted this conditional use grant, I/We the undersigned, agree to comply with the Code of the Town of Windsor, Colorado and any other stipulations as determined by the Town Board. I hereby depose and state under penalties of perjury that all statements and proposal submitted within this application are true and correct to the best of my knowledge. Submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Card 5 CO DBA Arapahoe Rental  
 Applicant (please print)

Henderson Brothers Real Estate  
 Property Owner\* (please print)

\_\_\_\_\_  
 Applicant's Signature

[Signature]  
 Property Owner's Signature\*

\_\_\_\_\_  
 Phone (daytime) Fax \_\_\_\_\_

303-877-2693  
 Phone\* (daytime) Fax\* \_\_\_\_\_

\_\_\_\_\_  
 Email (if you do not have a email provide a mailing address)

JEFF E ARAPAHOE RENTAL.COM  
 Email\* (if you do not have a email provide a mailing address)

Applicant's Representative (if any) Name \_\_\_\_\_  
 Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

\*NOTARY: (all signatures) Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By: Jeff Henderson  
 Print name of property owner(s) and applicant(s)  
[Signature]  
 Notary Public Signature

**NANCY HYMAN**  
 NOTARY PUBLIC (SEAL)  
 STATE OF COLORADO  
 NOTARY ID: 19974001943  
 MY COMMISSION EXPIRES 01/31/2017

FEE (Non Refundable): \$100.00

APPLICATION FOR CONDITIONAL USE

TOWN OF WINDSOR
301 WALNUT STREET
WINDSOR, CO 80550

Office: (970) 674-2415
Fax: (970) 674-2456
www.windsorgov.com



For office use only:
DATE: BY:
Project ID #:
Zoning:

TO BE COMPLETED BY APPLICANT: (Type or print in black ink)

Street Address\*: 217 2nd Street Lot: 17 Block: 13

Subdivision: Beerlington

\*\*\*Conditional Use Grant approval is only valid for the applicant(s) who receive the original approval and is not transferable to subsequent occupants of the property.\*\*\*

\*Describe the non conforming use or home occupation. Include activity description, average number of clients, need for parking, hours of operation, size of area to be used, justification of continuance of non conforming use and result of any communication with neighbors. (use back or additional sheets if necessary)

(continue on back)

Windsor Municipal Code Chapter 16 Article VII and Article XXXI http://www.colocode.com/windsor.html

- Legible, accurate drawings (drawn to an appropriate scale, which cannot be smaller than 1"=30') and specifications necessary for the property consideration of this grant shall be submitted with this application.
The Planning Department shall provide the proponent with a form of written notice which shall contain the description of the land use proposal in question; the location of the land which is the subject of the hearings; the date, time and location of the hearings; and a recital that public comment will be taken at the public hearing.
The Planning Department shall provide the proponent with a listing of all property owners within 100' of the subject property.
No less than ten (10) days prior to the date of any public hearing the applicant shall send such notice by first-class mail, postage prepaid, to all the listing provided by the Planning Department.

\*Present use of land: Outdoor Storage Size:
\*Present use of structure: Size:
\*Proposed use of land: Outdoor Storage Size:
\*Proposed use of structure: Size:

If granted this conditional use grant, I/We the undersigned, agree to comply with the Code of the Town of Windsor, Colorado and any other stipulations as determined by the Town Board. I hereby depose and state under penalties of perjury that all statements and proposal submitted within this application are true and correct to the best of my knowledge.

Submitted this day of , 20

Card 5 CO DBA Arapahoe Rental
Applicant (please print)

Henderson Brothers Real Estate
Property Owner\* (please print)

Applicant's Signature

Property Owner's Signature\*

Phone (daytime) Fax

970-686-1271
Phone\* (daytime) Fax\*

Email (If you do not have a email provide a mailing address)

soel@arapahoerental.com
Email\* (If you do not have a email provide a mailing address)

Applicant's Representative (if any) Name

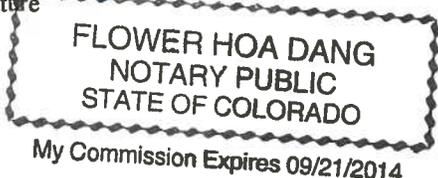
Phone Fax Email

\*NOTARY: (all signatures) Subscribed before me this 27th day of March, 2013

By: Spel Henderson
Print name of property owner(s) and applicant(s)

Notary Public Signature

9-21-14 (SEAL)
My commission expires



To continue the current outdoor storage under the new ownership of the business Arapahoe Rental.



## **Town of Windsor**

301 Walnut Street • Windsor, Colorado 80550 • 970-686-7476 • Fax: 970-686-7180 • [www.windsorgov.com](http://www.windsorgov.com)

### **DECISION OF THE WINDSOR PLANNING COMMISSION AND THE WINDSOR TOWN BOARD ZONING CERTIFICATE**

This certificate is evidence that on June 15, 2005, the Planning Commission and on June 27, 2005, the Windsor Town Board granted to:

**Joel and Jeff Henderson,  
Henderson Brothers Real Estate**

owner(s) of the property described as follows:

**217 2<sup>nd</sup> Street  
Lot 17, Burlington Subdivision  
Windsor, CO 80550**

A Conditional Use Grant – for Outdoor Storage of Rental Trailers and Equipment in the General Commercial Planned Unit Development (GC-PUD) Zoning District.

Conditions of approval are as follows:

1. The applicants shall begin the “short-term” improvements to the site no later than July 27, 2005, with said short-term improvements including (a) installation of the vinyl coated fence to match the Blue Dot Rentals business fence, and (b) the installation of all of the landscaping. These short-term improvements, however, shall not include any remodeling, renovation or restoration of the existing elevator building on the subject property as previously discussed (see condition no. 2 below);
2. No later than January 2, 2006, the applicants shall obtain the required demolition permit from the Town to demolish the existing elevator building, and upon receipt of the demolition permit, the applicants shall thereafter immediately demolish the existing elevator building, with all such demolition activities being completed within sixty (60) days of the issuance of the demolition permit. This time period for demolition of said existing elevator building shall not be extended except as otherwise approved in writing by the Town’s Director of Planning;
3. All such demolition activities shall comply with all requirements of the Colorado Inspection Agency, the Windsor-Severance Fire Protections District, and the Town;
4. The applicants shall obtain the necessary driveway construction permit from the Town’s Director of Engineering prior to any driveway construction activities occurring on the property;

5. Prior to any landscape improvements being installed within the railroad right-of-way, the applicants shall provide the Town with a letter from the railroad which authorizes the applicants to landscape in the vicinity of the railroad's right-of-way;
6. The applicants shall (a) plant trees along the east side of 2<sup>nd</sup> Street per the Town Forester's recommendation, and (b) install landscaping in the vicinity of the railroad right-of-way in accordance with the Town's landscaping and screening requirements for areas along railroad corridors;
7. No later than June 27, 2007, the applicants shall submit a site plan application showing all of the permanent improvements which are proposed for the site; and
8. When the site fully develops, it will comply with all East Main Street Corridor Plan and Municipal Code requirements.

Peggy Tremelling  
Planning Technician  
7-11-05

pc: Mr. Gale Schick, Chairman  
Planning Commission



## Town of Windsor

301 Walnut Street • Windsor, Colorado 80550 • 970-686-7476 • Fax: 970-686-7180 • www.windsorgov.com

**DECISION OF  
THE WINDSOR PLANNING COMMISSION AND  
THE WINDSOR TOWN BOARD  
ZONING CERTIFICATE**

This certificate is evidence that on April 5, 2007, the Planning Commission and on April 23, 2007, the Windsor Town Board granted to:

**Joel and Jeff Henderson  
Henderson Brothers Real Estate**

owner(s) of the property described as follows:

**217 Second Street  
Lot 17, Burlington Subdivision  
Arapahoe Rentals  
Windsor, CO 80550**

To amend condition No. 7 of the attached zoning certificate dated July 11, 2005 to grant a Three-Year Extension, from June 27, 2007 until April 23, 2010, of a previously approved Conditional Use Grant for Outdoor Storage of Rental Trailers and Equipment in the General Commercial Planned Unit Development (GC-PUD) Zoning District.

The approval of this extension is subject to:

Completion of the remaining conditions of the attached zoning certificate dated July 11, 2005; and

No later than April 23, 2010, the applicant shall submit a site plan application showing all of the permanent improvements which are proposed for the site.

Peggy Tremelling  
Planning Technician  
4/30/07

Att.

pc: Mr. Gale Schick  
Chairman, Planning Commission  
Mr. Lance White, Applicant  
Planning Staff



---

# **CONDITIONAL USE GRANT**

## **CONTINUED USE OF OUTDOOR STORAGE**

**ARAPAHOE RENTALS**  
**217 SECOND STREET**

**Josh Olhava, Associate Planner**  
**May 13, 2013**

Town Board

Item C.6 & C.7



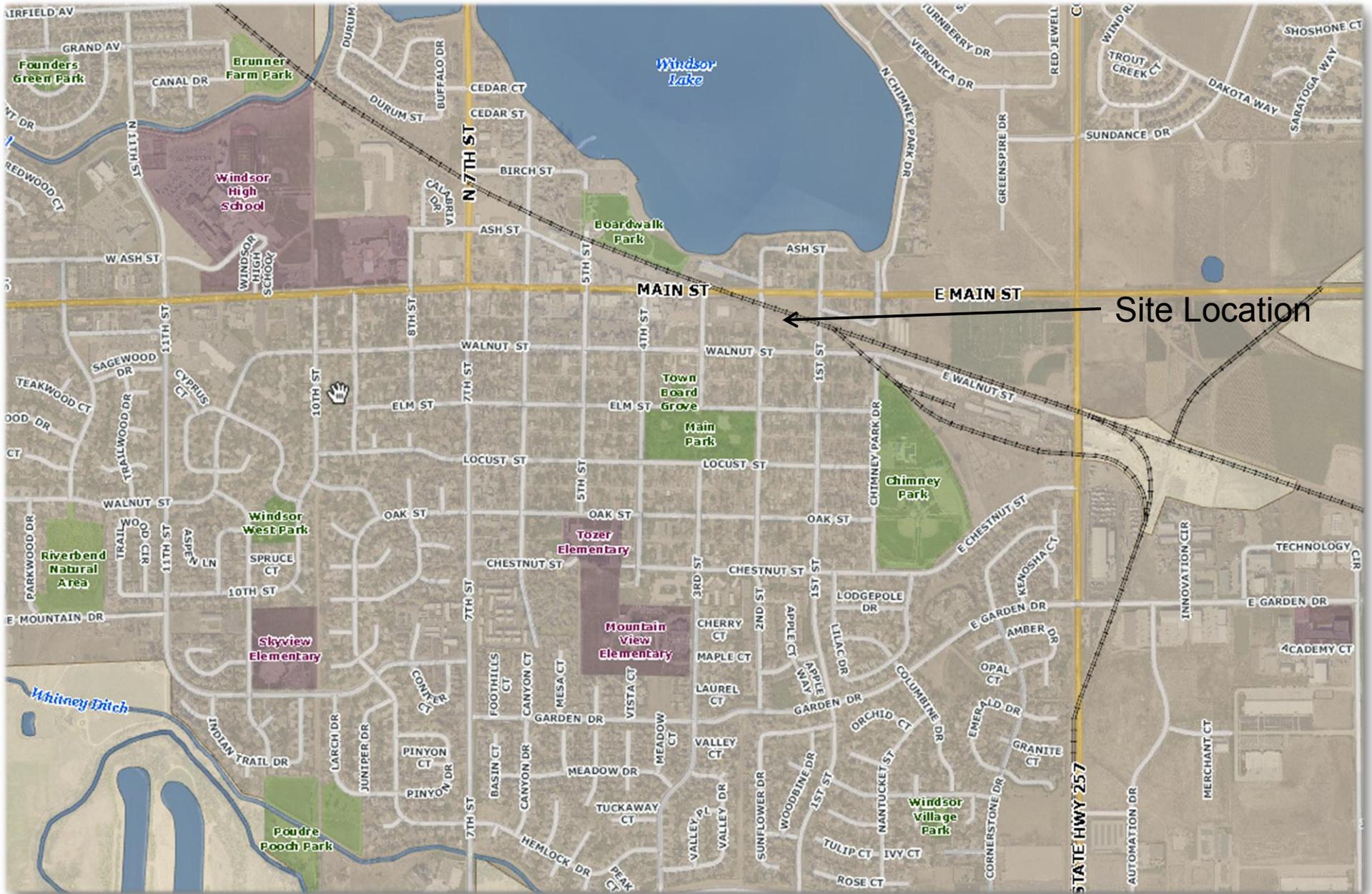
# CONDITIONAL USE GRANT

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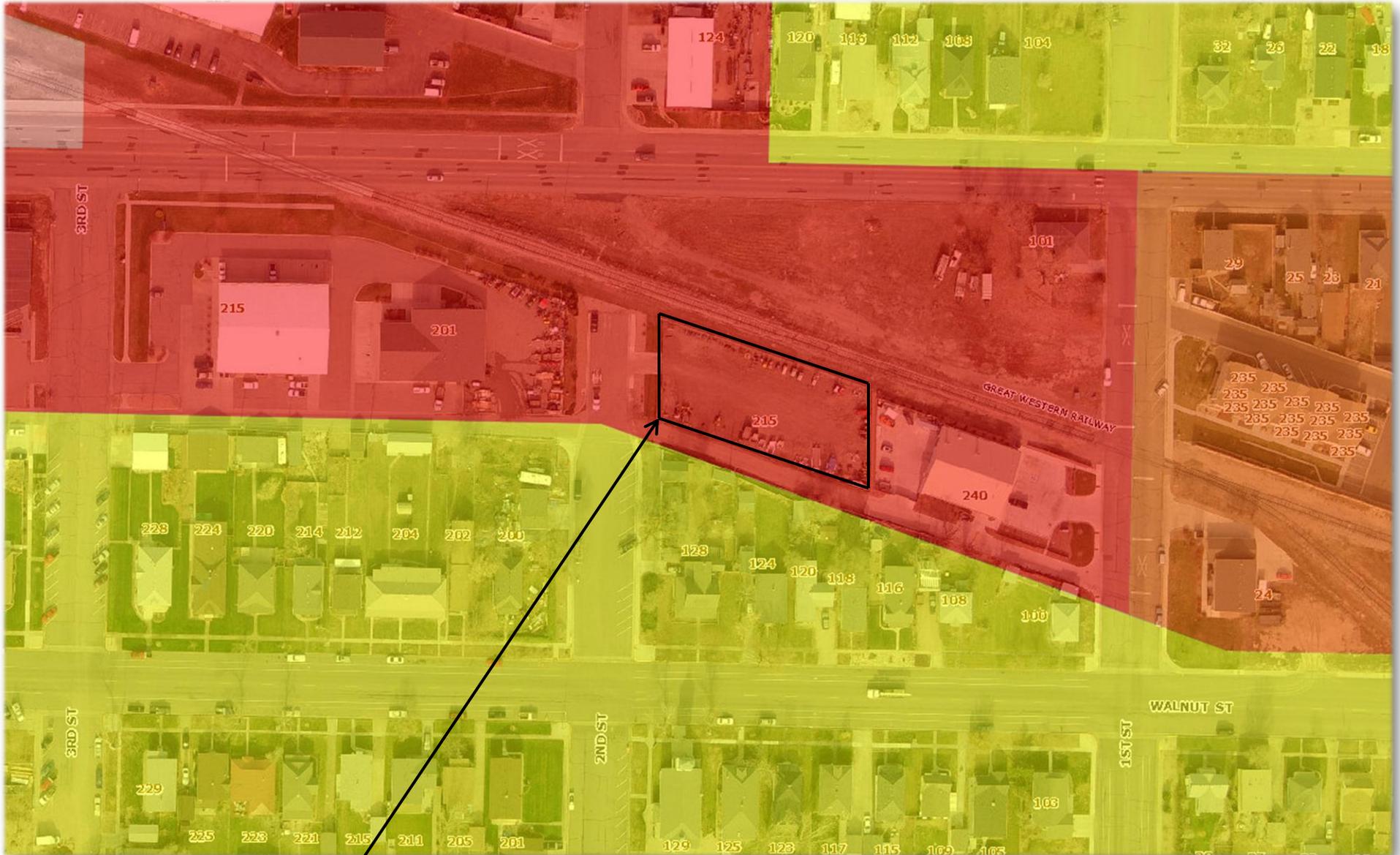
## **Sec. 16-7-10. Intent of conditional use grants.**

*“The conditional use classification is intended to allow consideration of uses which are unique in nature or character and, except as otherwise specifically provided in this Chapter, not specifically included as uses by right in any specific zoning districts. It is the specific intent of this Article, except as otherwise specifically provided in this Chapter, to prohibit the granting of conditional uses in any zone when such use is allowed as a use by right in any other zone.”*

# SITE VICINITY MAP



# SITE PROXIMITY ZONING MAP



Site Location – Zoned General Commercial (GC)

# AERIAL IMAGE



# STREET VIEW OF ALLEY AND YARD





# RECOMMENDATION

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At their May 2, 2013 meeting, the Planning Commission approved a motion to forward a recommendation of approval of the conditional use grant to the Town Board, subject to the following conditions:

1. Site plan and building permit applications shall be submitted as follows:
  - a. Applicant shall submit a complete site plan application and obtain approval within two (2) years of Town Board approval of this conditional use grant.
  - b. Applicant shall submit a complete building permit application and begin construction of improvements within one (1) year of site plan approval.

Continued..



# RECOMMENDATION

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2. Alley requirements and improvements shall be implemented as follows:
  - a. Applicant shall dedicate a public use perpetual non-exclusive alleyway easement for public access purposes within six (6) months of approval. The alley easement is expected to be 15' wide along the southerly end of Burlington Subdivision Lot 17. The general alignment of the existing alley is not proposed to be changed. The easement is only being dedicated to encompass the existing alley alignment.
  - b. Applicant shall pave the alley along the length of Burlington Subdivision Lot 17 using concrete pavement in accordance with Town of Windsor Design Criteria and Construction Specifications by October 31, 2014. A grading plan and proposed pavement section and schedule shall be provided to the Town of Windsor Engineering Department for approval prior to commencing work. Approval of the grading plan shall be conditioned upon sufficient evidence of insurance and indemnification for the Town's benefit.

Continued..



# RECOMMENDATION

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3. Existing landscaping shall be maintained, with any dead or dying planting materials being replaced within thirty (30) days of Town Board approval. The applicant shall contact the Town Forester to complete an inspection after completion.



# CONDITIONAL USE GRANT REQUEST

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Staff requests that the following be entered into the record:

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



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**DECISION OF  
THE WINDSOR PLANNING COMMISSION AND  
THE WINDSOR TOWN BOARD  
ZONING CERTIFICATE**

This certificate is evidence that on April 1, 2010, the Planning Commission and on April 12, 2010, the Windsor Town Board granted to:

**Joel and Jeff Henderson  
Henderson Brothers Real Estate**

owner(s) of the property described as follows:

**217 Second Street  
Lot 17, Burlington Subdivision  
Arapahoe Rentals  
Windsor, CO 80550**

To amend condition No. 7 of the attached zoning certificate dated July 11, 2005 to grant a Three-Year Extension, from April 23, 2010 until April 12, 2013, of a previously approved Conditional Use Grant for Outdoor Storage of Rental Trailers and Equipment in the General Commercial (GC) Zoning District.

The approval of this extension is subject to:

Completion of the remaining conditions of the attached zoning certificate dated July 11, 2005; and

No later than April 12, 2013, the applicant shall submit a site plan application showing all of the permanent improvements which are proposed for the site.

Peggy Tremelling  
Planning Technician  
4/14/10

Att.

pc: Mr. Gale Schick  
Chairman, Planning Commission  
Mr. Lance White, Applicant  
Planning Staff



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## MEMORANDUM

**Date:** May 13, 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.8 & C.9

### **Summary**

This Conditional Use Grant public hearing was continued from the April 22, 2013 Town Board meeting at the request of the applicant. The Town Board voted to continue the public hearing to the May 13, 2013 Town Board meeting.

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: Jerry 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	Caymansburg 38 @ 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

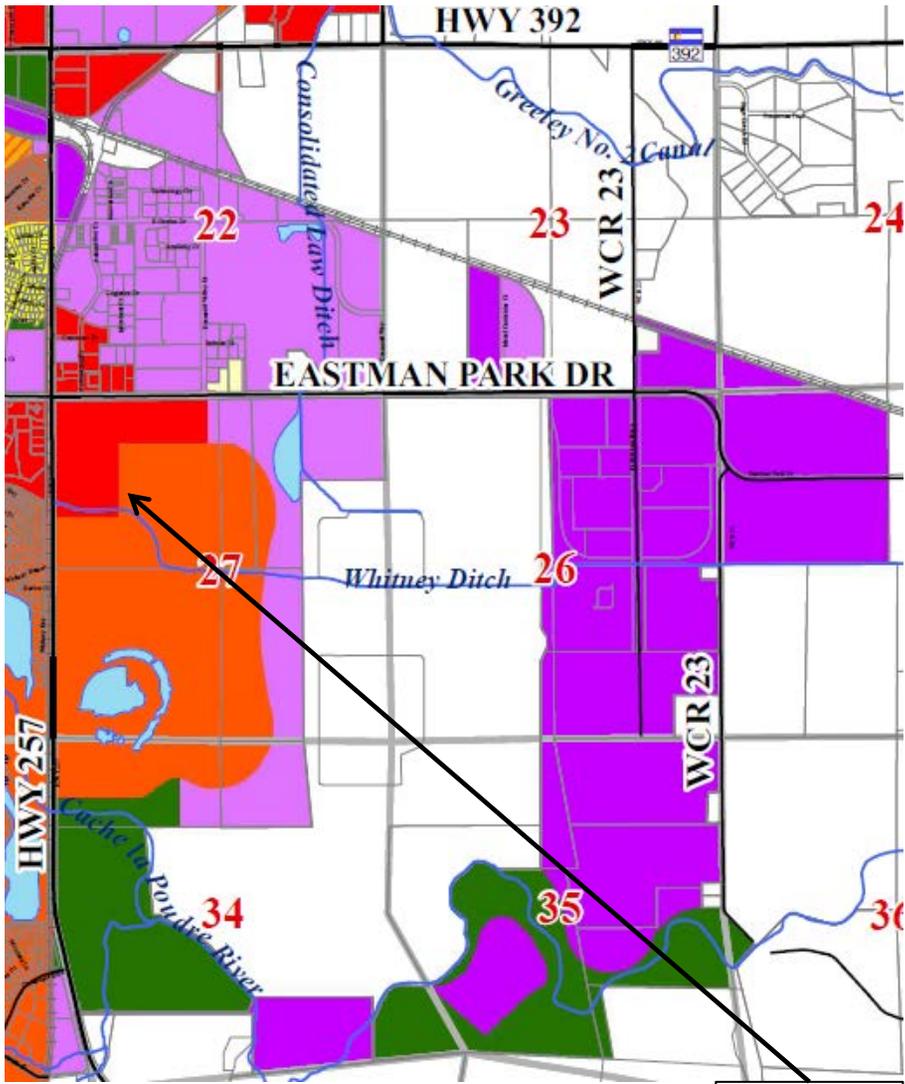
Brett Walker

May 13, 2013

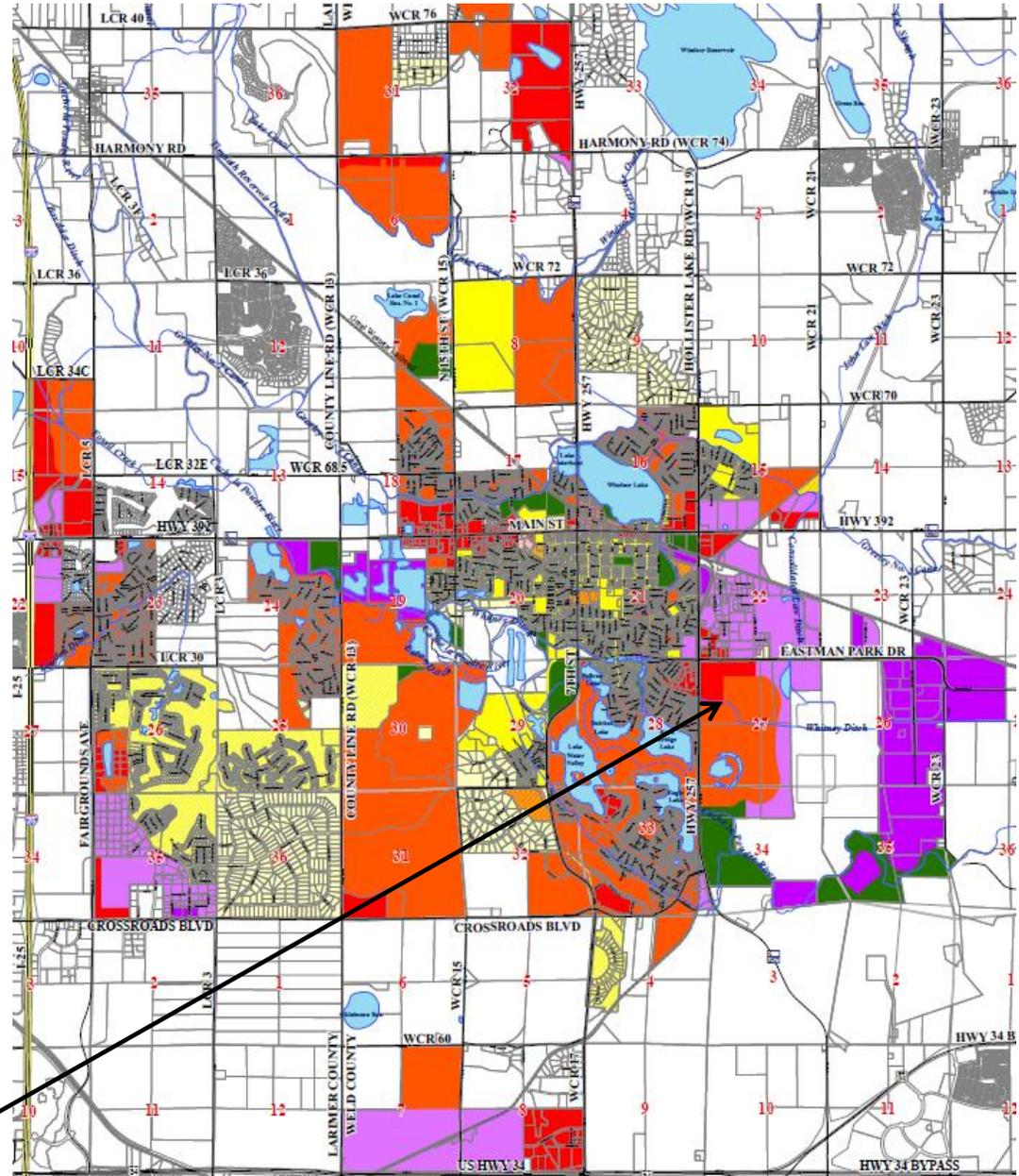
Town Board

C.8 & C.9

# Vicinity Map/Zoning



Subject Site



# Neighborhood Context





# Conditional Use Grant

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Article VII of Chapter 16 of the Municipal Code outlines the regulation of the Oil and Gas Facilities, including:

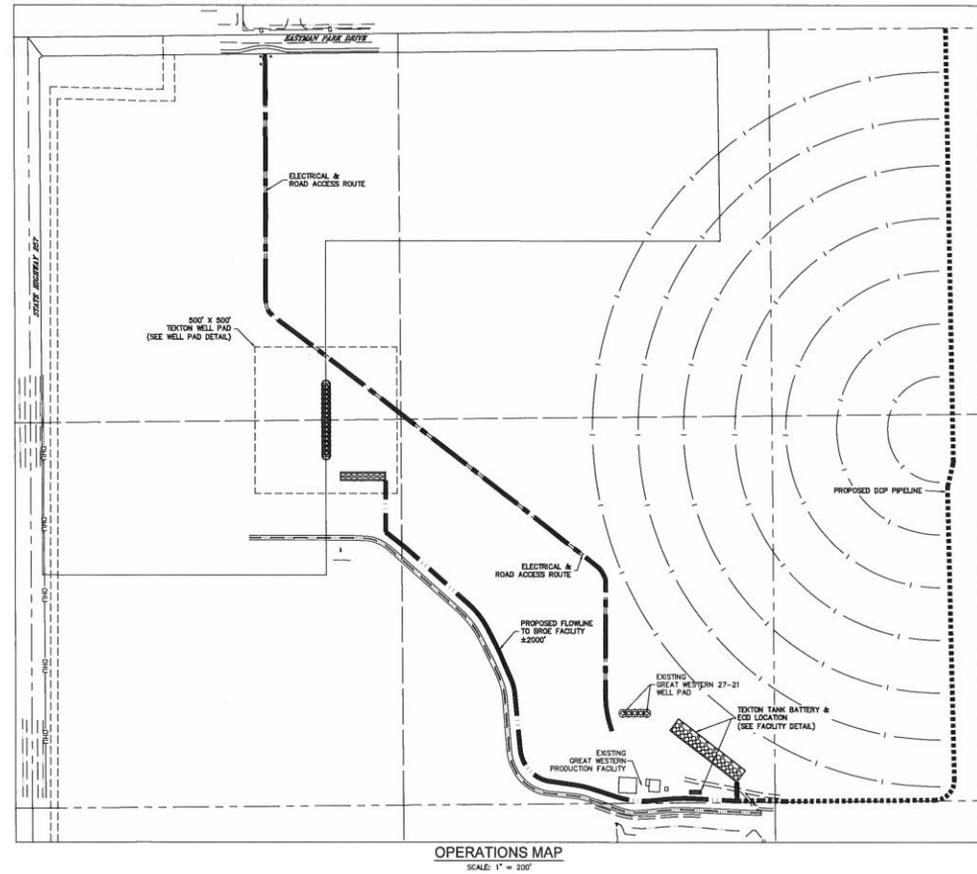
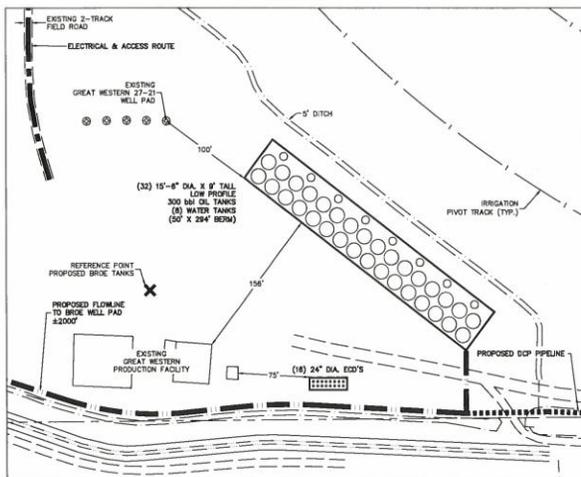
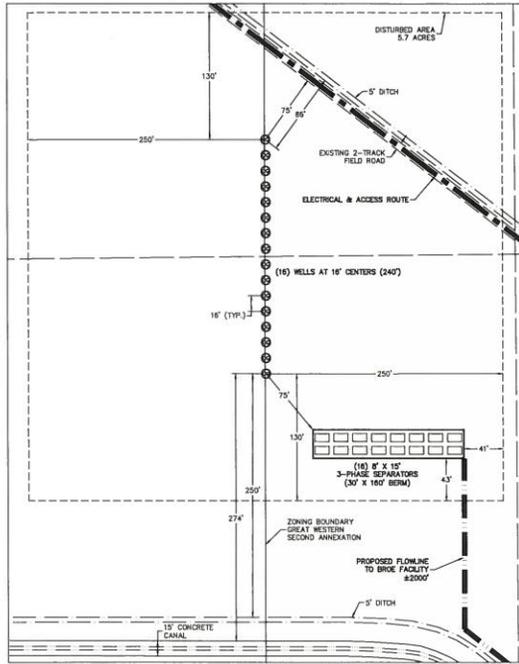
Section 16-7-60:

- (a) Oil and gas facilities, as defined in this chapter, shall be permitted as a conditional use in all zoning districts.
- (b) 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.



# 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



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									

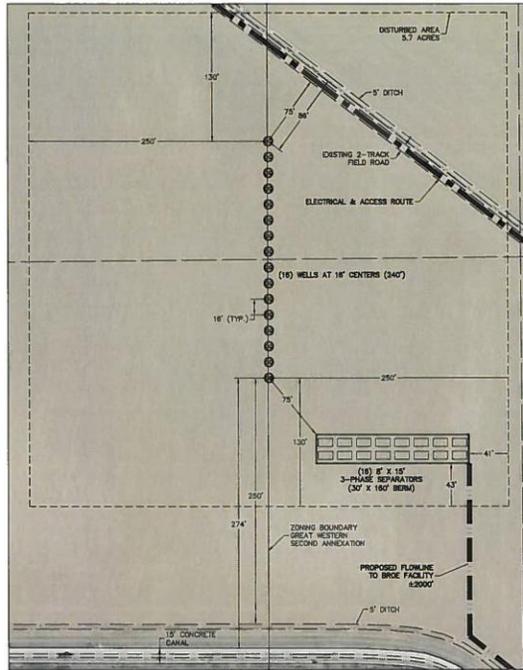
**BROE FACILITY DETAIL**  
FOR  
TEKTON ENERGY, LLC  
640 PLAZA DRIVE, SUITE 290  
HIGHLANDS RANCH, CO 80129

**1**  
SHEET 1 OF 1

# Proposed Drilling Plan

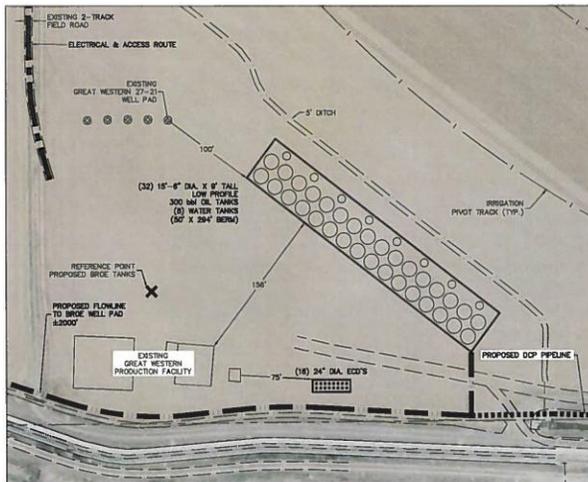
## BROE FACILITY DETAIL

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



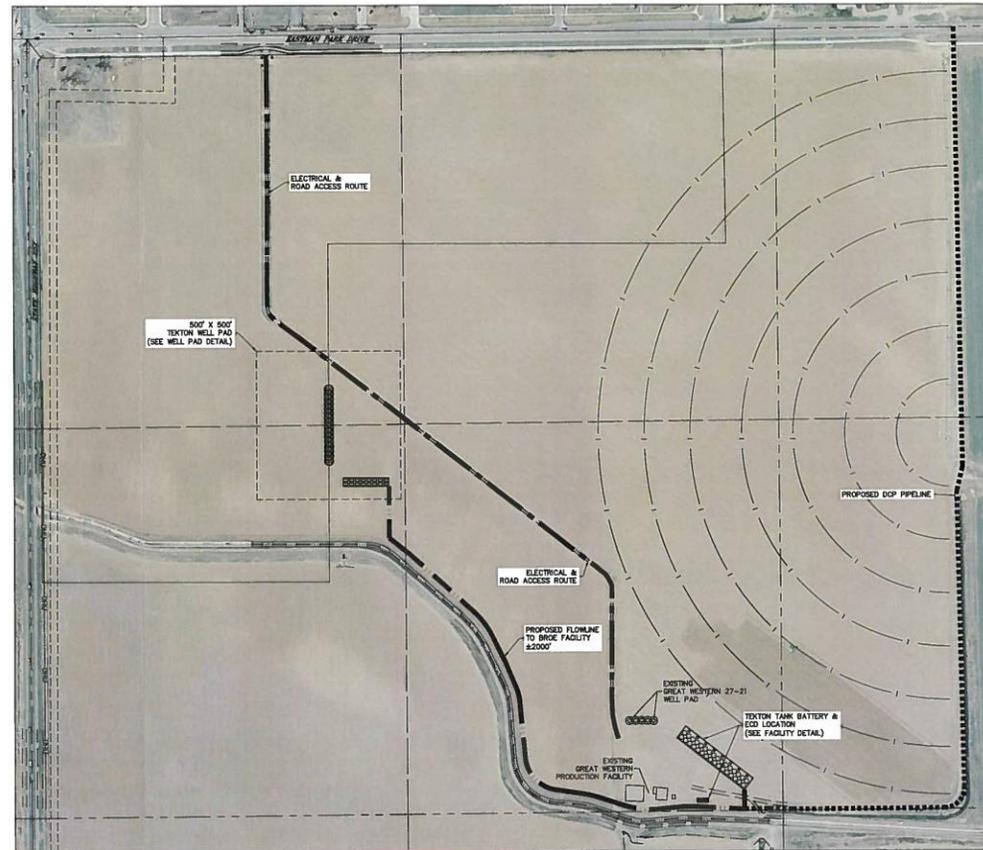
**WELL PAD DETAIL**

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	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									
			<b>BROE FACILITY DETAIL</b> FOR <b>TEKTON ENERGY, LLC</b> 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

---

- 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

---

- 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**

**TABLE OF CONTENTS**

<b>Section 1</b>	<b>Summary of Proposed Operations</b> Well, Surface Owner & Operator Information Subdivisions Statement of Compliance Visual & Noise Mitigation Waste Disposal Vicinity Maps
<b>Section 2</b>	<b>Operating Plan</b> Site Preparation Erosion and Drainage Control Drilling Phase General Drilling, including :Protection of Water Formations Noise and Fugitive Light Abatement Sanitation Program Restoration /Reclamation Completion Phase Production Phase Visual Mitigation Weed Control Road Maintenance Signs Air Pollution Mitigation Endangered Species Abandonment Rig Plan Layout
<b>Section 3</b>	<b>Required Permits</b> COGCC Forms 2 & 2A with survey plat, improvements, site photos & directional plans, Etc.
<b>Section 4</b>	<b>Water and Air Quality Assessment and Control Best Management Practices</b>
<b>Section 5</b>	<b>Emergency Response and Fire Protection Plan</b>
<b>Section 6</b>	<b>COGCC 600 and 900 Series Rules</b>
<b>Section 7</b>	<b>Proposed Facility Detail</b>
<b>Section 8</b>	<b>Other Documents, Leases, Plats Etc.</b>

## 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, were 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.

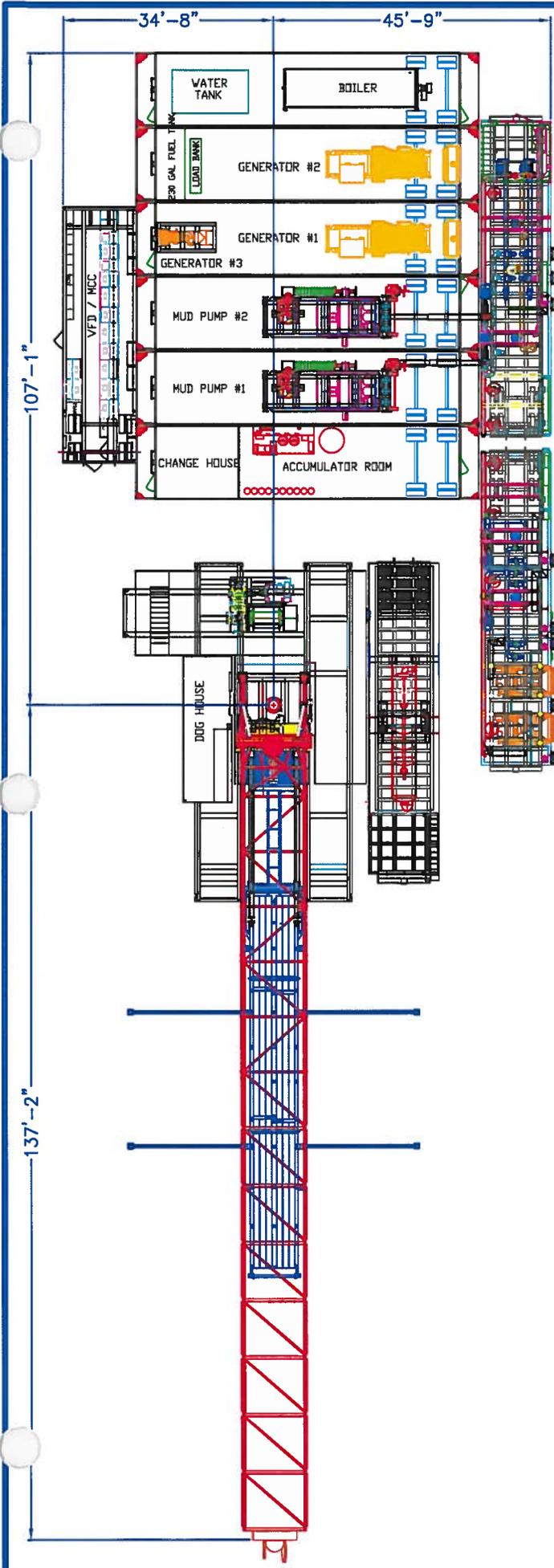
#### *ENDANGERED SPECIES*

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 matter 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)**

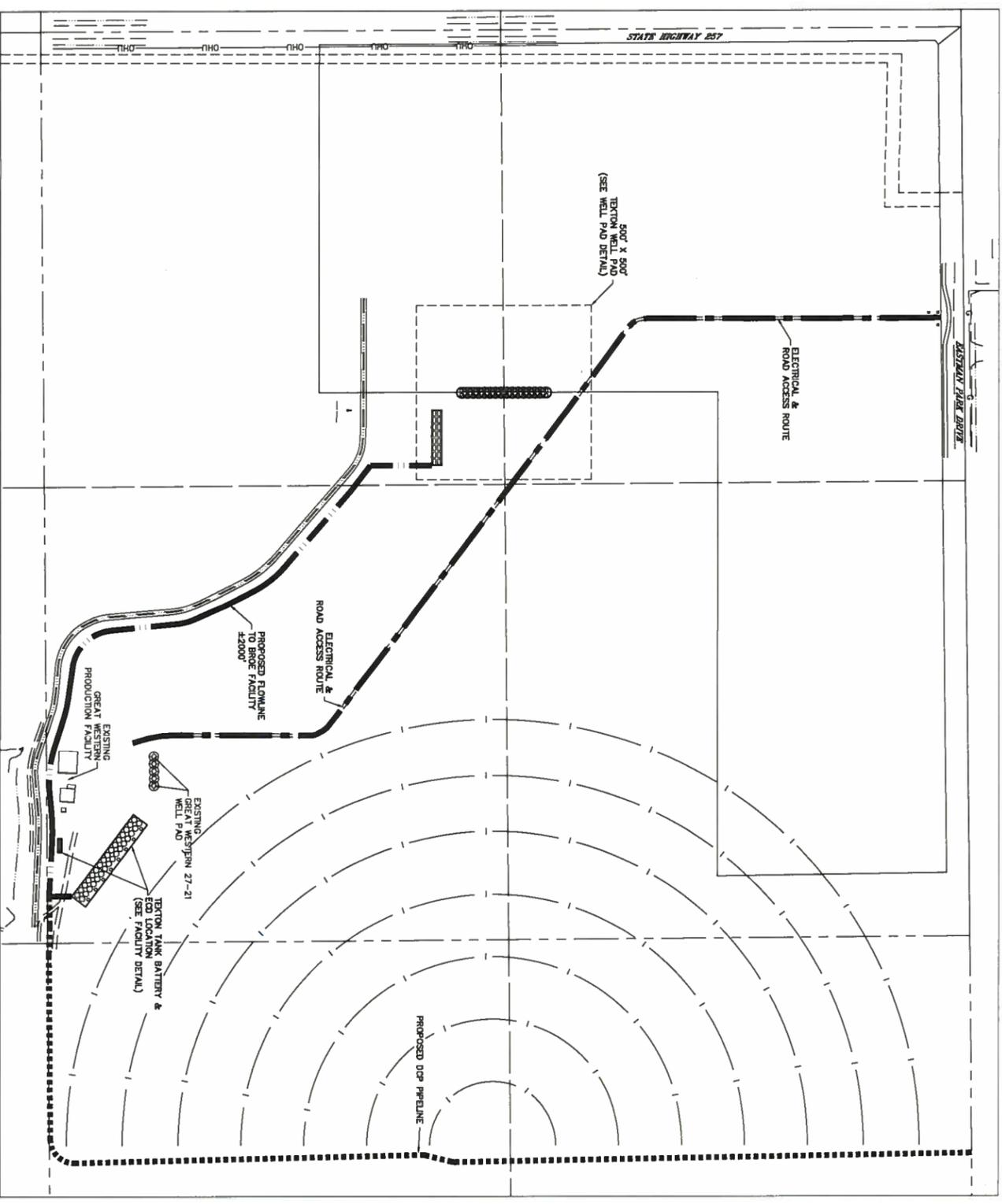
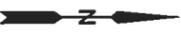
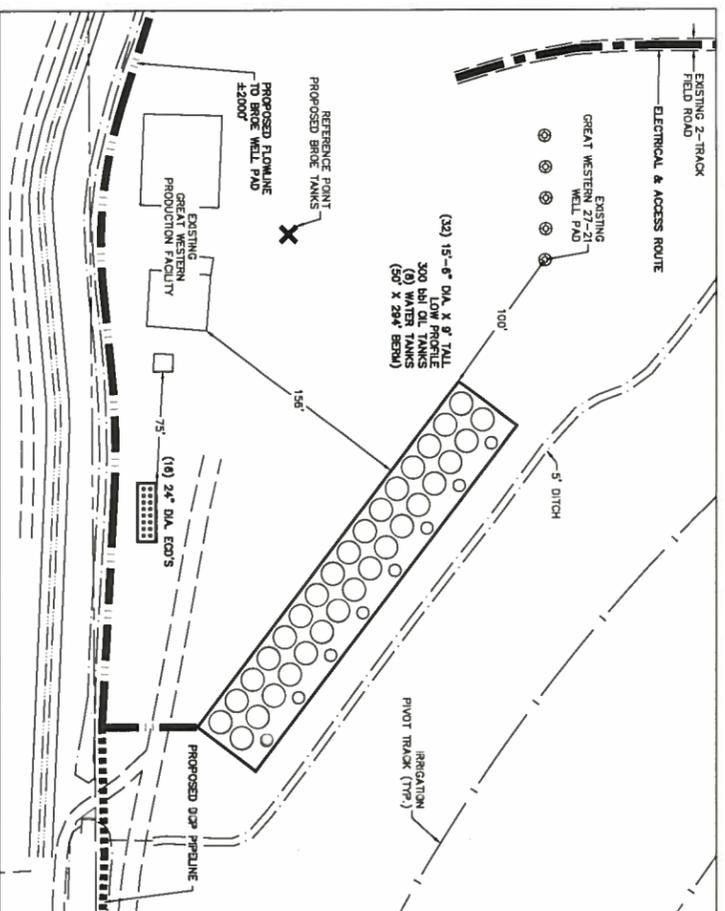
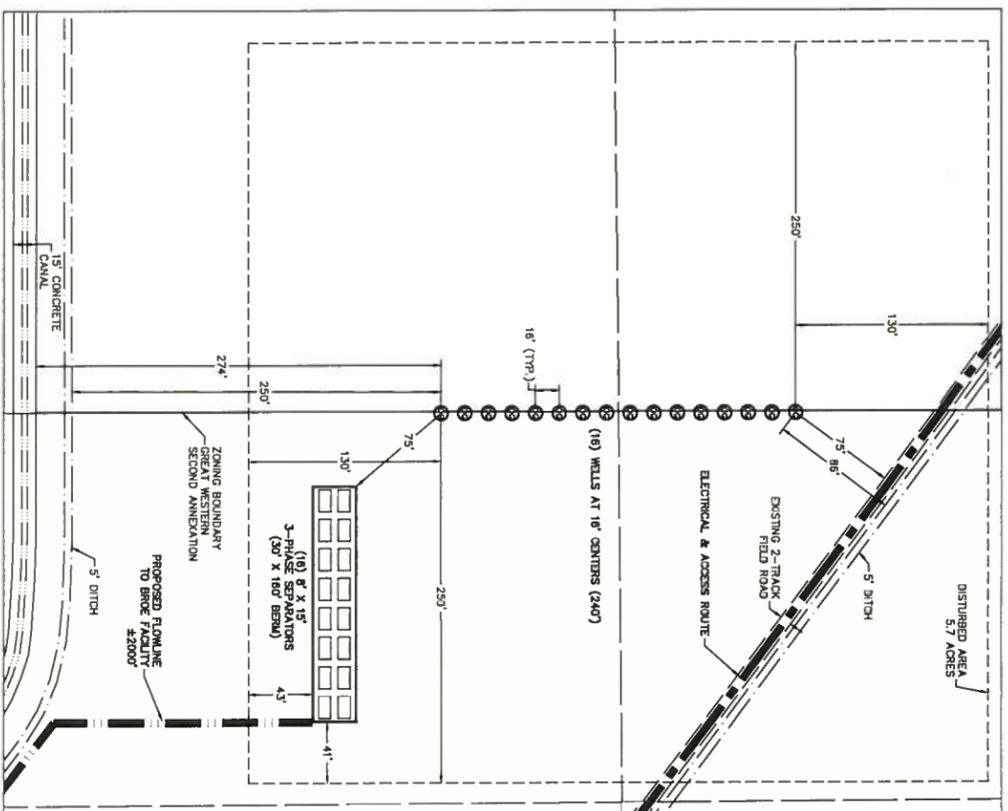
MSDS sheets for hazardous materials produced during the production process and for crude oil and hydrocarbon condensate stored in the ASTs are included as Attachment 2.

**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

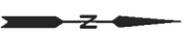
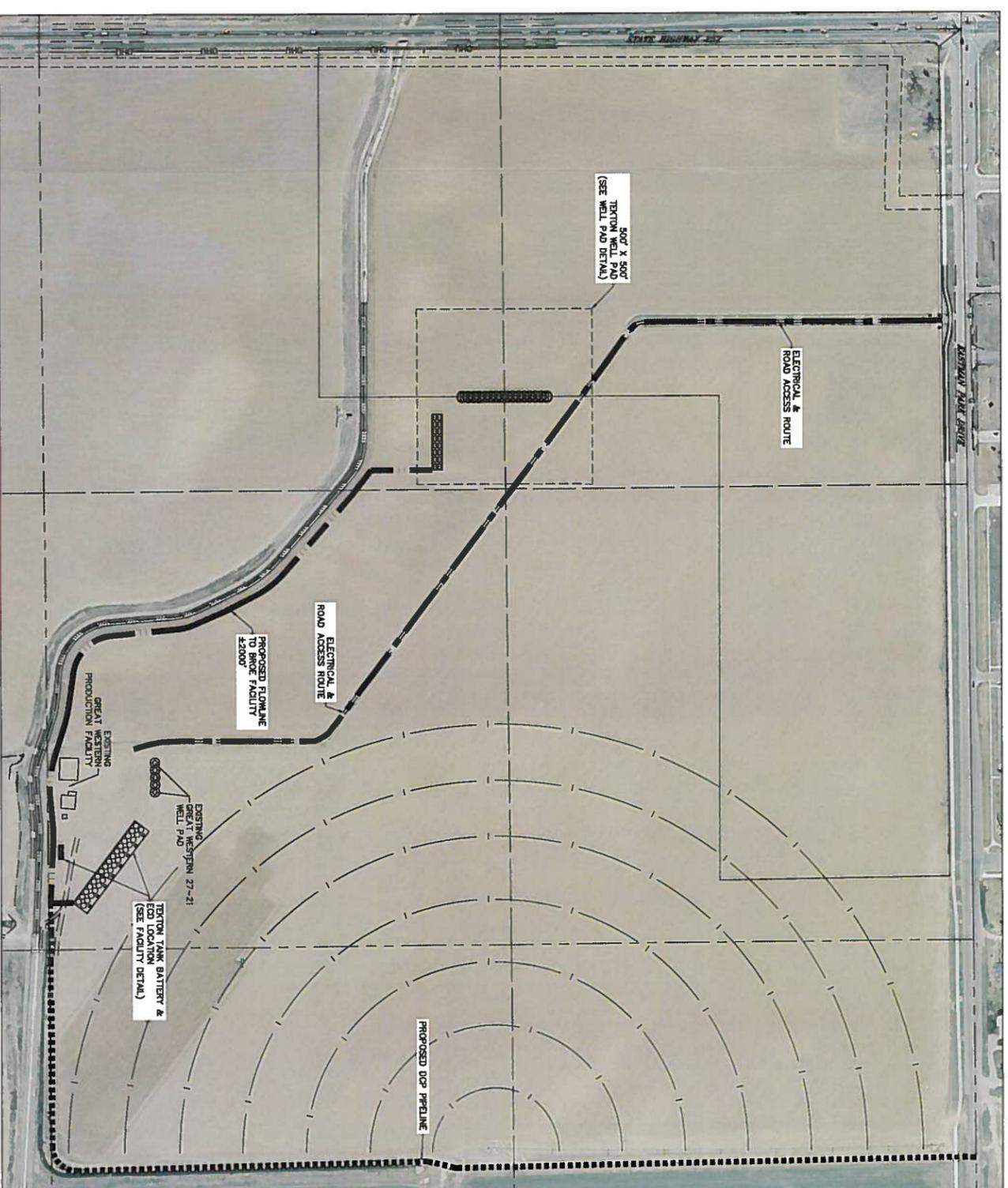
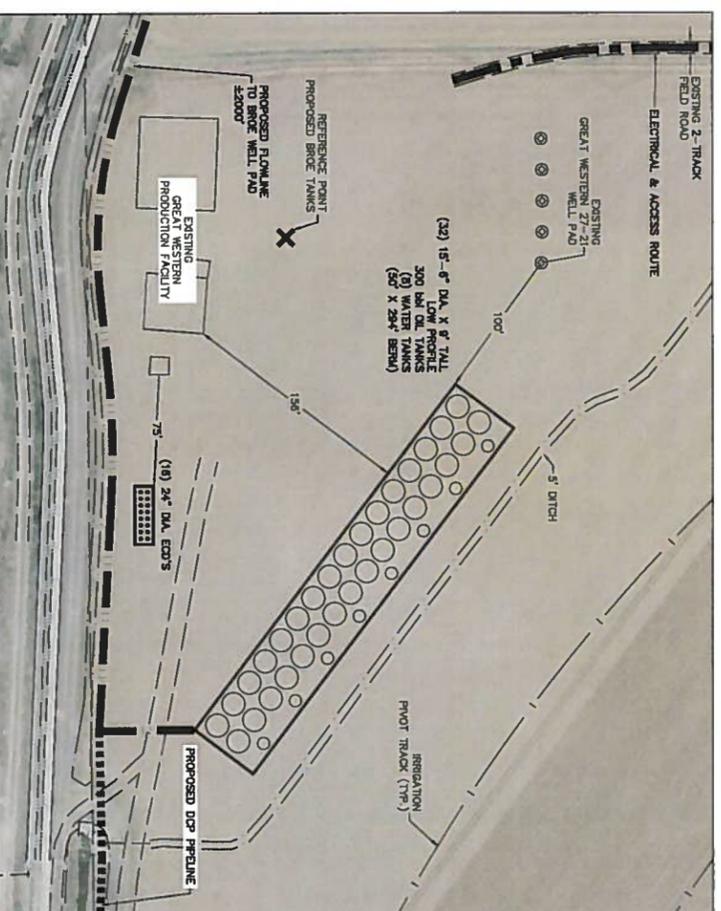
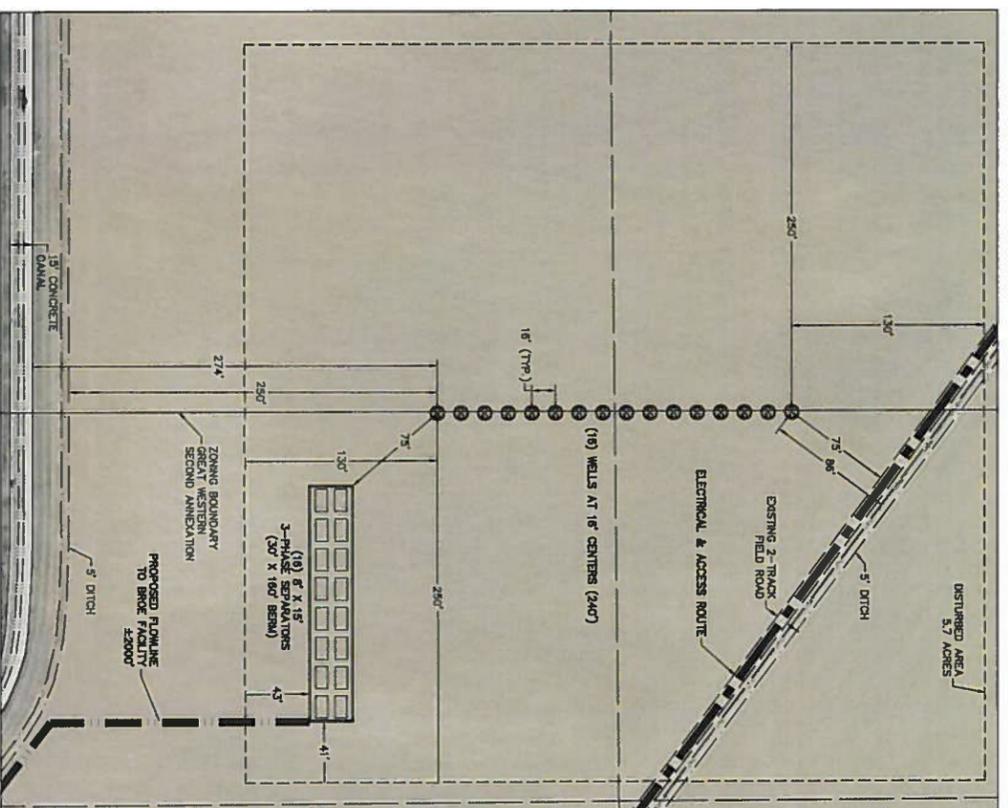


**Lat40, Inc.**  
Professional Land Surveyors  
1635 Foxtrail Drive, Suite 325  
Loveland, CO 80537  
O: 970-776-3321

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



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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.

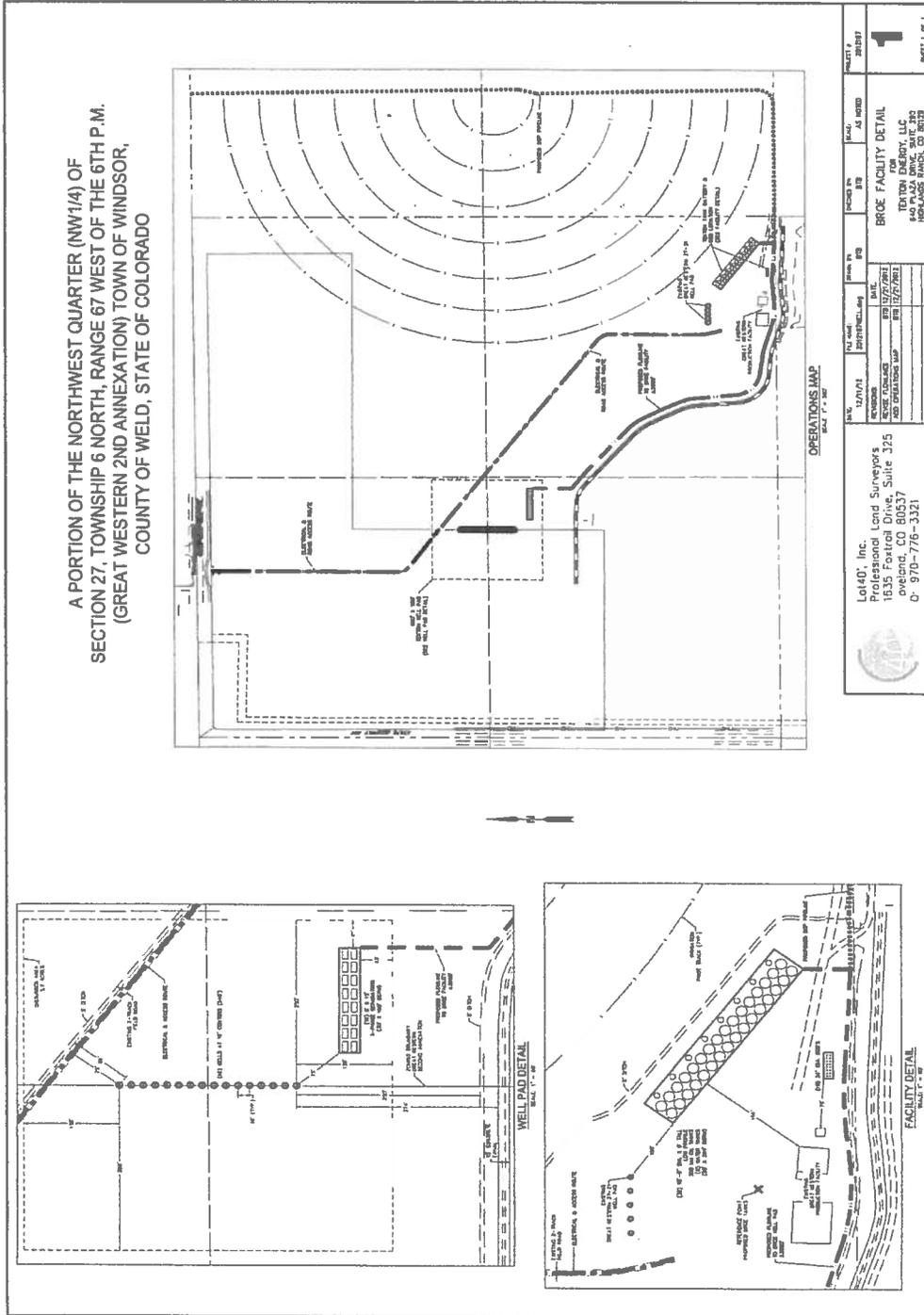
## **PROPERTY**

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.

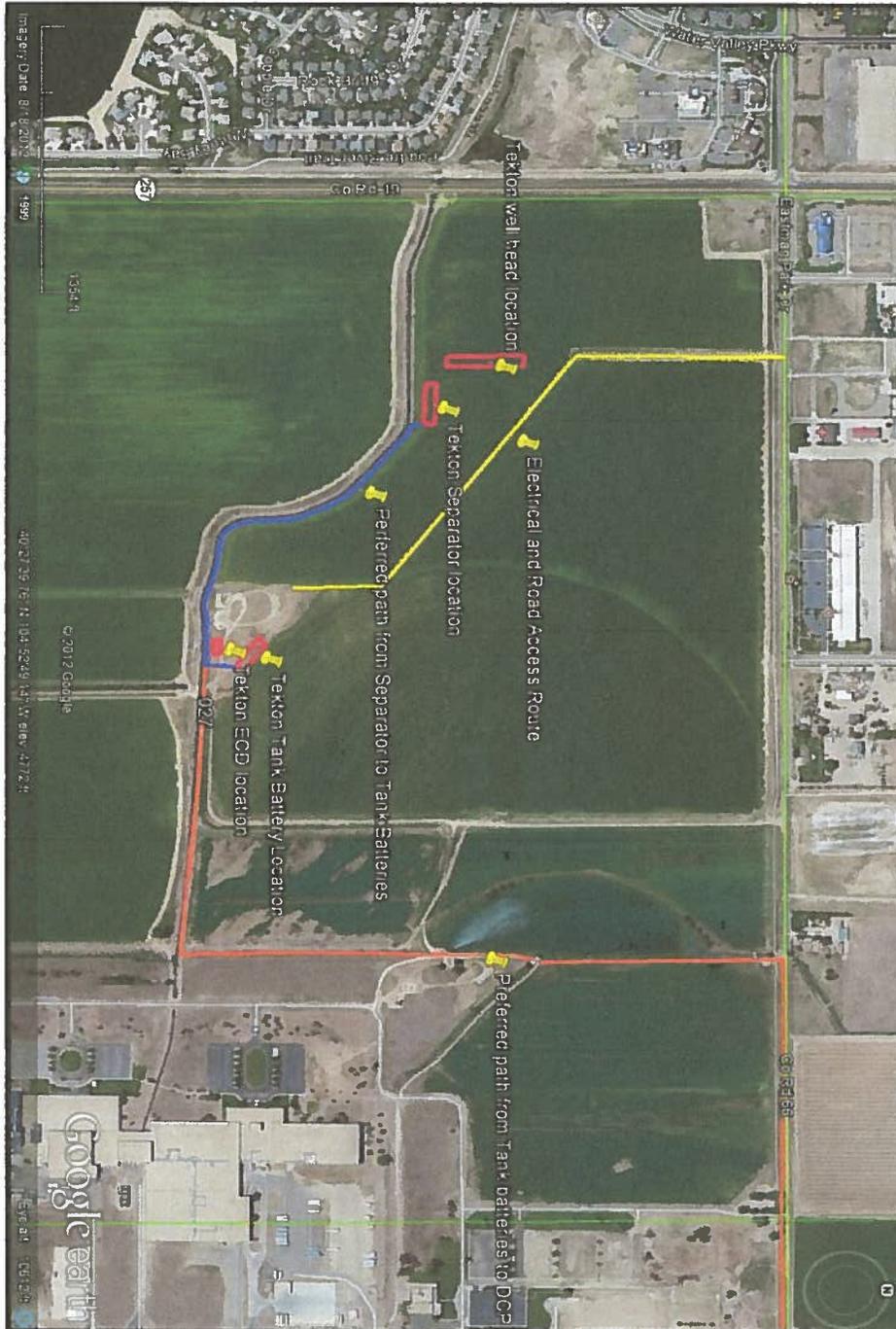
**KODAK PAD DETAILS**



**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**

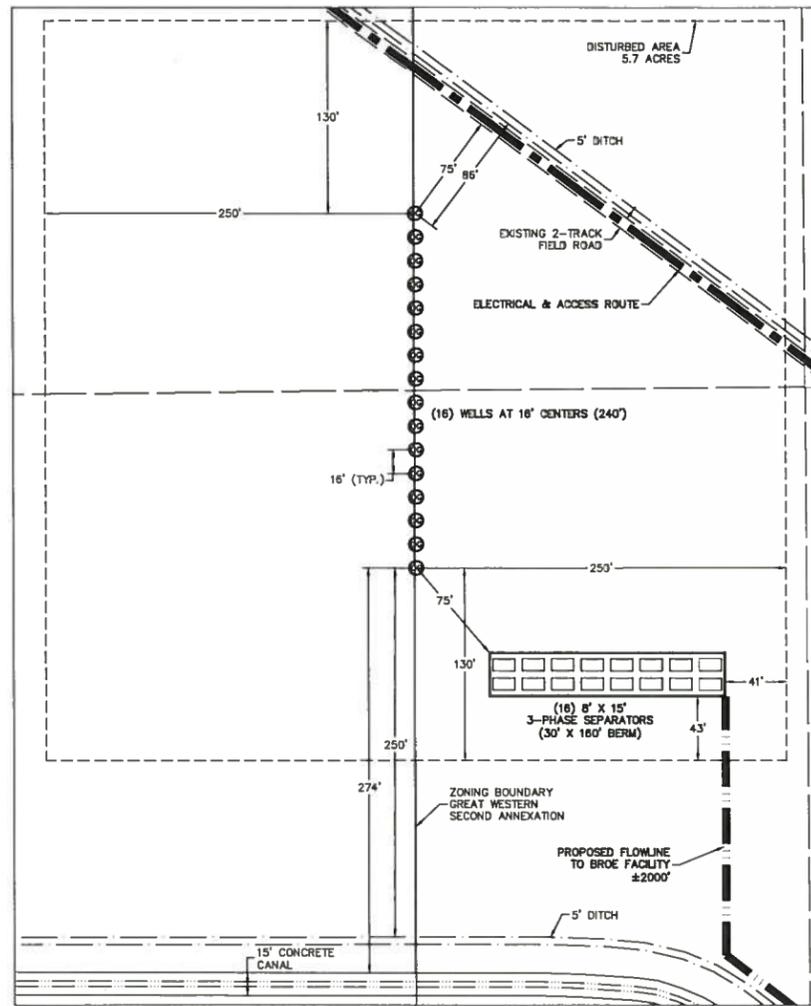




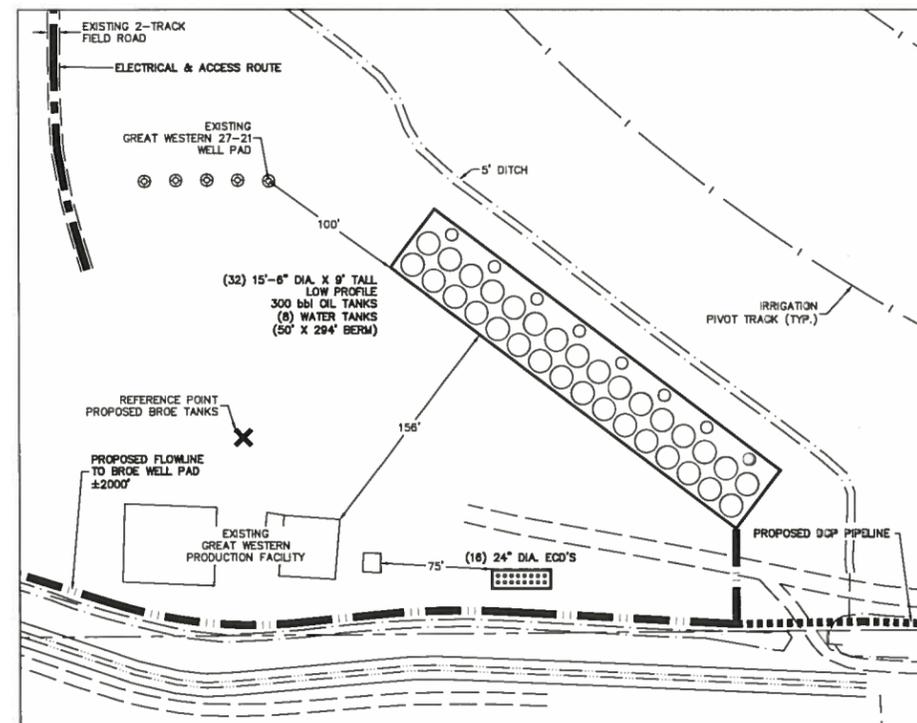
# BROE FACILITY DETAIL

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

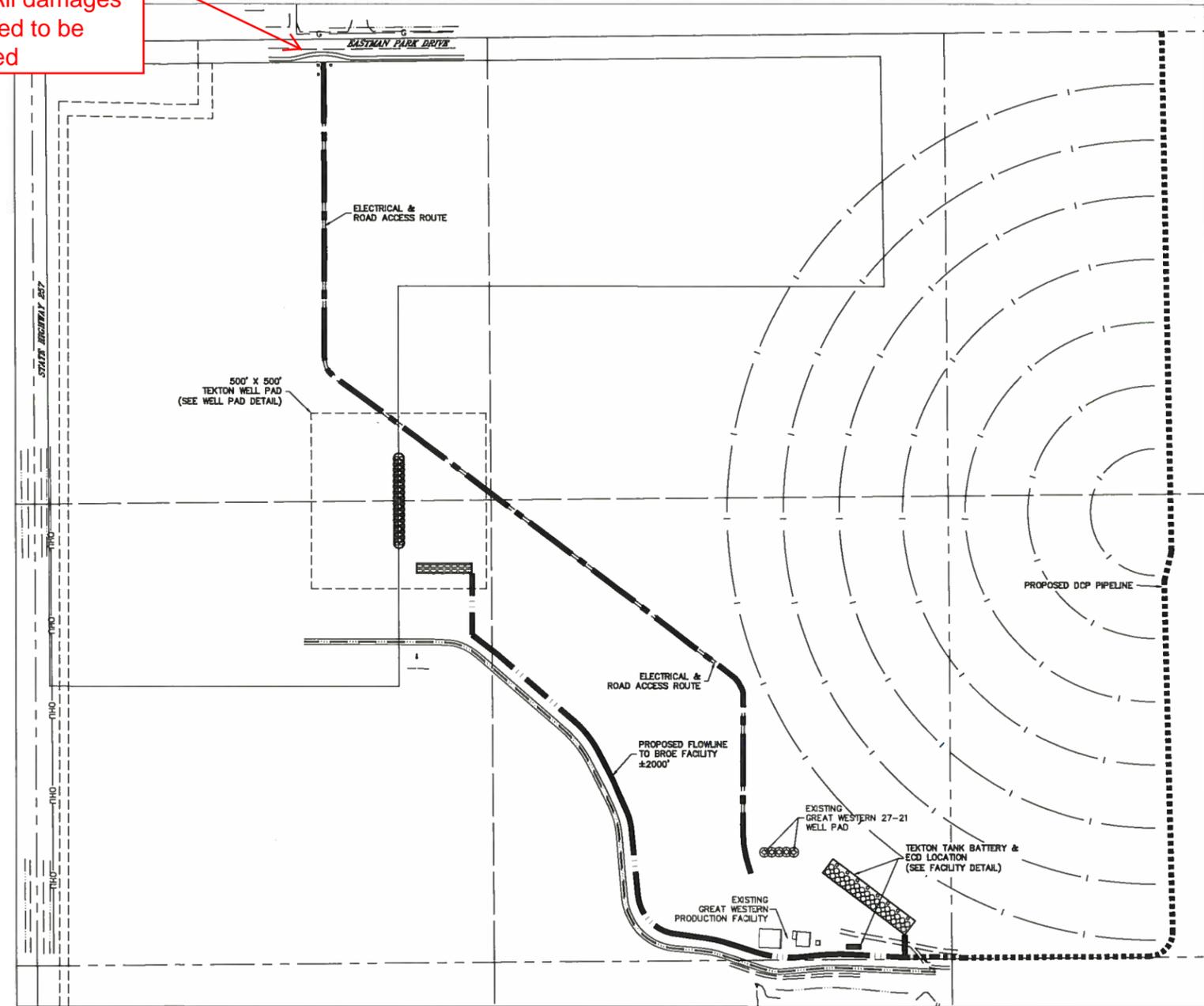
take precautions to mitigate damages to existing town trail. All damages will need to be repaired



**WELL PAD DETAIL**  
SCALE: 1" = 60'



**FACILITY DETAIL**  
SCALE: 1" = 60'



**OPERATIONS MAP**  
SCALE: 1" = 200'



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



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## MEMORANDUM

**Date:** May 13, 2013  
**To:** Mayor and Town Board  
**From:** Kelly Arnold, Town Manager  
**Re:** Water Tank Grant  
**Item #:** C.10.

### **Background / Discussion:**

In early 2012, the Town of Windsor sponsored a TIGER IV application for funding of rail improvements. Only one application was partially funded in Colorado through TIGER IV and that was for Highway 36 improvements.

In late April the Town received a notice which had the following introductory paragraph:

*On April 22, 2013, the U.S. Department of Transportation (USDOT) announced the start of a fifth round of Transportation Infrastructure Generating Economic Recovery (TIGER) grants. Unlike in previous TIGER grant rounds, the TIGER V timeline is extremely compressed, with only six weeks until the application deadline of June 3, 2013.*

Upon consultation with and interest expressed by Great Western Railroad, a TIGER V application is being developed for Town of Windsor sponsorship. With the short time line and only one Town Board meeting in May, staff has prepared a resolution of support that will be included with the grant submittal. At this time the projects for the grant will consist of:

- TOWN OF WINDSOR CROSSING QUIET ZONE PROJECT
- RELAYING 10.7 MILES OF TRACK BETWEEN GREELEY AND WINDSOR
- INSERTION OF 8,500 TIES AND RELATED SURFACING
- PUBLIC GRADE CROSSING RENEWAL BETWEEN WINDSOR AND GREELEY
- REINSTALLATION OF THE TRACK AND RELATED SWITCHES IN GREELEY TO CONNECT THE RAILROADS
- CONSTRUCTION OF AN INTERCHANGE TRACK NEAR GREELEY

The estimated cost of the project is \$17 million. With potential financial participation by Great Western Railroad and Union Pacific the grant will be the balance of project costs.

Adopting the resolution provides direction to Town staff to assist in coordination of the application and submit prior to the June 3<sup>rd</sup> deadline. Town Board will be kept informed of details on the final grant as they are developed over the next three weeks.

### **Financial Impact:**

At this time, the Town has no budgeted funds to assist on the capital side of the project. Of course, if the grant is awarded, there may be interest by the Town to assist in helping fill in any gaps from project costs compared to financial resources available including TIGER V funding.

	<b>Budget</b>	<b>Proposed</b>	<b>Note</b>
<b>Revenue</b>	\$0	Depends upon award amount	
<b>Expense</b>	\$0	Staff time	Submission of grant
<b>Net</b>			

**Relationship to Strategic Plan:**

**#4: Promote, Manage, and Facilitate an Effective Infrastructure System in Town and the Northern Colorado Region.** This project helps meet the goal of addressing rail infrastructure needs that will benefit the quality of life and economic development.

**Recommendation:**

It is recommended that the Town Board authorize Town staff work with Great Western Railroad on developing the grant and submit prior to June 3<sup>rd</sup>.

**Attachments:**

- Resolution of support

TOWN OF WINDSOR

RESOLUTION NO. 2013-26

A RESOLUTION AUTHORIZING THE TOWN OF WINDSOR TO PARTICIPATE IN THE EFFORTS OF THE GREAT WESTERN RAILROAD OF COLORADO TO OBTAIN FUNDING FOR LOCAL RAIL IMPROVEMENTS AVAILABLE UNDER THE FEDERAL “TIGER V” GRANT PROGRAM

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

WHEREAS, the Great Western Railway has been a long-time transportation provider within Windsor, and a historic economic driver to the region; and

WHEREAS, the continued development and success of the Great Western Industrial Park which has brought considerable numbers of freight trains into Windsor, the impacts of which include train horn noise, intersection delays, and public safety concerns; and

WHEREAS, the Great Western Railroad of Colorado has expressed interest in seeking federal “TIGER V” grant funding for the purpose of making improvements to local rail systems, including:

- Town of Windsor Crossing Quiet Zone Project;
- Relaying 10.7 miles of track between Greeley and Windsor;
- Insertion of 8,500 ties and related surfacing;
- Public grade crossing renewal between Windsor and Greeley;
- Reinstallation of the track and related switches in Greeley to connect the region’s railroads;
- Construction of an interchange track near Greeley;

and

WHEREAS, the anticipated cost of the foregoing rail improvements is estimated to be \$17 million dollars, which will be supplemented by funding from a combination of funds and/or materials from Great Western Railroad and Union Pacific Railroad; and

WHEREAS, the TIGER V Grant requirements permit only local governments to serve as the applicant for Grant funds, such that Great Western Railroad Colorado is technically ineligible for filing the application; and

WHEREAS, TIGER V administration allows for arrangements between applicants and the ultimate recipients of Grant funding under which the Town may serve as the applicant for Grant funding; and

WHEREAS, the Town believes the rail system improvements to which TIGER V Grant funding will be applied by Great Western Railroad Colorado, LLC are beneficial to the community as a whole; and

WHEREAS, the Town supports the efforts of Great Western Railroad of Colorado, LLC, and is willing to serve as the TIGER V Grant applicant, so long as a suitable arrangement can be reached between the Town and Great Western Railroad of Colorado, LLC, to ensure that the use of Town resources is fairly compensated and does not result in Town liability.

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

1. The Town of Windsor supports the efforts of Great Western Railroad Colorado, LLC, in seeking TIGER V Grant funding for rail improvements in and around Windsor as described above.
2. The Town is authorized to serve as the applicant for TIGER V Grant funding as described above, with the understanding that a suitable agreement for administration of Grant funds and Grant reporting requirements is entered into with Great Western Railroad Colorado, LLC.
3. The administrative agreement between the Town and Great Western Railroad Colorado, LLC, shall be reviewed by the Town Attorney and shall assure that the use of Town resources is fairly compensated and the administration of Grant funding does not result in Town liability.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 13<sup>th</sup> day of May, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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



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## MEMORANDUM

**Date:** May 3, 2013  
**To:** Town Board  
**From:** Amy Porter, Special Events Coordinator  
**Re:** April Special Event Monthly Report

### Events in Planning:

- Farmers Market- 1.5 Hours
- Harvest Festival- 2.5 Hours
- USA Pro Cycling Challenge- 20.5 Hours
- Relay for Life- 0.5 Hours
- 4<sup>th</sup> of July- 0.50 Hours
- Summer Concert Series-2.5 Hours
- Volgafest-2 Hours
- Pelican Fest Triathlon-3.5 Hours
- Poudre River Trail-athlon- 4 Hours
- Special Event Application Reviews- 28.5 Hours
- Office Work (includes phone, email, processing applications, correspondence, posting data, etc.)-46.5 Hours
- Administrative Meetings- 3.5 Hours
- Town Board Presentations-0.5 Hour

### Events Conducted:

- None

### Monthly Fiscal Implications/Sales Tax:

**Sales Tax:**

\$0

**Town-Generated Revenue:**

\$0

**Comments:**