



## TOWN BOARD REGULAR MEETING

December 9, 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. 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 Deputy Town Clerk prior to the start of the meeting.*

#### B. CONSENT CALENDAR

1. Minutes of the November 25, 2013 Regular Town Board Meeting – M. Lee
2. Resolution No. 2013-73 - Vacating a five (5) foot utility easement located twenty (20) feet east of the western property line of Lot 4 of the Water Valley South Subdivision, Third Filing – B. Walker
3. Report of Bills for November 2013 – D. Moyer
4. Approval of Windsor Joint Fuel Tank Facility 2014 Budget – D. Moyer
5. Resolution No. 2013-74 - A Resolution Approving the Accession of Items to the Permanent Collection of the Town of Windsor Museum, Windsor, Colorado – K. Heidsiek

#### C. BOARD ACTION

1. Ordinance No. 2013-1464 - An Ordinance Repealing, Amending and Re-Adopting Chapter 16, Article XXVII of the Windsor Municipal Code with Respect to Flood Damage Prevention Measures Applicable to Land Use Practices within the Town of Windsor  
*Super-majority vote required for adoption on second reading*

- Second Reading
  - Legislative action
  - Staff presentation: Dennis Wagner, Director of Engineering
2. Public Hearing - Ordinance No. 2013-1465 - Approving the Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing Rezoning – Jon Turner, President, Colorado 80 Holdings LLC, owner/Jim Birdsall, TB Group, owner’s representative
    - Quasi-judicial
    - Staff presentation: Scott Ballstadt, Chief Planner
  3. Ordinance No. 2013-1465 - Approving the Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing Rezoning – Jon Turner, President, Colorado 80 Holdings LLC, owner/Jim Birdsall, TB Group, owner’s representative
    - First Reading
    - Quasi-judicial
    - Staff presentation: Scott Ballstadt, Chief Planner
  4. Resolution No. 2013-75 - Ratifying, Approving and Confirming the Terms and Conditions of the Highland Meadows Golf Course Subdivision Tract H Second Amended Master Plan – Jon Turner, President, Colorado 80 Holdings LLC, owner/Jim Birdsall, TB Group, owner’s representative
    - Quasi-judicial
    - Staff presentation: Scott Ballstadt, Chief Planner
  5. Public Hearing – Resolution No. 2013-76 - A Resolution Approving the Final Plat for the Highland Meadows Golf Course Subdivision 8th Filing in the Town of Windsor, Colorado – Jon Turner, President, Colorado 80 Holdings LLC, owner/Jim Birdsall, TB Group, owner’s representative
    - Quasi-judicial
    - Staff presentation: Scott Ballstadt, Chief Planner
  6. Resolution No. 2013-76 - A Resolution Approving the Final Plat for the Highland Meadows Golf Course Subdivision 8th Filing in the Town of Windsor, Colorado – Jon Turner, President, Colorado 80 Holdings LLC, owner/Jim Birdsall, TB Group, owner’s representative
    - Quasi-judicial
    - Staff presentation: Scott Ballstadt, Chief Planner
  7. Resolution No. 2013-77 - A Resolution Approving the terms of a Secured Loan from the State of Colorado Water Conservation Board to the Town of Windsor Water Utility Enterprise for the Acquisition of Real Property and Water Rights, and the Construction of Water Delivery Infrastructure, and Authorizing the Town Manager to Execute Documents Necessary to Accomplish Same
    - Legislative action
    - Staff presentation: Dean Moyer, Director of Finance
  8. Resolution No. 2013-78 - A Resolution of the Windsor Town Board Pursuant to Section 9.1(A) Town of Windsor Home Rule Charter Appointing John P. Frey and Ian D. McCargar to Serve as Town Attorneys for the Town of Windsor, and Generally Affirming the Terms of Representation
    - Legislative action
    - Staff presentation: Ian D. McCargar, Town Attorney
  9. Resolution No. 2013-79 - A Resolution Ratifying, Approving, and Confirming the Terms and Conditions of the Employment Agreement, as Amended, between the Town of Windsor and Town Manager Kelly E. Arnold
    - Legislative action
    - Staff presentation: Kelly Arnold, Town Manager

10. Approval of Water Tank Bid

- Staff presentation: Dennis Wagner, Director of Engineering; Dean Moyer, Director of Finance; Terry Walker, Director of Public Works; Kelly Arnold, Town Manager

**C. COMMUNICATIONS**

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

**D. ADJOURN**



TOWN BOARD REGULAR MEETING

November 25, 2013 - 7:00 P.M.

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

Minutes

**A. CALL TO ORDER**

Mayor Vazquez called the regular meeting to order at 7:03 p.m.

1. Roll Call

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

Also present:

Town Manager	Kelly Arnold
Town Attorney	Ian McCargar
Management Assistant	Kelly Unger
Town Clerk	Patti Garcia
Economic Development Manager	Stacy Johnson
Chief of Police	John Michaels
Director of Finance	Dean Moyer
Director of Human Resources	Mary Robins
Chief Planner	Scott Ballstadt
Associate Planner	Josh Olhava
Budget Analyst	Vicki Miller

2. Pledge of Allegiance

Mayor Pro-Tem Melendez led the Pledge of Allegiance.

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

**Mayor Pro-Tem Melendez moved to approve the agenda as presented; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows:  
Yeas – Baker, Rose, Melendez, Bishop-Cotner, Adams, Vazquez  
Nayes – None. Motion passed.**

4. Board Liaison Reports

- Town Board Member Baker – Parks, Recreation & Culture Advisory Board; Cache La Poudre Trail Board Alternate  
Mr. Baker told the Board the November PReCAB Meeting was cancelled. The next meeting will be held December 3, 2013.
- Town Board Member Thompson – Planning Commission; Tree Board; Great Western Trail Authority  
Mr. Thompson was not in attendance at this meeting.
- Mayor Pro-Tem Melendez – Downtown Development Authority; Chamber of Commerce; North Front Range/MPO Alternate  
Mayor Pro-Tem Melendez had no new information regarding the Chamber. She reviewed DDA items, including plans to host the Farmers Market in 2014 and to procure an intern to work with them in 2014. She reminded Board Members of Windsor Wonderland on December 7 and an upcoming DDA Beautification Meeting

on December 4 to discuss the façade program. She noted the Marketing Meeting scheduled for December 25 has been cancelled, and the Feasibility Study for the Mill is due in this week.

- Town Board Member Rose – Water & Sewer Board; Windsor Housing Authority, Planning Commission Alternate

Mr. Rose reported the next Water and Sewer Board Meeting will take place on December 11. Mr. Rose interjected the Windsor Fine Arts Festival has chosen to dissolve and has distributed remaining funds to the Clearview Library Foundation and the Weld County School District RE-4 Foundation.

- Town Board Member Bishop-Cotner – Historic Preservation Commission; Clearview Library Board

Mr. Bishop-Cotner began reviewing the Library Board Meeting held on November 21. That Board discussed their budget and long range planning.

- Town Board Member Adams – Cache La Poudre Trail Board; Student Advisory Leadership Team (SALT)

Mr. Adams reported the Cache La Poudre Trail Board will meet next week; SALT is excited about their tutoring program, and it is off to a great start. SALT is also “adopting” a family and will assist them throughout the year.

- Mayor Vazquez – North Front Range/MPO

Mayor Vazquez reported the next MPO meeting will take place on December 5.

#### 5. Public Invited to be Heard

There was no public comment.

### **B. CONSENT CALENDAR**

1. Minutes of the November 12, 2013 Regular Town Board Meeting and November 18, 2013 Special Board Meeting – M. Lee
2. Advisory Board Appointments – P. Garcia
3. Cancellation of December 23, 2013 Regular Town Board Meeting – P. Garcia
4. Resolution No. 2013-64 - A Resolution Supporting the Efforts of the Town of Windsor, Colorado, with Respect to Seeking Grant Funding Through the Department of Local Affairs Energy and Mineral Impact Assistance Program for Use in the Elimination of an Aging Sewer Lift Station – K. Unger

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

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

**Nays – None. Motion passed.**

### **C. BOARD ACTION**

**NOTE:** the official record of this evening’s proceedings shall include staff memos and recommendations, packet materials and supporting documents, and all testimony received.

1. Ordinance No. 2013-1464 - An Ordinance Repealing, Amending and Re-Adopting Chapter 16, Article XXVII of the Windsor Municipal Code with Respect to Flood

Damage Prevention Measures Applicable to Land Use Practices within the Town of Windsor

- First Reading
- Legislative action
- Staff presentation: Dennis Wagner, Director of Engineering

**Mayor Pro-Tem Melendez moved to approve Ordinance 2013-1464; Town Board Member Bishop-Cotner seconded the motion.**

Mr. Wagner briefly reviewed proposed changes to the rules related to development in the floodplain, noting adoption of this Ordinance would bring the Town into compliance with requirements for participation in the National Flood Insurance Program. He defined the most significant changes and presented real-world examples of how these changes would impact development in Windsor.

Mayor Vazquez inquired if Oil and Gas facilities need a more strict definition. Mr. McCargar noted it is preferable to adopt the floodplain Ordinance separately and address specific issues, for example Oil and Gas facilities, through the Conditional Use Grant process.

Mr. Rose asked if a more specific definition of “critical facilities” was warranted, noting he would be comfortable addressing those issues through a CUG. Other Board Members agreed. Mayor Pro-Tem Melendez asked if any feedback had been received regarding this proposal from the development community. Mr. Wagner responded no concerns have communicated to staff.

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

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

**Nays – None. Motion passed.**

2. Resolution No. 2013-65 - A Resolution of the Windsor Town Board Approving an Agreement for Certain Economic Inducements and Development Incentives between the Town of Windsor and Cargill, Inc. and Authorizing the Mayor to Execute the Same on the Town’s Behalf

- Legislative action
- Staff presentation: Stacy Johnson, Economic Development Manager

**Town Board Member Adams moved to approve Resolution 2013-65; Town Board Member Bishop-Cotner seconded the motion.**

Ms. Johnson delivered a short presentation focusing on a request from Cargill, Inc. She reviewed the size, cost and use of the proposed facility. She delineated those fees included in the waivers.

Mr. Baker asked if increases in truck and rail traffic are anticipated. Mr. Briggs Anderson, Cargill Plant Manager responded 5-10 trucks per day would be the norm. Mr. Rose questioned the waiver of raw water fees. Ms. Johnson responded these fees are part of the standard Primary Employer Incentive Package, and the Enterprise Funds would not be reimbursed until 30 days after a Certificate of Occupancy has been issued.

Mr. Baker expressed concerns about extending these incentives to such a profitable company, who could easily afford to pay the fees. Mr. Rose agreed, but commented he understands this is how the process works. Mayor Pro-Tem Melendez noted Windsor wants this kind of company to come here, and she is hoping others companies will be attracted here as well. Mr. Briggs commented this company provides steady jobs with employees working for them for years. Mr. Adams notes this could foster a good partnership. Mayor Vazquez called it an investment in Windsor's future.

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

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

**Nayes – None. Motion passed.**

3. Resolution No. 2013-66 - A Resolution Granting a Request for Withdrawal of a Petition for Annexation Concerning the Proposed Harmony Ridge Annexation to the Town of Windsor, Colorado – Jeff Mark, HR Exchange, LLC, The Landhuis Company, applicant

- Legislative action
- Staff presentation – Josh Olhava, Associate Planner

**Mayor Pro-Tem Melendez moved to approve Resolution 2013-66; Town Board Member Bishop-Cotner seconded the motion.**

Mr. Olhava explained this Annexation Petition was originally adopted on May 1, 2008. Current owners are proposing a new Annexation including this parcel, and therefore are submitting a request to withdraw the previous Annexation Petition.

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

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

**Nayes – None. Motion passed.**

4. Resolution No. 2013-67 - A Resolution Granting a Request for Withdrawal of a Petition for Annexation Concerning the Proposed Estates at Harmony Ridge Annexation to the Town of Windsor, Colorado – Jeff Mark, HR Exchange, LLC, The Landhuis Company, applicant

- Legislative action
- Staff presentation – Josh Olhava, Associate Planner

**Mayor Pro-Tem Melendez moved to approve Resolution 2013-67; Town Board Member Bishop-Cotner seconded the motion.**

Mr. Olhava explained this is also a request to withdraw a previous Annexation Petition, to be included in a new Annexation Petition that will be presented as the next Action Item on this agenda.

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

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

**Nayes – None. Motion passed.**

5. Resolution No. 2013-68 - A Resolution Initiating Annexation Proceedings for the Harmony Ridge Annexation to the Town of Windsor, Colorado – Jeff Mark, HR Exchange, LLC, The Landhuis Company, applicant
  - Legislative action
  - Staff presentation – Josh Olhava, Associate Planner**Mayor Pro-Tem Melendez moved to approve Resolution 2013-68; Town Board Member Bishop-Cotner seconded the motion.**

Mr. Olhava reported this would initiate Annexation proceedings for Harmony Ridge Annexation. He noted staff has begun to look at the documentation included in the Annexation packet. He reviewed the location, size and zoning for the proposed Annexation.

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

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

**Nayes – None. Motion passed.**

6. Public Hearing 2014 Budget
  - Legislative action
  - Staff presentation: Dean Moyer, Director of Finance**Town Board Member Baker moved to open the Public Hearing; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

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

Mr. Moyer reviewed the details of the 2014 Budget process and the final proposal, pointing out significant components of the overall Budget for the upcoming year. He noted some changes to project timelines, personnel increases, and grant/loan impacts.

Mayor Pro-Tem inquired about the Event Coordinator position. Mr. Arnold responded there will be added responsibilities associated with that position. Mr. Baker asked if the Capital Improvements figures included grants? Mr. Moyer responded that is the total project cost, some of which may be paid utilizing grants.

There were no questions or comments from the public.

7. Resolution No. 2013-69 - A Resolution Summarizing Expenditures And Revenues For Each Fund, And Adopting A Budget For The Town Of Windsor, Colorado, For The Calendar Year Beginning On The First Day Of January, 2014, And Ending On The Last Day Of December, 2014, And Appropriating Sums Of Money To The Various Funds And Spending Agencies, In The Amount And For The Purpose As Set Forth Below, For The Town Of Windsor, Colorado, For The 2014 Budget Year
  - Legislative action
  - Staff presentation: Dean Moyer, Director of Finance**Mayor Pro-Tem Melendez moved to approve Resolution 2013-69; Town Board Member Bishop-Cotner seconded the motion.**

Mr. Moyer explained approval of this Resolution would adopt the 2014 budget in total. Board Members thanked staff for their work creating the budget.

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

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

**Nayes – None. Motion passed.**

8. Resolution No. 2013-70 - A Resolution Levying General Property Taxes For The Taxable Year 2013 To Help Defray The Costs Of Government For The Town Of Windsor, Colorado, For The 2014 Budget Year (Weld County)

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

**Mayor Pro-Tem Melendez moved to approve Resolution 2013-70; Town Board Member Bishop-Cotner seconded the motion.**

Mr. Moyer explained Action Items 8 and 9 set the mil levy for Weld and Larimer Counties respectively.

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

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

**Nayes – None. Motion passed.**

9. Resolution No. 2013-71 - A Resolution Levying General Property Taxes For The Taxable Year 2013 To Help Defray The Costs Of Government For The Town Of Windsor, Colorado, For The 2014 Budget Year (Larimer County)

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

**Town Board Member Baker moved to approve Resolution 2013-71; Town Board Member Adams seconded the motion.**

Mr. Moyer had nothing further to add.

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

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

**Nayes – None. Motion passed.**

10. Resolution No. 2013-72 - A Resolution of the Town Board of the Town of Windsor, Colorado, Approving the 2014 Windsor Downtown Development Authority Budget; Making Annual Appropriations for the Windsor Downtown Development Authority for the Fiscal Year Ending December 31, 2013; and Fixing the Mill Levy for the Windsor DDA District for the Fiscal Year Ending December 31, 2014

- Legislative action
- Staff presentation: Patti Garcia, Town Clerk/Assistant to Town Manager

**Town Board Member Adams moved to approve Resolution 2013-72; Mayor Pro-Tem Melendez seconded the motion.**

Ms. Garcia noted the DDA Budget must be presented to the Town Board annually for review. She highlighted the most important facets of the budget.

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

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

**Nayes – None. Motion passed.**

11. Resolution No. 2013-73 - A Resolution Establishing Rates for Town of Windsor Water Service Customers and Authorizing the Implementation of Such Rates

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

**Mayor Pro-Tem Melendez moved to approve Resolution 2013-73; Town Board Member Bishop-Cotner seconded the motion.**

Mr. Moyer pointed out this Resolution would adjust monthly water rates for 2014. He reviewed the current rate structure and its implementation timeline. He delineated the proposed changes to the current rates.

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

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

**Nayes – None. Motion passed.**

12. Financial Report – October 2013

- Staff Presentation: Dean Moyer, Director of Finance

Mr. Moyer reviewed the monthly budget, highlighting the “big 3” Sales Tax, Construction Use Tax and Property Tax, and the changes therein.

Mr. Moyer thanked the Board and staff for their participation in the budget process. He specifically highlighted work done and awards won through to the efforts of Vicki Miller.

## **C. COMMUNICATIONS**

1. Communications from the Town Attorney

Mr. McCargar reviewed recent actions of the Liquor Licensing Authority noting violations and stipulations imposed as a result of those violations, noting an official summary of actions will be prepared by the Authority and presented to the Board at a future meeting.

He also reminded the Board he will be moving into the building in January and thanked Mr. French for his assistance with the office space.

2. Communications from Town Staff

Ms. Unger reminded Board Members of a Legislative breakfast scheduled for December 2, calling this a great opportunity to discuss mutually important topics.

3. Communications from the Town Manager

Mr. Arnold reiterated a need for Board Member attendance at the breakfast. He wished the Board a Happy Thanksgiving.

4. Communications from Town Board Members

Board Members wished a Happy Thanksgiving to all.

**D. ADJOURN**

**Town Board Member Bishop-Cotner moved to Adjourn; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows:**

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

**Nayes – None. The meeting was adjourned at 9:04 p.m.**



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## MEMORANDUM

**Date:** December 9, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
Joseph P. Plummer, AICP, Director of Planning  
**From:** Brett Walker, Associate Planner  
**Re:** Resolution 2013-73 vacating a five (5) foot utility easement located twenty (20) feet east of the western property line of Lot 4 of Water Valley South Subdivision Third Filing in the Town of Windsor, Colorado  
**Item #:** B.2

**Background / Discussion:**

The applicant, Mr. Patrick McMeekin of Water Valley Land Company, representing Trollco, Inc., the property owner of Lot 4 of the Water Valley South Subdivision, Third Filing, is requesting that a five (5) foot utility easement located twenty (20) feet east of the western property line of Lot 4 be vacated. According to the applicant, the easement should have been vacated as part of a revision to Water Valley South Subdivision 3<sup>rd</sup> Filing, but it was not included in the proposed subdivision at that time. The location of the easement in the middle of the lot renders the lot unbuildable.

The attached Exhibit A describes and illustrates the easement to be vacated. The Town's Engineering and Public Works Departments have signed the enclosed Exhibit B, disclaiming the Town's interest in the access easement, as have the other utility providers.

**Fiscal Impact:** None  
**Relationship to Strategic Plan:** N/A  
**Recommendation:** Approval of Resolution  
**Attachments:** Resolution with exhibits  
Petition to vacate  
Exhibit B

Pc: Patrick McMeekin, Water Valley Land Company  
Mark Foster, Water Valley Land Company  
John Meyers, TST Engineering

TOWN OF WINDSOR

RESOLUTION NO. 2013-73

A RESOLUTION VACATING A FIVE-FOOT UTILITY EASEMENT LOCATED TWENTY FEET EAST OF THE WESTERN PROPERTY LINE OF LOT 4 OF THE WATER VALLEY SOUTH SUBDIVISION, THIRD FILING, IN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Windsor Town Board has received a petition to vacate a five (5)-foot utility easement located twenty (20) feet east of the western property line of Lot 4 of the Water Valley South Subdivision Third Filing, with said easement being more fully described on Exhibit "A", attached hereto and incorporated herein by this reference; and

WHEREAS, the Town has disclaimed any interest in the future use or continued maintenance of said easement; and

WHEREAS, the Town Board has concluded that said easement is of no continuing use or benefit to the Town and therefore can be vacated without injury to the health, safety or welfare of the public.

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

1. That the five (5)-foot utility easement located twenty (20) feet east of the western property line of Lot 4 of Water Valley South Subdivision Third Filing and more fully described on Exhibit "A" is without present or future value to the Town and should be vacated.
2. The Town and other respective utility providers have disclaimed any interest in the future use or continued maintenance of said easement.
3. The Town hereby vacates said easement, as more fully described on Exhibit "A", attached hereto and incorporated herein by this reference as if set forth fully.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 9th day of December, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN NORTHEAST QUARTER SECTION 33, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN; IN THE TOWN OF WINDSOR, AND WELD COUNTY, COLORADO; BEING A PORTION OF LOT 4, WATER VALLEY SOUTH SUBDIVISION, THIRD FILING, AS RECORDED AT THE WELD COUNTY CLERK AND RECORDER'S OFFICE. SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE REMAINING UTILITY EASEMENT THAT WAS DEDICATED ON THE PLAT OF THE WATER VALLEY SOUTH SUBDIVISION, EXCLUDING THE NORTHERLY 10 FEET AND SOUTHERLY 16 FEET.

SAID PARCEL CONTAINS 430 SQUARE FEET.



# EXHIBIT A

**NEW LIBERTY ROAD**

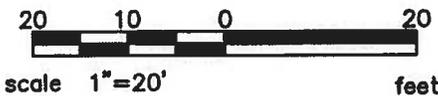
10' UTILITY ESMT.  
TO REMAIN

**LOT  
4  
3RD  
FILING**

EXISTING 5' UTILITY  
EASEMENT VACATION

16' UTILITY ESMT.  
TO REMAIN

**VINEYARD DRIVE**



LOT 4, WATER VALLEY SOUTH, 3RD FILING  
DATE: OCTOBER 1, 2013  
JOB NO. 732.0111.00  
SHEET 2 OF 2

**TST** TST, INC. CONSULTING ENGINEERS

760 Whalers Way, Bldg C, Suite 200  
Fort Collins, Colorado  
Phone: 970.228.0557  
Fax: 970.228.0204

DATE PLOTTED: 10/1/13 11:11 AM



October 9, 2013

**PETITION TO VACATE EASEMENT**

I, the undersigned, being the Owner of the property described as: A parcel of land located in northeast quarter Section 33, Township 6 North, Range 67 West of the Sixth Principal Meridian; in the Town of Windsor, and Weld County, Colorado; being a portion of Lot 4, Water Valley South Subdivision, Third Filing, hereby request that the TOWN OF WINDSOR vacate the easement located in the middle of the lot, running front to back, for the following reasons(s):

When the front to back lot lines were relocated in the 3<sup>rd</sup> Subdivision Revision of Water Valley South, this easement should have been vacated but it was not. The location of this easement renders the lot unbuildable. The easement is not being used by any utilities and will not be needed in the future.

Date

10/10/2013

Owner(s) Signature(s)

  
Trolleo, Inc.

Mailing Address

1625 Pelican Lakes Point  
Ste. 201, Windsor, CO 80550

Respectfully,



Patrick McMeekin  
Chief Operating Officer  
Water Valley Land Company

**EXHIBIT B**

The following utility providers hereby disclaim by written acknowledgement any interest in the future use or continued maintenance of all of the existing five (5) foot utility easement located in the middle of Lot 4, Block 1, of the Water Valley South Subdivision Third Filing, as described on "Exhibit A" Page 1 and as depicted on "Exhibit A" Page 2.

*Deanna L. Whigmore*  
Engineering Department, Town of Windsor, Colorado

11-8-13  
Date

*Jerry J. Walsh*  
Public Works Department, Town of Windsor, Colorado

11-8-13  
Date

*[Signature] SPS*  
ATMOS Energy

11-14-13  
Date

*[Signature]*  
Poudre Valley REA

11/22/13  
Date

*[Signature]*  
CenturyLink Communications

11-22-13  
Date

*Thud Stevens*  
Comcast Cable

11/22/2013  
Date

**TOWN OF WINDSOR**

**REPORT OF BILLS**

November, 2013

*At the regular meeting of the Town Board of the Town of Windsor,  
Colorado, held in the Town Hall Board Room on December 9, 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>
Rasmussen, Ethel	Recreation refund	GF	14.00
1st Bank of Northern Colorado	bi-weekly employee payroll deductions	HIF	7,670.71
1st Bank of Northern Colorado	bi-weekly employee payroll deductions	HIF	8,425.34
4 Rivers Equipment	grease, battery, filters, wing screw, beacon light	FMF	299.97
A-1 Chipseal	Meter rental deposit refund	WF	2,100.00
A17 Elevator Inspections	elevator inspections CRC/TH	FS	500.00
Accufund Inc	annual software maint agreement	ITF	1,947.50
Accutest	water tests	WF	864.00
AFLAC	employee payroll deduct Dec 2013	GF	774.80
Agfinity	fall fertilization 53 acres	GF	3,211.22
Agfinity	fuel	FMF	13,495.09
Air comfort	HVAC repair TH	FS	390.40
Air comfort	HVAC repair TH fluid cooler	FS	617.50
AJ's Backflow testing	backflow testing	FS	325.00
Alba, Lynn	water refund	WF	187.17
Alba, Lynn	sewer refund	SF	20.00
Alba, Lynn	Storm drain refund	SDF	4.92
Alphagraphics	Arbor day calendars	GF	4,002.58
Alsco	rental linens	CRCF	432.85
Amersco	monthly monitoring fee	FS	389.00
Amersco	monthly energy monitoring	FS	389.00
Anderson Consulting Engineers	Law basin W. Trib Final design	SDF	4,546.25
Anderson Consulting Engineers	stormwater master plan Kern augmentation	KERN	1,600.00
Apex Legal Svc	classess	GF	345.00
Arapahoe Rental	gas, small equip, refund, propane, sball supplies, sod cutter	GF	200.80
Arapahoe Rental	hose gasket	CIF	2.60
Arapahoe Rental	generator/DDA-Salsa on 5th	DDA	183.15
AT&T Mobility	phone svc PD/PW	GF	75.71
Baker, James	sewer refund	SF	20.00
Baker, James	Storm drain refund	SDF	5.44
Ballstadt, Scott	mileage reimb-site visits/NOCO	GF	24.59
Barefoot Farms	snow removal	GF	121.25
Bear Arms	Shotgun shells	GF	359.60
Belmire sprinkler & landscaping	PVREA trees	PIF	1,950.00
Belmire sprinkler & landscaping	trenching/meter install on BW	KERN	3,444.39
BHA Design Inc	392/l-25 Community ID Signs pymts Oct 2013	CIF	125.35
Bobcat of the Rockies	keys, wood chipper	FMF	22,049.10
Bomgaars	uniforms, refund	GF	419.43
Bomgaars	rain bibs	SF	57.99
Bomgaars	uniform	FMF	36.99
Bomgaars	uniform	FS	42.99
Bomgaars	uniform	GF	76.95
Bomgaars	uniform	FS	42.99
Bryant, Judy	water refund	WF	66.17
Bryant, Judy	sewer refund	SF	40.00
Bryant, Judy	Storm drain refund	SDF	9.92
Bunting Disposal	trash svc	GF	749.50
Bunting Disposal	trash svc	CRCF	113.75
Bunting Disposal	trash svc	SF	32.34
C+B Design	concept plan Phases 1-3 for DDA	DDA	4,100.00
Canteen Refreshment Svcs	monthly coffee svc	GF	223.51
Canteen Refreshment Svcs	monthly coffee svc	GF	172.23
Carrier Corporation	HVAC repair CRC	FS	301.22
Cash-Wa Distributing Co	Kitchen supplies	CRCF	39.05
Century Link	utilities	GF	501.93
Century Link	utilities	SF	388.47
Century Link	utilities	GF	199.41

VENDOR	DESCRIPTION	FUND	AMOUNT
Century Link	utilities	CRCF	4.58
Century Link	utilities	WF	1.10
Century Link	utilities	GF	1,030.56
Century Link	office supplies	CRCF	1,100.20
Century Link	utilities	SF	106.42
Century Link	utilities	FS	48.39
Chapin, Timothy	water refund	WF	6.85
Chematox Laboratories	drug screenings/BAC test	GF	565.00
Chematox Laboratories	drug screenings	GF	355.00
Chow, Peter & Shih, Jenny	water refund	WF	131.71
CIRSA	hail storm deductions/add parks/propert,workman's comp	GF	4,358.46
City of Greeley	2nd Qtr sales tax -repymt, first check lost	GF	11,256.60
City of Greeley	3rd Qtr sales tax	GF	11,969.48
City of Greeley	water purchased	WF	44,352.78
City of Greeley	water purchased	WF	252.13
Clear Water Solutions Inc	general water svcs, KRDC Gen water svcs	KERN	2,750.35
Colorado Analytical Lab	lab testing	SF	455.00
Colorado Analytical Lab	lab testing	SF	256.00
Colorado Dept of Revenue	concessions sales tax	GF	31.00
Colorado Health Medical Group	physical	GF	183.00
Coloradoan Media Group	legal notices	DDA	12.60
Coloradoan Medica Group	legal notices	GF	243.96
Coloradoan Medica Group	legal notices	SF	14.12
Colt Manufacturing Co	Amrorer school tuition	GF	450.00
Comcast Cable	internet svc	ITF	209.90
Connell Resources Inc	Railroad Crossing repairs	CIF	6,000.00
Connell Resources Inc	Eagle crossing street improvements	CIF	16,392.12
Connie Hanrahan-Mantooth Mktg	event retainer/misc Salsa on 5th	DDA	2,087.33
Connie Lance	Computer class instruction for FAC	FS	60.00
Connie Lance	Computer class instruction for FAC	FS	60.00
Coren Printing	printing-letterhd,bus license renewal forms, bus cards	GF	1,536.17
Coren Printing	printing-office supplies, bus cards	CRCF	53.08
Coren Printing	printing-office supplies	ITF	22.62
Coren Printing	printing-office supplies	FS	45.13
Country Johns	portable restroom svc	GF	1,020.00
Country Johns	portable restroom svc	GF	490.81
CTL/Thompson Inc	testing svcs PVREA	PIF	90.00
Curry, Sean	sewer refund	SF	20.00
Curry, Sean	Storm drain refund	SDF	12.02
Dana Kepner Co	repair clamp/coupling	WF	490.41
Dana Kepner Co	hydrant parts	WF	419.92
Data West Corp	bill master-Epay hosting water	GF	360.00
Data West Corp	bill master-Epay hosting water	ITF	585.00
Dataprint	October 2013 water bill stmts	WF	1,479.86
Dataprint	October 2013 water bill stmts	SF	1,479.86
Dataprint	October 2013 water bill stmts	SDF	1,479.85
Dataprint	water bill epay transactions	WF	317.17
Dataprint	water billing stmts	WF	1,485.41
Dataprint	water billing stmts	SF	1,485.41
Dataprint	water billing stmts	SDF	1,485.42
Davinci Sign Systems Inc	TB Photo Display-50% down payment	CIF	3,847.50
Davinci Sign Systems Inc	Chimney park donor sign repair	GF	700.00
DBC Irrigation supply	irrigation supplies	GF	23.29
Dennis, David & Jessica	water refund	WF	41.39
Dennis, David & Jessica	water refund	SF	20.00
Dennis, David & Jessica	water refund	SDF	4.78
Denver Bullets Inc	rifel ammunition	GF	1,440.00
Denver Industrial Pumps Inc	pump repair @ WWTP	SF	2,167.76
Department of Labor & Employment	elevator inspection certification	FS	30.00
Department of Labor & Employment	elevator inspection certification-CRC	FS	30.00
Dhrahota Commercial	Meter rental deposit refund	WF	2,100.00
Diaz, George	uniform reimbursement	FMF	67.37
Digi Pix signs	3 election maps for display	GF	187.50
Domino's Pizza	meeting meal	FS	37.32
Domino's Pizza	Computer class meal	FS	32.34
Duran, Alicia	water refund	WF	14.61
Duran, Alicia	sewer refund	SF	20.00
Duran, Alicia	Storm drain refund	SDF	2.40

VENDOR	DESCRIPTION	FUND	AMOUNT
E-470 public highway authority	toll road chgs-Payroll class 10/29/13	GF	13.00
Edwards, Kenneth & Victoria	water refund	WF	126.56
Edwards, Kenneth & Victoria	water refund	SF	80.00
Edwards, Kenneth & Victoria	water refund	SDF	20.60
Eforce Software	Eforce server update	ITF	1,000.00
Elite Awards	softball awards	GF	477.00
Ellis, Matthew	water refund	WF	74.98
Ellis, Matthew	sewer refund	SF	40.00
Ellis, Matthew	Storm drain refund	SDF	9.32
Evans, Kimberlee	water refund	WF	30.34
Evans, Kimberlee	sewer refund	SF	20.00
Evans, Kimberlee	Storm drain refund	SDF	4.77
Evident, Inc	GSR collection env kits	GF	27.00
Family support registry	wage assignment	GF	296.57
Family support registry	wage assignment	GF	296.57
Farnsworth Group Inc	WWTP headworks, construction admin	SF	700.85
Farnsworth Group Inc	Windsor interim lift station relocation	SF	11,284.01
Fastenal Co	screw drivers, pliers	FS	30.32
Fastenal Co	safety glasses	FS	50.15
Ferguson-Jenkins & Assoc	bus ID/timestamp ext	ITF	100.00
Fink, Martin	Storm drain refund	SDF	13.44
Fish Window Cleaning	contract window cleaning-CRC/PD	FS	1,665.00
Fish Window Cleaning	contract window cleaning-TH	FS	2,495.00
Fort Collins Monument and Stone	bench memorial stone	GF	350.00
Fort Collins-Loveland Water Dist	water purchased	GF	18.08
Fort Collins-Loveland Water Dist	water purchased	WF	28,404.81
Fort Collins-Loveland Water Dist	water hydrant rental	SDF	226.00
Frey McCargar Plock & Root	legal svcs-flat fee	GF	24,000.00
Frimd, Mary Ann	water refund	WF	15.06
Frimd, Mary Ann	water refund	SF	20.00
Frimd, Mary Ann	water refund	SDF	2.20
Froelich, Nathan	water refund	WF	11.20
Froelich, Nathan	sewer refund	SF	20.00
Froelich, Nathan	Storm drain refund	SDF	4.63
Garcia, Patti	CGFOA conf per diem	GF	57.00
Garretson's Sports Center	softballs, football supplies	GF	311.77
General Air service & supply	welding supplies	GF	59.98
General Air service & supply	small CO2 bottle rental for pool	FS	12.00
Gill, Nathan	water refund	WF	49.60
Gill, Nathan	water refund	SF	47.74
Gill, Nathan	water refund	SDF	10.72
GLH Construction	repair 20" water line	WF	20,559.24
Grainger	lamps CRC, HVAC filters	FS	472.28
Granite Ranch Opportunities	water refund	WF	30.88
Granite Ranch Opportunities	sewer refund	SF	20.00
Granite Ranch Opportunities	Storm drain refund	SDF	2.20
Greeley Lock & Key	install new coded lock-park shelter	GF	153.00
Greeley Lock & Key	duplicate keys/rings	FS	20.40
Green Lawn Sod Co	bluegrass sod	GF	120.00
Haberstroh, Marilyn	water refund	SDF	632.83
Harris, John	Storm drain refund	SDF	5.03
Hart, Ronald	sewer refund	SF	20.00
Hart, Ronald	Storm drain refund	SDF	3.66
Haven Builders	Storm drain refund	SDF	5.45
Hensley Battery	battery, lift stations	FMF	173.72
Herman, Trace	water refund	WF	33.07
Herman, Trace	water refund	SF	20.00
Herman, Trace	water refund	SDF	5.29
Highland Park Lanes	adaptive classes	GF	201.60
Hillyard	TP, liners, arsenal, cleaners, bowl cleaner, brush, soap	FS	1,526.15
Hireright Solutions Inc	Oct 2013 background checks	GF	2,249.83
Home Depot	basebrds, forms, qtr round trim-farmhouse	GF	260.13
Home Depot	chalk board PD, screw driver, brush, shelf brckt, board	FS	54.79
Hora, Ronald		WF	69.30
Hora, Ronald	sewer refund	SF	40.00
Hora, Ronald	Storm drain refund	SDF	6.17
Hoser's car wash	car wash tokens	FMF	17.50
Ideal Performance Mgmt	water refund	WF	143.10

VENDOR	DESCRIPTION	FUND	AMOUNT
Ideal Performance Mgmt	water refund	WF	398.15
Ideal Performance Mgmt	sewer refund	SF	87.80
Ideal Performance Mgmt	Storm drain refund	SDF	31.85
Insight Public Sector Inc	Windows servers datacenter	ITF	19,349.64
Intermountain Sweeper CO	safety filters	FMF	113.52
Interwest Consulting Group	Cornerstone/Eastman Pkwy roundabout engineer svcs	CIF	6,010.00
Jag's Enterprises	Grading Pedastal Eastman Pk	GF	420.00
Jag's Enterprises	Main park playground concrete scope	CIF	28,857.20
James Mock PLLC	review svc plan Harmony Ridge	GF	300.00
Jax	Uniform/snap link	SF	143.96
Jeavons, Christopher	water refund	WF	5.78
Joseph, Joan & Perkins, Lee	water refund	WF	4.83
K&H Windows & Exteriors	refund duplicate permit	GF	78.60
Kastilahn, Byron	reimb-overpayment on employee Vol life insurance	HIF	60.32
Kelly Moore	October cheer	GF	1,884.75
Kendall Properties	water refund	WF	32.97
Kendall Properties	sewer refund	SF	20.00
Kendall Properties	Storm drain refund	SDF	5.37
Kenz & Leslie Dist	additives for units	FMF	271.05
Kenz & Leslie Dist	fuel additives for units	FMF	343.60
Kimball Midwest	push-in air fittings	GF	144.45
Kimball Midwest	ratchet/driver set	FMF	53.46
Kimberly Emil	legal svcs-Town prosecutor	GF	5,055.00
King Surveyors	2nd St Project-surveying svcs	GF	408.50
King Surveyors	PVREA row staking-fire station	PIF	374.00
Kinsco	shirts, jackets	GF	374.98
Kness, Fauna	sewer refund	SF	20.00
Kness, Fauna	Storm drain refund	SDF	10.39
Kness, Peggy Lynn	water refund	WF	18.27
KWAL-Howels	machine to paint lines on fields	FMF	2,186.00
L&M Enterprises Inc	additional mowing Founders/Brunner park,contract landscape	GF	2,484.76
L&M Enterprises Inc	392/l-25 Community ID Signs pymts/final pymt	CIF	5,559.87
L&M Enterprises Inc	landscape maint-Highlands/Aberdo	GF	767.70
Larimer County Clerk & Recorder	site plan development agree-filing	GF	66.00
Larimer County Sales & Use tax	use tax collections	GF	21,436.81
Larimer County Solid waste	hauling to dump	GF	1,415.51
Lawrence, Jones, Custer, Grasmick	legal svcs	GF	508.50
Lee, Mary	CGFOA conf per diem	GF	10.00
Lee, Mary	CGFOA mileage reimb	GF	151.42
Letofsky, Marci	CPR reimbursement	GF	35.95
Lewan & Assoc	monthly tech support renewal, CISCO router	ITF	7,861.23
Lewan & Assoc	Prof services contract, CISCO smarnet contract	ITF	4,631.90
Lewis, Perry	uniform reimbursement	SDF	53.70
Lighthouse Pointe Townhomes	water refund	WF	75.46
Lighthouse Pointe Townhomes	sewer refund	SF	40.00
Lighthouse Pointe Townhomes	Storm drain refund	SDF	7.58
Liley, Rogers & Martell	legal svcs	DDA	306.00
Lind & Ottenhoff	special counsel-Oil & gas	GF	260.35
LL Johnson Dist Co	erosion control fabric	GF	143.50
Ludy, Eric	water refund	WF	89.08
Ludy, Eric	sewer refund	SF	40.00
Ludy, Eric	Storm drain refund	SDF	4.40
Lutz, Gerald	water refund	WF	30.60
Lutz, Gerald	sewer refund	SF	20.00
Lutz, Gerald	Storm drain refund	SDF	5.17
Mail N Copy	shipping rtn equip,mail cert letter, printing	GF	73.86
Mail N Copy	mailing	WF	40.98
Manweiler's Hardware	caulk, sandpaper, zip ties, duct tape, velcro	GF	37.97
Manweiler's Hardware	Oct charges	CIF	146.04
Manweiler's Hardware	BB hoop keys	CRCF	3.56
Manweiler's Hardware	adhesive, extension pole	SF	30.56
Manweiler's Hardware	nipple, coupler, padlock, flash light, batteries	FMF	125.24
Manweiler's Hardware	Anti-freeze, wire, nuts	FS	18.41
Marjorie Fajardo	DISC personality profile docs	GF	110.34
Marjorie Fajardo	DISC personality profile docs	CRCF	129.00
Markwood, Ronald	Storm drain refund	SDF	6.67
Martinex, Johnny	reimb for ALCC Certif	GF	50.00
McCandless Truck Center	blade heat kit	FMF	157.80

VENDOR	DESCRIPTION	FUND	AMOUNT
Mcgraw, David	sewer refund	SF	20.00
Mcgraw, David	Storm drain refund	SDF	5.63
Michael Manning	Municipal court judge svcs	GF	1,400.00
Michael Todd & Company Inc	signs	GF	1,897.47
Miller, Vicki	CGFOA conf per diem	GF	81.00
Miller, Vicki	CGFOA conf mileage reimb	GF	151.42
Mines & Associates	employee assist pgm	GF	236.52
Mines & Associates	employee assist pgm	CRCF	19.44
Mines & Associates	employee assist pgm	WF	9.72
Mines & Associates	employee assist pgm	SF	9.72
Mines & Associates	employee assist pgm	SDF	3.24
Mines & Associates	employee assist pgm	FMF	9.72
Mines & Associates	employee assist pgm	ITF	9.72
Mines & Associates	employee assist pgm	FS	19.44
Morrison, Mary	water refund	WF	15.57
Morrison, Mary	sewer refund	SF	20.00
Morrison, Mary	Storm drain refund	SDF	5.69
Muehlbauer, Peggy	water refund	WF	90.19
Muehlbauer, Peggy	sewer refund	SF	20.00
Muehlbauer, Peggy	Storm drain refund	SDF	2.20
My House Property	water refund	WF	11.47
My House Property	sewer refund	SF	15.48
My House Property	Storm drain refund	SDF	1.65
Myers Tire supply	tire supplies, mobile tire/wheel lift	FMF	863.06
Napa	screw drivers,handle set, filters,fuses, brake away,gloves	FMF	934.84
National Meter & Automation	leak survey, meter pit covers/lids	WF	11,991.74
New Windsor Metropolitan Dist	Brunner farm park irrigation	GF	68.00
Newco, Inc	sewer cover	SF	49.23
Newegg Inc	headphones x 2	ITF	59.90
Newegg Inc	display PRT to DVI video adapter	ITF	389.70
North Front Range MPO	unified planning work pgm	GF	648.23
North Weld County Water Dist	water purchased	WF	24,404.53
Northern Colorado Traffic Control	WCR 13 bridge deck traffic control	CIF	10,114.00
NYS Child Support Processing Center	wage assignment	GF	345.00
O'Callaghan, Jeremiah	Storm drain refund	SDF	26.45
Occupational Health Centers	HEP B series	GF	83.00
Office Depot	office supplies	GF	831.48
Office Depot	office supplies	CRCF	0.75
Office Depot	office supplies	SF	56.95
Office Depot	office supplies	ITF	1.13
Office Depot	office supplies	FS	2.25
Office Depot	office supplies	GF	697.01
Office Depot	office supplies	CIF	222.94
Office Depot	office supplies	CRCF	3.42
Office Depot	office supplies	WF	94.94
Office Depot	office supplies	SF	14.98
Office Depot	office supplies	FMF	17.99
Office Depot	office supplies	ITF	5.13
Office Depot	office supplies	FS	10.24
Office Depot	office supplies	GF	273.18
Office Depot	office supplies	CIF	318.80
Office Depot	office supplies	WF	14.56
Officescapes	column support/labor	GF	220.25
Old National Bank	energy efficiency lease purchase	FS	3,455.41
Parrish, Nick	water refund	WF	30.56
Parrish, Nick	sewer refund	SF	20.00
Parrish, Nick	Storm drain refund	SDF	2.20
Payflex Systems	FSA Nov 13	GF	279.50
Peterson's Flooring & Design	floor repair TH	FS	512.03
Petty Cash	keys, luncheon, soap, GPS	GF	58.93
Pheffer, Mitch	water refund	WF	50.64
Pheffer, Mitch	sewer refund	SF	40.00
Pheffer, Mitch	Storm drain refund	SDF	9.36
Pioneer Sand Company	Rip rap for 257 Poudre trail	GF	659.59
Pitcher Living Trust	Storm drain refund	SDF	25.20
Polese, Albert	water refund	WF	16.21
Polese, Albert	sewer refund	SF	20.00
Polese, Albert	Storm drain refund	SDF	2.20

VENDOR	DESCRIPTION	FUND	AMOUNT
Poudre Valley REA	utilities	GF	3,368.35
Poudre Valley REA	utilities	WF	750.00
Poudre Valley REA	utilities	GF	345.38
Poudre Valley REA	utilities	WF	974.44
Poudre Valley REA	utilities	SF	15,876.90
Poudre Valley REA	utilities	SF	315.43
Poudre Valley REA	utilities	GF	8,922.56
Powers Products Co	preventative maintenance movable walls crc	FS	305.00
Profit Resources	Donor brick	GF	76.35
Ramsay, Andra	water refund	WF	6.78
Ramsay, Andra	sewer refund	SF	20.00
Red Dog Signs/Wraps	pride of windsor window cling Tier III	GF	15.00
Rex Oil Co	light bulbs, gear oil, mini bulbs	FMF	186.34
RG Options	water refund	WF	21.28
RG Options	sewer refund	SF	20.00
RG Options	Storm drain refund	SDF	5.11
Ridgeline Door & Millwork	glass door/office 3rd floor	CIF	850.00
RN Civil Construction	WWTP Headworks, pump stn final payment	SF	104,878.00
Robert Peccia & Assoc	cemetery landscape plan svcs	CIF	13,694.30
Rocky Mountain Power Generation	Contract prevention/maint/upgrade	FS	1,096.42
Rowe, Brian	tier 1 pride award	GF	10.00
Ruska, Nicole	water refund	WF	29.57
Ruska, Nicole	water refund	SF	20.00
Ruska, Nicole	water refund	SDF	4.41
Safety-Kleen corp	service on unit, parts, washer	FMF	427.71
Safeway	volleyball staff breakfast	GF	25.71
Safeway	vball officials refresh, town board meeting meal	GF	64.71
Safeway	water board meeting refreshments	WF	5.15
Safeway	water refund	WF	361.14
Saint Aubyn Homes	water refund	WF	40.93
Saint Aubyn Homes	water refund	SF	20.00
Saint Aubyn Homes	water refund	SDF	5.21
Schmidt, Eliot	reimburse for recognition meeting refreshments	GF	119.99
Schonstedt Instrument Co	repair locator instrument	WF	437.77
Schueler, Stephen & Eursa	water refund	SDF	95.30
Schwartz, Jana	water refund	WF	30.00
Schwartz, Jana	sewer refund	SF	40.00
Schwartz, Jana	Storm drain refund	SDF	5.51
Scott, Dianna	water refund	WF	23.83
Scott, Dianna	sewer refund	SF	40.00
Scott, Dianna	Storm drain refund	SDF	9.84
Scott's Electric & Bucket truck svc	main park repair GFCI brkrs,replace landscp outlet,heater rpr	GF	1,534.09
Scott's Electric & Bucket truck svc	Svc call-water tank, balance fuses	WF	594.00
Scott's Electric & Bucket truck svc	lighting repair CRC	FS	103.32
Sean Grogan	BB officials	GF	10,249.00
Sears Trostel Lumber Co	maple lumber CRC	FS	11.22
Securitas Security Svcs	rental security services	CRCF	611.61
Shakespeare, Chrissy	NYSCA reimb	GF	20.00
Sheridan, R Paul	CDL exam reimb	WF	75.00
Short-Elliott-Hendrickson Inc	WCR 13 bridge deck design svcs	CIF	832.88
Short-Elliott-Hendrickson Inc	WCR 13 bridge deck design svcs	CIF	1,156.77
Sluga, Don & Carolyn	water refund	WF	31.33
Sluga, Don & Carolyn	water refund	SF	20.00
Sluga, Don & Carolyn	water refund	SDF	7.27
Solarwinds Worldwide	remote support software	ITF	1,056.00
Spradley Barr Ford	air bag warning light, transm fluid/cooler line tool,door motor	FMF	67.07
Spradley Barr Ford	bland door, credit for rnd parts, connector, thermostat	FMF	155.73
Spradley Barr Ford	gear oil	FMF	52.86
Spradley Barr Ford	brake kit	FMF	59.98
Staples	demo chair-planning	GF	411.69
Staples	office supplies	ITF	1,268.24
State of Colorado/OIT	frameATM internet svc	ITF	1,249.79
Swanson, Stacey	mileage reimb-American Payroll Assoc year end class	GF	64.86
Swanson, Stacey	CGFOA conf per diem	GF	57.00
Swanson, Stacey	CGFOA mileage reimb	GF	151.42
T&T Tire	6 tires	FMF	1,176.06
Tarvin, Landon	water refund	WF	30.45
Tarvin, Landon	sewer refund	SF	20.00

VENDOR	DESCRIPTION	FUND	AMOUNT
Tarvin, Landon	Storm drain refund	SDF	3.57
The Humane Society of Weld County	animal housing/care	GF	126.31
Thomas Eckrich	plaques	GF	80.00
Thoney, Misty	water refund	WF	25.20
Thoney, Misty	water refund	SF	20.00
Thoney, Misty	water refund	SDF	5.29
Tire Centers	Flat repair	FMF	42.95
Touchstone Property Management	water refund	WF	30.00
Town of Windsor Community	water refund	WF	30.00
Town of Windsor Municipal Court	check order reimb	GF	16.65
Trefry, Del	water refund	WF	29.29
Trefry, Del	sewer refund	SF	20.00
Trefry, Del	Storm drain refund	SDF	4.66
Tri-Tech security	fire alarm repair TH	FS	130.00
Tri-Tech security	monthly fire alarm monitor fee	FS	132.00
Tri-Tech security	fire alarm repair CRC	FS	204.00
Trollco Inc	water refund	WF	19.95
Trollco Inc	sewer refund	SF	20.00
Trollco Inc	Storm drain refund	SDF	9.86
Trugreen Ltd Partnership	icemelt	GF	453.79
Turner, Cheryl	CGFOA conf per diem	GF	91.00
Uline	waste can, liners PD	FS	119.76
UMB-Credit card services	Cards for staff bdays, meeting coffee	GF	51.61
UMB-Credit card services	Professional engineering license renewal	GF	112.00
UMB-Credit card services	Headset, staff dev, interview meals/board mtg	GF	792.13
UMB-Credit card services	APA Conf-lodging/planning dept/board mtg	GF	2,645.00
UMB-Credit card services	CGFOA conf registration/lodging deposit	GF	1,074.00
UMB-Credit card services	W2 forms, tablets, CGFOA conf registration/lodging dep	GF	1,725.17
UMB-Credit card services	CGFOA conf lodging dep	GF	115.00
UMB-Credit card services	Board lunch	GF	92.05
UMB-Credit card services	Interview lunch	GF	41.08
UMB-Credit card services	Senior tickets, books, meeting refresh	GF	855.18
UMB-Credit card services	Adaptive dinners, supplies, tickets	GF	302.28
UMB-Credit card services	Adaptive trip tickets	GF	27.00
UMB-Credit card services	Senior trip/parking/meeting food/teen night	GF	175.36
UMB-Credit card services	ICMA lodging, newspaper, coffee w/mayor	GF	1,223.56
UMB-Credit card services	Parking, Mtg lunches, EDCC Conf lodging	GF	340.05
UMB-Credit card services	NCHRA Meeting lunch	GF	25.00
UMB-Credit card services	GPS receiver, Notary supplies, supplies	GF	1,027.35
UMB-Credit card services	Salt supplies, senior tickets/class	GF	988.47
UMB-Credit card services	Flower bulbs for treasure island	GF	315.10
UMB-Credit card services	Prof engineering/surveyor license renewal	GF	124.00
UMB-Credit card services	DORA-professional engineering license	GF	62.00
UMB-Credit card services	RMRTA conf registration, MPMA conf lodging	GF	1,734.31
UMB-Credit card services	meeting meals, books, event refreshments	GF	154.41
UMB-Credit card services	Wheel rim, hydrant DVD safety	GF	205.00
UMB-Credit card services	Books, permits, ISA membership, CPRA	GF	1,676.82
UMB-Credit card services	DORA-PE license renewal	GF	62.00
UMB-Credit card services	Senior tickets, books, meeting refresh	CRCF	478.34
UMB-Credit card services	RMWEA seminar lodging/registration	SF	198.70
UMB-Credit card services	Wheel rim, hydrant DVD safety	FMF	50.00
UMB-Credit card services	W2 forms, tablets, CGFOA conf registration/lodging dep	ITF	11,205.80
UMB-Credit card services	employee recognition meal	FS	44.57
UMB-Credit card services	Headset, staff dev, interview meals/board mtg	DDA	57.60
United Way	employee donation	GF	15.00
United Way	employee donation	GF	15.00
United Way	employee donation	GF	15.00
USA Bluebook	gloves, pool pole, algae brush	SF	385.13
USA Bluebook	curb box lid w/plug	WF	441.22
Utility Notification Center	locate transmissions	WF	391.20
Vartec Telecom	fax machine	GF	8.78
Vartec Telecom	fax machine	SF	1.25
Veech, Joseph	water refund	WF	3.16
Veech, Joseph	water refund	WF	3.33
Veech, Joseph	water refund	WF	35.24
Veech, Joseph	water refund	SF	4.00
Veech, Joseph	water refund	SF	20.00
Veech, Joseph	water refund	SDF	2.20

VENDOR	DESCRIPTION	FUND	AMOUNT
Veech, Joseph	water refund	SDF	4.60
Verizon Wireless	cell phone svc	GF	1,311.86
Verizon Wireless	cell phone svc	CRCF	29.30
Verizon Wireless	cell phone svc	SF	40.01
Verizon Wireless	utilities	ITF	40.01
Verizon Wireless	town billboards	GF	22.10
Vermeer Sales & Svc of Colorado	tree spade rental	GF	2,856.00
Vermont Systems Inc	rectrac user group mtg	CRCF	25.00
Victory Sales	Softball supplies, CARA Swimming supplies	GF	729.53
Vision Service Plan	employers share of vision Nov 2013'	GF	1,724.64
Waddell, Barry	sewer refund	SF	20.00
Waddell, Barry	Storm drain refund	SDF	5.70
Walters, Emily	water refund	WF	17.32
Walters, Emily	water refund	SF	20.00
Walters, Emily	water refund	SDF	5.00
Waste Management	recycle site pulls	GF	1,257.37
Waterhouse, Timothy	water refund	WF	48.80
Waterhouse, Timothy	sewer refund	SF	20.00
Waterhouse, Timothy	Storm drain refund	SDF	5.92
Watterson Realty Inc	water refund	WF	12.43
Watterson Realty Inc	water refund	SF	20.00
Watterson Realty Inc	water refund	SDF	5.21
Watterson, Gary	water refund	WF	15.25
Watterson, Gary	sewer refund	SF	20.00
Watterson, Gary	Storm drain refund	SDF	4.89
Web tech Wireless	GPS tracking	GF	540.00
Weld County Clerk & Recorder	1st Amendment-filing fee	WF	26.00
Weld County Clerk & Recorder	filing fees	WF	46.00
Weld County Drug Task Force	Windsor Municipal court collections Oct 2013	GF	896.00
Western States Land Svcs	WCR 21 bridge land acquisition	CIF	2,573.74
Wilke, John	Storm drain refund	SDF	2.98
William Ralph Zentz II	Tree risk assessment	GF	105.00
Windsor Chamber of Commerce	Windsor bucks tier II Winners	GF	50.00
Windsor -Severance Fire protection	museum utility expense-share with Fire dept	GF	29.82
Windsor -Severance Fire protection	fire dpt bldg permit collections	GF	33,100.00
Winter, Rob	tier 1 pride award	GF	10.00
Wireless Advanced Communications	radio repair	FMF	40.00
Xcel Energy	utilities	GF	3,763.21
Xcel Energy	utilities	GF	5,899.04
Xcel Energy	utilities	SF	1,021.77
Xcel Energy	utilities	GF	28,925.55
Xcel Energy	utilities	CRCF	4,831.17
Xcel Energy	utilities	KERN	85.44
Xcel Energy	utilities	GF	19.63
Xerox Corp	copier maint agreement	ITF	2,967.76
Zexhags Inc	Cleaning svcs	CRCF	1,651.50
			<u>\$794,300.55</u>
	PAYROLL		
	(wages/ 2 pay periods)		<u>\$324,329.35</u>
	TOTAL		<u>\$1,118,629.90</u>



## MEMORANDUM

**Date:** December 9, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Dean Moyer, Director of Finance  
**Re:** 2014 Joint Fuel Tank Facility Budget  
**Item #:** B.4.

### **Background / Discussion:**

As you probably are aware, the Town shares the cost of a fuel facility with the school district, fire department and library. Part of our intergovernmental agreement requires that each participating party approve the operating budget for the coming year. Below is an e-mail from Stephanie Watson at the school district, she prepared the budget for 2014.

Hope you are all doing well! I've attached a draft fuel facility budget for 2014. The budget doesn't anticipate any changes. Per our intergovernmental agreement, each board needs to approve the budget and confirm they will include their estimated operating portion in their budget. We will be taking to our board on December 9<sup>th</sup>.

I will revise the operating percentages after any December fuel orders and will send you the final copy.

Thanks and Happy Thanksgiving!

Stephanie

**Stephanie Watson**  
**Assistant Superintendent of Business Services**  
**970.686.8015**

Our portion of the facility budget is \$2,362.50. We included this line item in our Fleet Maintenance Budget for 2014.

### **Recommendation**

Approve facility budget as presented.

# WINDSOR JOINT FUEL TANK FACILITY

## TOWN OF WINDSOR WINDSOR FIRE DEPARTMENT WELD RE-4 SCHOOL DISTRICT

### 2014 BUDGET

DESCRIPTION	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<b>REVENUES</b>			
TOWN OF WINDSOR	45.0% 01.000.91.0000.1990	TOWN OF WINDSOR	2,362.50
WINDSOR FIRE DEPARTMENT	10.5% 01.000.92.0000.1990	WINDSOR FIRE DEPARTMENT	551.25
WELD RE-4 SCHOOL DISTRICT	43.0% 01.000.93.0000.1990	WELD RE-4 SCHOOL DISTRICT	2,257.50
WINDSOR/SEVERANCE LIBRARY DISTRICT	1.5% 01.000.94.0000.1990	WINDSOR/SEV LIBRARY DISTRICT	78.75
	100.0%		-----
		TOTAL REVENUES	5,250.00
<b>EXPENDITURES</b>			
MANAGEMENT FEE TO SCHOOL DISTRICT	01.000.00.0000.0310	ADMINISTRATIVE SERVICES	500.00
ELECTRICAL FOR LIGHT/CARD READER/PUMP	01.000.00.0000.0622	ELECTRICITY	150.00
MAINTENANCE AND EQUIPMENT/SITE CARE	01.000.00.0000.0430	REPAIRS & MAINTENANCE	900.00
PROPERTY INSURANCE	01.000.00.0000.0522	PROPERTY INSURANCE	200.00
DISPOSAL OF USED OIL	01.000.00.0000.0340	TECHNICAL SERVICES	600.00
SUPPLIES/FUEL CONDITIONER	01.000.00.0000.0610	SUPPLIES	1,200.00
COMPUTER/PRINTER ITEMS	01.000.00.0000.0660	SMALL EQUIPMENT	500.00
SYSTEM IMPROVEMENTS	01.000.00.0000.0734	TECHNOLOGY EQUIPMENT	0.00
LICENSES/PERMITS	01.000.00.0000.0810	DUES AND FEES	200.00
MISCELLANEOUS ITEMS	01.000.00.0000.0890	MISCELLANEOUS EXP	1,000.00
			-----
		TOTAL EXPENDITURES	5,250.00
			-----
		NET	0.00
			=====

**WINDSOR JOINT FUEL FACILITY  
2014 ANNUAL OPERATING PERCENTAGE CALCULATION  
PERCENTAGE OF FUEL USE FOR 2013**

ACTUAL DIESEL AND UNLEADED GALLONS USED					
FUEL FILL DATES	SCHOOL DISTRICT RE-4	TOWN OF WINDSOR	WINDSOR FIRE DEPARTMENT	WINDSOR/SEV LIBRARY DISTRICT	TOTAL
01/17/2013	2,127.60	2,474.20	631.70	109.70	5,343.20
02/04/2013	3,256.50	2,085.80	536.70	79.90	5,958.90
02/27/2013	2,905.40	2,452.60	547.80	78.00	5,983.80
03/19/2013	2,838.60	2,116.10	588.20	81.10	5,624.00
04/11/2013	2,779.20	2,753.40	610.00	61.80	6,204.40
04/30/2013	3,328.30	2,326.60	537.60	60.20	6,252.70
05/16/2013	2,826.00	1,895.20	480.30	83.10	5,284.60
06/05/2013	1,725.60	2,610.60	550.90	66.90	4,954.00
07/05/2013	970.60	3,948.90	909.80	132.40	5,961.70
08/01/2013	863.60	3,712.50	695.70	116.30	5,388.10
08/22/2013	1,501.90	3,297.40	682.10	119.10	5,600.50
09/10/2013	2,871.40	2,330.70	555.10	94.00	5,851.20
09/26/2013	2,532.70	2,257.70	448.00	57.10	5,295.50
10/10/2013	2,672.80	2,060.20	390.00	58.80	5,181.80
10/29/2013	2,692.30	2,307.40	624.90	72.90	5,697.50
11/14/2013	2,666.70	1,789.00	542.20	60.10	5,058.00
TOTAL	38,559.20	40,418.30	9,331.00	1,331.40	89,639.90
PERCENTAGE OF USE	43.02%	45.09%	10.41%	1.49%	100.00%

2014 OPERATING PERCENTAGE	43.00%	45.00%	10.50%	1.50%	100.00%
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2013 OPERATING PERCENTAGE	43.60%	45.70%	9.20%	1.50%	100.00%
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2012 OPERATING PERCENTAGE	40.80%	48.80%	9.40%	1.00%	100.00%
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2011 OPERATING PERCENTAGE	43.30%	48.30%	8.40%	0.00%	100.00%
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2010 OPERATING PERCENTAGE	41.20%	51.10%	7.70%	0.00%	100.00%
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NOTE: - THESE PERCENTAGES ONLY CONSIDER GALLONS USED PER OUR COMPUTER USE REPORTS;  
GALLONS FOR SHRINKAGE OR OTHER ADJUSTMENTS ARE NOT CONSIDERED.



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## MEMORANDUM

**Date:** December 9, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Katie Heidsiek, Museum Curator  
**Re:** Town of Windsor Museum Accessions  
**Item #:** B.5.

### **Background / Discussion:**

The Town of Windsor Board will occasionally have the opportunity to review recommended accessions to the permanent collection of the Town of Windsor Museum. The process of accessioning allows the museum to strengthen its collection of material objects for future exhibitions as well as preserve for public benefit the material culture of the region. The Parks, Recreation, and Culture Advisory Board adopted Resolution 2013PRC-02 approving the accessions enumerated below at their meeting on December 3rd, signatures pending. Town Board is asked to review the attached acquisition forms for consideration of including specified items into the permanent collection.

### **Financial Impact:**

Maintenance costs already incorporated into Art & Heritage budget. Insurance is expected to be nominal as an addition to the collections.

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

Goal 1-F: Identify cultural programming priorities.

### **Recommendation:**

**Move to adopt Resolution 2013-74 approving the accession of items to the permanent collection of the Town of Windsor Museum.**

### **Attachments:**

- b) Town Board Resolution 2013-74
- c) PReCAB Resolution 2013PRC-02
- d) Accession #1
- e) Accession #2
- f) Accession #3

TOWN OF WINDSOR

RESOLUTION NO. 2013-74

A RESOLUTION OF THE WINDSOR TOWN BOARD APPROVING THE ACCESSIONING OF ITEMS TO THE TOWN OF WINDSOR MUSEUM COLLECTION

WHEREAS, the Town of Windsor owns an extensive museum collection, the purpose of which is to preserve and enhance the rich cultural history of the Town, and to educate the public accordingly; and

WHEREAS, in October, 2010, the Town Board adopted by resolution the Town's Museum Accessioning Policy, the intention of which is to assure that items proposed for addition to the Town's Museum collection are reviewed by staff and by the Parks and Recreation Advisory Board; and

WHEREAS, the Town's Art & Heritage Manager has prepared the attached listing of items which, if accessioned, will meet the purposes and mission of the Town's Museum collection; and

WHEREAS, in keeping with the Town's Museum Accessioning Policy, the Town's Parks and Recreation Advisory Board has reviewed the attached listing of items, and has recommended that the items described therein be added to the Town's Museum Collection via Resolution PRC 2013-02; and

WHEREAS, the Town Board having considered the attached listing and recommendation of the Parks and Recreation Advisory Board, finds that accessioning of the items described in the attached listing is in the public interest and promotes the essential purposes of the Town's Museum collection.

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

The items described in the attached listing, incorporated herein by this reference as if set forth fully, are hereby accepted by the Town of Windsor as part of its Museum collection.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 9<sup>th</sup> day of December, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

\_\_\_\_\_

Patti Garcia, Town Clerk

TOWN OF WINDSOR

RESOLUTION NO. 2013-PRC02

A RESOLUTION OF THE WINDSOR TOWN BOARD APPROVING THE ACCESSIONING OF ITEMS TO THE TOWN OF WINDSOR MUSEUM COLLECTION

WHEREAS, the Town of Windsor owns an extensive museum collection, the purpose of which is to preserve and enhance the rich cultural history of the Town, and to educate the public accordingly; and

WHEREAS, in October, 2010, the Town Board adopted by resolution the Town's Museum Accessioning Policy, the intention of which is to assure that items proposed for addition to the Town's Museum collection are reviewed by staff and by the Parks and Recreation Advisory Board; and

WHEREAS, the Town's Art & Heritage Manager has prepared the attached listing of items which, if accessioned, will meet the purposes and mission of the Town's Museum collection; and

WHEREAS, the Parks, Recreation and Culture Advisory Board having considered the attached listing and recommendation of staff, finds that accessioning of the items described in the attached listing is in the public interest and promotes the essential purposes of the Town's Museum collection.

NOW, THEREFORE, BE IT RESOLVED BY THE PARKS, RECREATION & CULTURE ADVISORY BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

The items described in the attached listing, incorporated herein by this reference as if set forth fully, are hereby recommended for acceptance by the Town of Windsor as part of its Museum collection.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 3<sup>rd</sup> day of December, 2013.

TOWN OF WINDSOR, COLORADO

By: \_\_\_\_\_  
Rebecca Holder-Otte, Chariman

ATTEST:

\_\_\_\_\_  
Shannan de Jesus, Secretary



**Windsor Museum**

Department of Parks and Recreation  
Arts and Heritage Division  
301 Walnut Street | Windsor, CO 80550

IMAGE HERE  
  
Please see attached spreadsheet.

**Potential Acquisition Form**

**Source:**

- Donation
- Staff Acquired
- Transfer / Exchange
- Purchase

\*Fill Out Section For Donation, Transfer/ Exchange, or Purchase

Date: 12/03/13

Individual or Company Name: Judi Baker

Address: 933 Pinnacle Place Fort Collins, CO 80525

Telephone: 970-204-4013 Work Phone: \_\_\_\_\_

Email: djbaker@frii.com Price: \_\_\_\_\_

Estimated Value (for donation or transfer/exchange): Not assessed

**Description and Provenance of Object(s):**

The Baker Family donation consists of 54 items connected to the Middleton, McMaster, Donaldson, and Laybourn families. These items have been well preserved and cared for over decades, and even centuries. In addition, the Middleton and Laybourn families have old ties to the Windsor area and to its first Governor, Benjamin Harrison Eaton.

In particular, the items belonging to Melle Ella McMaster tell an important story about life on Colorado's eastern plains during the late 19<sup>th</sup> and early 20<sup>th</sup> century. Melle Ella McMaster was married to Wallace Laybourn, a longtime Windsor resident and descendent of Governor Benjamin Harrison Eaton. She attended the Colorado State Teachers College – now the University of Northern Colorado – and raised a family, moving several times to and from Colorado. Although the story of Melle McMaster isn't exclusively a Windsor story, in many ways it typifies the experiences of area women, and her possessions adeptly illustrate the stories we encounter in Windsor's history. For this reason, the TOWM would like to accession a variety of

Melle McMaster's clothing, photos, keepsakes, written work, legal documents, and childhood toys.

In addition, the TOWM would like to accession some additional items which are not directly related to Melle Ella McMaster. There are a number of children's toys which fill a hole in the museum's collection and will allow us to more thoroughly tell the story of young life in Windsor. The TOWM would also like to acquire some of the papers and documents related to the McMaster and Laybourn families as reference documents in an effort to better place the accessioned items in context for future interpretation.

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**Museum Staff Recommendation:**

Accept into Museum Permanent Collection: \_\_\_\_\_ Date: \_\_\_\_\_  
Accept into Museum Education Collection: \_\_\_\_\_  
Decline to Accept: \_\_\_\_\_  
Reason for Decision: \_\_\_\_\_

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**Parks, Recreation, and Culture Advisory Board (PReCAB) Decision:**

Accept into Museum Permanent Collection: \_\_\_\_\_ Date: \_\_\_\_\_  
Decline to Accept: \_\_\_\_\_  
Reason for Decision: \_\_\_\_\_

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**Town Board Decision:**

Accept into Museum Permanent Collection: \_\_\_\_\_ Date: \_\_\_\_\_  
Decline to Accept: \_\_\_\_\_  
Reason for Decision: \_\_\_\_\_

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**Signatures:**

\_\_\_\_\_  
Art & Heritage Manager or Director of Parks, Recreation, and Culture Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair of Town Board

\_\_\_\_\_  
Date

Item	Accept or Decline	Explanation	Image
Handkerchief with portrait	Accept		
Woman's petticoat	Accept		
Woman's apron	Accept		
Woman's jacket and skirt suit	Accept		
Photo of a young girl	Accept		

Death certificate	Accept		
Copy of photo	Accept	As reference document	
McMaster diary	Accept		
Wedding dress (5 parts)	Accept		
Crazy quilt	Accept		

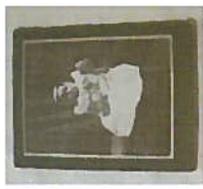
High school diploma	Accept	
Letter	Accept	
Photo of a young girl	Accept	
Photo of a young girl	Accept	
Photo of a woman	Accept	

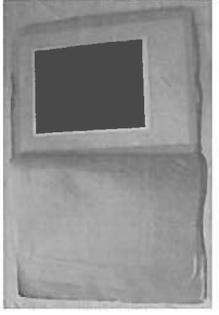
Photo of a young girl	Accept	
Photo of a woman	Accept	
Photo of a woman	Accept	
Marriage Certificate	Accept	
Patent	Accept	

Photo of a man	Accept	
Ledger/diary	Accept	
Autograph book	Accept	
Postcards (8)	Accept	
Composition book	Accept	

Papoose	Accept	
Mail pouch	Accept	
Miscellaneous papers	Accept (Correspondences only)	
High school diploma	Accept	
Painting of Melle McMaster	Accept	

<p>Photo of a man</p>	<p>Accept</p>	
<p>Photo of students</p>	<p>Accept</p>	
<p>Family portrait</p>	<p>Accept</p>	
<p>Photograph of children</p>	<p>Accept</p>	
<p>Child's toy</p>	<p>Accept</p>	

Magnifying glass	Accept	
Toy stove	Accept	
Toy irons (3)	Accept	



**Windsor Museum**

Department of Parks and Recreation  
Arts and Heritage Division  
301 Walnut Street | Windsor, CO 80550

IMAGE HERE  
  
Please see attached spreadsheet.

**Potential Acquisition Form**

**Source:**

- Donation
- Staff Acquired
- Transfer / Exchange
- Purchase

\*Fill Out Section For Donation, Transfer/ Exchange, or Purchase

Date: 12/03/13

Individual or Company Name: Marjean Sheridan

Address: 1718 Corkwood Ct. Fort Collins, CO 80525

Telephone: 970-223-1018 Work Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Price: \_\_\_\_\_

Estimated Value (for donation or transfer/exchange): Not assessed

**Description and Provenance of Object(s):**

The Sheridan donation consists of 11 items connected to the (William) Kurtz family. The Kurtz Family is a long-time Windsor resident, and has close ties to the community and its businesses. The TOWM already has a number of Kurtz Family objects and documents in the collection and it will benefit the museum to add items that will provide more context and thoroughness to the Kurtz Family narrative as told by the TOWM.

The curator has identified items that tell the story of William and his son Henry Kurtz' life in Windsor for acquisition into the permanent collection, along with objects that help us understand late 19<sup>th</sup> and early 20<sup>th</sup> century German from Russia life in Windsor. Several items have been identified for the education collection. These items are either duplicates of existing collections items or lack the condition or authenticity to be considered as permanent collection items, but they make valuable learning tools for students and the community at large. Several archival documents have been identified for the TOWM reference collection. These range from

newspaper clippings to contemporary scholarship, and contain valuable information but do not require physical preservation of the item itself.

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**Museum Staff Recommendation:**

Accept into Museum Permanent Collection: \_\_\_\_\_ Date: \_\_\_\_\_

Accept into Museum Education Collection: \_\_\_\_\_

Decline to Accept: \_\_\_\_\_

Reason for Decision: \_\_\_\_\_

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**Parks, Recreation, and Culture Advisory Board (PReCAB) Decision:**

Accept into Museum Permanent Collection: \_\_\_\_\_ Date: \_\_\_\_\_

Decline to Accept: \_\_\_\_\_

Reason for Decision: \_\_\_\_\_

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**Town Board Decision:**

Accept into Museum Permanent Collection: \_\_\_\_\_ Date: \_\_\_\_\_

Decline to Accept: \_\_\_\_\_

Reason for Decision: \_\_\_\_\_

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**Signatures:**

\_\_\_\_\_  
Art & Heritage Manager or Director of Parks, Recreation, and Culture Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair of Town Board

\_\_\_\_\_  
Date

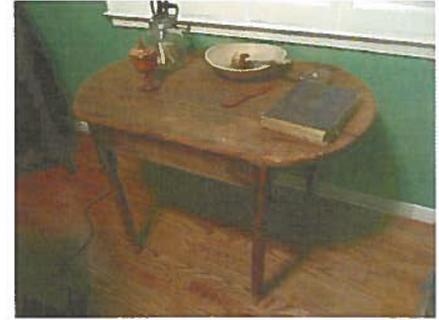
Item	Notes	Yes/No	Explanation	Image
Apron	Worn by William Kurtz when butchering hogs or calves	Yes		
Baccalaureate program	Windsor High School	Yes		
Book	<i>Britain's Homage to 28,000 American Dead</i> , in memory of 2nd Lt. H.W. Kurtz	Yes		
Booklet	German Russian Shanty circa 1890-1930 Historic Centennial Village Greeley, Colorado	Yes	Accept as reference document	
Bread sack	Used by Wm. Kurtz in Russia	Yes- EDU	Traveling trunk	

Felt boots with rubber feet		Yes- EDU	Traveling trunk	
Graduation announcement	Henry Kurtz from Windsor High School	Yes		
Nylon stockings		Yes		
Report Cards	15, belonging to Henry Kurtz, 1927-1940	Yes		
Russian style scarf		Yes- EDU	Traveling trunk	

Wooden bowl and spoon	Russian-style, from Russia but not historic	Yes- EDU	Traveling trunk	
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**Windsor Museum**  
 Department of Parks and Recreation  
 Arts and Heritage Division  
 301 Walnut Street | Windsor, CO 80550



**Potential Acquisition Form**

**Source:**

- Donation
- Staff Acquired
- Transfer / Exchange
- Purchase

\*Fill Out Section For Donation, Transfer/ Exchange, or Purchase

Date: 12/03/13

Individual or Company Name: Deborah Svedman

Address: \_\_\_\_\_  
 \_\_\_\_\_

Telephone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Email: dsvedman@elp.rr.com Price: \_\_\_\_\_

Estimated Value (for donation or transfer/exchange): Not assessed

**Description and Provenance of Object(s):**

The Svedman Family has presented a pickling table for donation to the Town of Windsor Museum. The Svedman Family lived on the area that is now the Ptarmigan Golf Course/Highland Hills/Highland Meadows area beginning in the early 1880s. This pickling table was handmade by Marten Svedman for his wife Ida c. late 19<sup>th</sup>/early 20<sup>th</sup> century.

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**Museum Staff Recommendation:**

Accept into Museum Permanent Collection: \_\_\_\_\_

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

Accept into Museum Education Collection: \_\_\_\_\_

Decline to Accept: \_\_\_\_\_

Reason for Decision: \_\_\_\_\_

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**Parks, Recreation, and Culture Advisory Board (PReCAB) Decision:**

Accept into Museum Permanent Collection: \_\_\_\_\_

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

Decline to Accept: \_\_\_\_\_

Reason for Decision: \_\_\_\_\_

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**Town Board Decision:**

Accept into Museum Permanent Collection: \_\_\_\_\_

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

Decline to Accept: \_\_\_\_\_

Reason for Decision: \_\_\_\_\_

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**Signatures:**

\_\_\_\_\_  
Art & Heritage Manager or Director of Parks, Recreation, and Culture Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair of Town Board

\_\_\_\_\_  
Date



## MEMORANDUM

**Date:** December 9, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Dennis Wagner, Director of Engineering  
**Re:** Amendment to Chapter 16, Article XXVII, Windsor Municipal Code (Floodplain Damage Prevention)  
**Item #:** C.1.

### **Background / Discussion:**

The above referenced Article in the Windsor Municipal Code establishes rules and regulations intended to prevent loss of life and property, as well as economic and social hardships that result from flooding. The town is required to adopt and enforce certain minimum floodplain management regulations in order to continue participating in the National Flood Insurance Program (NFIP) which makes flood insurance available to property owners at a reasonable cost. Effective January 14, 2011, the State of Colorado adopted higher standards for floodplain management, which are outlined in the Rules and Regulations for Regulatory Floodplains in Colorado (Rules), and provided a three-year implementation period for local governments. In other words, local governments must adopt the latest regulations before January 14, 2014, in order to remain in good standing in the NFIP and eligible for grant funding through the Colorado Water Conservation Board (CWCB).

The attached ordinance repeals Windsor's existing ordinance and re-adopts a new Article XXVII that incorporates changes to meet the new state regulations.

The most significant changes are as follows:

- The proposed ordinance says that the lowest floor in a structure must be at least 1 foot above the 100-year flood elevation; compared to current ordinance that says the floor may be equal to the flood elevation.
- The proposed ordinance establishes Critical Facilities and sets special criteria for them. A Critical Facility is defined as a structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services. All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area will be regulated to a higher standard than other structures by elevating or floodproofing the structure to at least two feet above the 100-year flood elevation.
- The regulatory floodway will be changed with the proposed ordinance. A floodway is the channel of a river or other watercourse and adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The current ordinance defines that designated height as 1 foot and the proposed ordinance defines it as 0.5 foot (6 inches).
- The proposed ordinance applies to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F). The current ordinance only applies to Special Flood Hazard Areas and does not include LOMR-

Amendment to Chapter 16, Article XXVII, Windsor Municipal Code (Floodplain Damage Prevention) F areas. The significance of this change is that a normal basement cannot be constructed in a LOMR-F area; because the basement floor typically wouldn't be at least 1 foot above the base flood elevation.

**Recommendation:**

A public hearing concerning the proposed code amendments was conducted by the Windsor Planning Commission on September 18, 2013. One person spoke at the public hearing and commended staff and Commissioners for steps previously taken that may have contributed to a reduction in the level of flood damage in Windsor.

Following the public hearing, the Planning Commission passed a motion to recommend approval to the Town Board for the Flood Damage Prevention regulations as presented.

Staff recommends approval.

TOWN OF WINDSOR

ORDINANCE NO. 2013-1464

AN ORDINANCE REPEALING, AMENDING AND RE-ADOPTING CHAPTER 16, ARTICLE XXVII OF THE WINDSOR MUNICIPAL CODE WITH RESPECT TO FLOOD DAMAGE PREVENTION MEASURES APPLICABLE TO LAND USE PRACTICES WITHIN THE TOWN OF WINDSOR

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers of self-governance reserved in accordance with state law; and

WHEREAS, the Town has in place a comprehensive set of land use regulations, the purpose of which is to protect the public health, safety and welfare; and

WHEREAS, included within the Town’s land use regulations are flood damage requirements, codified within Chapter 16, Article XXVII, of the Windsor Municipal Code; and

WHEREAS, the Federal Emergency Management Agency (“FEMA”) is responsible for working cooperatively with state and local governments for the purpose of assuring the adoptions of up-to-day flood damage prevention policy; and

WHEREAS, the Town desires to adopt revisions to Chapter 16, Article XXVII, of the Windsor Municipal Code, in order that the Town’s flood damage prevention requirements meet evolving standards; and

WHEREAS, the Town Board has reviewed the within Ordinance, and finds that its adoption promotes the public health, safety and welfare.

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

Article XXVII of Chapter 16 of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

**ARTICLE XXVII**

**Flood Damage Prevention**

**Sec. 16-27-10. Statutory authorization.**

The Town of Windsor, as a home rule municipality, has the inherent authority to adopt land use regulations affecting the public health, safety and welfare. Additionally, the State Legislature, pursuant to Title 29, Article 20, C.R.S., has delegated the responsibility to local

government units the authority to adopt land use regulations, including those intended to minimize flood losses.

**Sec. 16-27-20. Findings of fact.**

(a) The flood hazard areas of the Town are subject to periodic inundation which in some cases results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**Sec. 16-27-30. Statement of purpose.**

It is the purpose of this Article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to critical facilities, infrastructure and other public facilities such as: water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood-blight areas;
- (7) To ensure that potential buyers are notified that property is located within a flood hazard area;

**Sec. 16-27-40. Methods of reducing flood losses.**

In order to accomplish its purposes, this Article includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood

heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, are protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

#### **Sec. 16-27-50. Definitions.**

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

**100-Year Flood** means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

**100-Year Floodplain** means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

**500-Year Flood** means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

**500-Year Floodplain** means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

**Addition** means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

**Alluvial Fan Flooding** means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

**Appeal** means a request for a review of the Town Manager's interpretation of any provisions of this Article or a request for a variance.

**Area Of Shallow Flooding** means an area designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of

flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Base Flood Elevation (BFE)** means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

**Basement** means any area of a building having its floor sub-grade (below ground level) on all sides.

**Channel** means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

**Channelization** means the artificial creation, enlargement or realignment of a stream channel.

**Code Of Federal Regulations (CFR)** means the codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

**Community** means any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

**Conditional Letter Of Map Revision (CLOMR)** means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

**Critical Facility** means a structure or related infrastructure, but not the land on which it is situated, as specified in Article 5, Section H, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Article 5, Section H.

**Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**DFIRM Database** means a database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

**Digital Flood Insurance Rate Map (DFIRM)** means a FEMA digital floodplain map. These

digital maps serve as “regulatory floodplain maps” for insurance and floodplain management purposes.

***Elevated Building*** means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

***Existing Manufactured Home Park Or Subdivision*** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

***Expansion To An Existing Manufactured Home Park Or Subdivision*** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

***Federal Register*** means the official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

***FEMA*** means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

***Flood or flooding*** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of water from channels and reservoir spillways;
- b. The unusual and rapid accumulation or runoff of surface waters from any source; or
- c. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water deposited along the path of the current).

***Flood Insurance Rate Map (FIRM)*** means the official map on which the Federal

Emergency Management Agency has delineated both the areas of Special Flood Hazard Areas and the risk premium zones.

***Flood Insurance Study*** means the official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as the flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

***Floodplain or Flood-Prone Area*** means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

***Floodplain Administrator*** means the community official designated by title to administer and enforce the floodplain management regulations.

***Floodplain Development Permit*** means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including, the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

***Floodplain Management*** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

***Floodplain Management Regulations*** means the zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

***Flood Control Structure*** means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

***Floodproofing*** means any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

***Floodway (or Regulatory Floodway)*** means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The

Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

***Freeboard*** means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

***Functionally Dependent Use*** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

***Highest Adjacent Grade*** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

***Historic Structure*** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

***Letter Of Map Revision (LOMR)*** means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

***Letter Of Map Revision Based On Fill (LOMR-F)*** means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

**Levee** means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

**Levee System** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Lowest floor** means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

**Manufactured home** means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The “manufactured home” does not include a “recreational vehicle”.

**Manufactured Home Park or Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**Material Safety Data Sheet (MSDS)** means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

**National Flood Insurance Program (NFIP)** means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

**New Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**No-Rise Certification** means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

**Physical Map Revision (PMR)** means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

**Recreational vehicle** means a vehicle which is (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Special Flood Hazard Area** means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

**Start of Construction** includes substantial improvement, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure just prior to when the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the *start of construction* of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of

interest. This term includes structures which have incurred *substantial damage*, regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of an *historic structure*, provided that the alteration will not preclude the structure's continued designation as an *historic structure*.

***Threshold Planning Quantity (TPQ)*** means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

***Variance*** means a grant of relief from the requirements of this Article which permits construction in a manner that would otherwise be prohibited by this Article.

***Violation*** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

***Water Surface Elevation*** means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **Sec. 16-27-60. Applicability of Article.**

This Article shall apply to all Special Flood Hazard and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the Town.

#### **Sec. 16-27-70. Basis for establishing the Special Flood Hazard Area.**

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Windsor" dated September 27, 1991, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Article. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the Town of Windsor. The Flood Insurance Study, FIRMs DFIRMs, and/or FBFMs are on file at the Town Hall, 301 Walnut Street, Windsor, Colorado 80550.

**Sec. 16-27-80. Compliance.**

No structure or land shall hereafter be located, altered or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Article and other applicable regulations. Nothing herein shall prevent the Town of Windsor from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

**Sec. 16-27-90. Abrogation and greater restrictions.**

This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**Sec. 16-27-100. Interpretation.**

In the interpretation and application of this Article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body to effect their purpose; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

**Sec. 16-27-110. Warning and disclaimer of liability.**

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

**Sec. 16-27-120. Floodplain Development Permit.**

(a) A Floodplain Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 16-27-70 to ensure conformance with provisions of this Article.

(b) Application for a Floodplain Development Permit shall be made on forms furnished by the Town Manager and may include, but shall not be limited to: plans in duplicate drawn to

scale showing the nature, location, dimensions and elevations of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to the Special Flood Hazard Area. Additionally, the following information is required:

(1) Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures;

(2) Elevation in relation to mean sea level to which any structure shall be floodproofed;

(3) Certification by a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria in Paragraph 16-27-170(2); and

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(c) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to the facility of a waterfront location, where applicable;

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(10) The relationship of the proposed use to the comprehensive plan for that area.

**Sec. 16-27-130. Designation of the Floodplain Administrator.**

The Town Manager is hereby appointed as Floodplain Administrator to administer and implement this Article by granting or denying development permit applications in accordance with its provisions.

**Sec. 16-27-140. Duties and responsibilities of the Floodplain Administrator.**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 16-27-120.
2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this ordinance.
3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.
6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
7. When Base Flood Elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 5.
8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

**Sec. 16-27-150. Variance procedure.**

(a) Appeal Board.

(1) The Board of Adjustment, as established by the Town, shall hear and decide appeals and requests for variances from the requirements of this Article. The procedural requirements for appeals under this Article shall be substantially identical to the appellate procedure set forth in Chapter 16, Article VI of this Code.

(2) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Town Manager in the enforcement or administration of this Article.

(3) Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decisions to the County District Court, as provided by state law.

(4) The Floodplain Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

(5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the relevant factors in Section 16-27-120 have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

(6) Upon consideration of the factors noted above and the intent of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Article.

(7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(8) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(9) Prerequisites for granting variances:

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- b. Variances shall only be issued upon:
  - i. Showing a good and sufficient cause;
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(10) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:

- a. The criteria outlined in Section 16-27-150 (a) (1)-(8) are met, and
- b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**Sec. 16-27-160. General standards.**

In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

- a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from the hydrostatic and hydrodynamic loads including the effects of buoyancy.
- b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

- c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
- d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- e. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:
  - i. That over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side.
  - ii. That frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.
  - iii. That all components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.
  - iv. That any additions to the manufactured home be similarly anchored.
- f. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- g. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- h. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- i. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**Sec. 16-27-170. Specific standards.**

In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth

in Section 16-27-70, 16-27-140 (7) or 16-27-210, the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot or more above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

(2) Nonresidential construction. With the exception of Critical Facilities, outlined in Section 16-27-230, new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot or more above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator in accordance with Section 16-27-120.

(3) Enclosures.

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured homes.

a. Manufactured homes and mobile homes shall be anchored in accordance with Subparagraph 16-27-160(1)b.

b. All manufactured homes placed or substantially improved within Zones A1-30, AH, and AE on a Windsor FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred “substantial damage” as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot or more above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

c. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on Windsor’s FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

(i) The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot or more above the base flood elevation; or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(5) Recreational vehicles. All recreational vehicles placed on sites within Zones A1-30, AH and AE on the Windsor FIRM shall either:

a. Be on the site for fewer than one hundred eighty (180) consecutive days;

b. Be fully licensed and ready for highway use; or

c. Meet the permit requirements and elevation and anchoring requirements for resisting wind forces.

**Sec. 16-27-180. Standards for Areas of Shallow Flooding (AO/AH Zones).**

Areas designated as shallow flooding areas are located within the Special Flood Hazard Area established in Section 16-27-70. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) Residential Construction. All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

(2) Nonresidential Construction. With the exception of Critical Facilities, outlined in 16-27-230, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 16-27-120, are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

#### **Sec. 16-27-190. Floodways.**

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standards (see definition of *Floodway* in Sec. 16-27-50). Located within Special Flood Hazard Areas established in Section 16-27-70 are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels during the occurrence of the base flood discharge.

(2) If Paragraph (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 16-27-160 through 16-27-230

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

**Sec. 16-27-200. Alteration of a Watercourse.**

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

(1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.

(4) Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

(5) All activities within the regulatory floodplain shall meet all applicable Federal, State and Windsor floodplain requirements and regulations.

(6) Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section 16-27-190.

(7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

**Sec. 16-27-210. Properties Removed from the Floodplain by Fill.**

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

(1) Residential Construction. The lowest floor (including basement), electrical, heating,

ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

(2) Nonresidential Construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

### **Sec. 16-27-220. Standards for Subdivision Proposals.**

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Sec. 16-27-120, and the provisions of Sections 16-27-160 through 16-27-230.

(3) Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Sec. 16-27-70 or Section 16-27-140.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

### **Sec. 16-27-230. Standards for Critical Facilities.**

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

(1) Classification of Critical Facilities. Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

(a) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and

transportation lifelines. These facilities consist of:

- i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
- ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);
- iii. Designated emergency shelters;
- iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
- v. Public utility plant facilities for generation and distribution ( hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
- vi. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be satisfactorily demonstrated that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town of Windsor on an as-needed basis upon request.

(b) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

- i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

- iii. Refineries;
- iv. Hazardous waste storage and disposal sites; and
- v. Above ground gasoline or propane storage or sales centers.

Facilities shall be classified as Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation “Designation, Reportable Quantities, and Notification,” 40 C.F.R. § 302 (2010) and OSHA regulation “Occupational Safety and Health Standards,” 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations

Specific exemptions to this category include:

- Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
- Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Section.

- (c) At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

- i. Elder care ( nursing homes);
- ii. Congregate care serving 12 or more individuals ( day care and assisted living);
- iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children).

(d) Facilities vital to restoring normal services including government operations.

These facilities consist of:

- i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers); and
- ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Windsor Town Board that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Windsor Town Board on an as-needed basis upon request.

## (2) Protection for Critical Facilities.

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

- a. Location outside the Special Flood Hazard Area; or
- b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

## (3) Ingress and Egress for New Critical Facilities.

New Critical Facilities shall, when practicable as determined by the Windsor Town Board, have continuous non-inundated access (ingress and egress for evacuation and emergency services)

during a 100-year flood event.

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

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

Introduced, passed on second reading, and ordered published this 9<sup>th</sup> day of December, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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



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## MEMORANDUM

**Date:** December 9, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
Joseph P. Plummer, AICP, Director of Planning  
**From:** Scott Ballstadt, AICP, Chief Planner  
**Subject:** Public Hearing and Ordinance No. 2013-1465 Approving the Highland Meadows Golf Course Subdivision 8th Filing Rezoning  
**Location:** East of and adjacent to Fairgrounds Avenue; south of and adjacent to Colonial Drive; west of and adjacent to Highland Meadows Parkway; and north of and adjacent to Crooked Stick Drive  
**Item #s:** C.2 and C.3

### **DISCUSSION:**

The applicant, Mr. Jon Turner, Colorado 80 Holdings LLC, represented by Mr. Jim Birdsall, The Birdsall Group, is proposing to reconfigure the existing zoning of the Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing (which was previously known as Highland Meadows Golf Course Tract H) for future commercial and residential development. The existing and proposed zoning of the property is Residential Mixed Use (RMU) and General Commercial (GC), so the rezoning simply proposes to shift some of the zoning lines between uses.

The master plan proposes a mixed use development including retail, office, restaurant, corporate campus, general commercial, recreational multi-family and patio home uses. The proposed rezoning, amended master plan and major subdivision propose that the commercial uses primarily front Fairgrounds Avenue and the residential uses generally back to Highland Meadows Parkway, creating a transition from commercial to residential uses.

Notes from the neighborhood meeting that was held on November 13, 2012 are enclosed.

**Conformance with Vision 2025:** The application is consistent with Vision 2025 Housing Quality and Diversity Goal 1: "Provide choices for housing in town, not just single family homes," and Economic Vitality Goal 3: "Grow and Diversify the Windsor economy," and Goal 4: "Establish the Town of Windsor as a Business and Lifestyle Destination."

**Relationship to Strategic Plan:** The proposal advances the Strategic Plan Vision #5: "Windsor residents enjoy a friendly community with housing opportunities, choices for leisure, cultural activities, recreation and mobility for all" and Goal 3: "Diversify, Grow, and Strengthen the Local Retail and Industrial Economy."

**Recommendation:** At the November 20, 2013 regular meeting, the Planning Commission voted to recommend approval of the rezoning to the Town Board subject to all remaining redline comments being addressed and staff concurs with this recommendation.

**Notification:**

- Notice of November 20, 2013 Planning Commission public hearing published in November 1, 2013 Windsor Beacon
- Notice of December 9, 2013 Town Board public hearing published in November 1, 2013 Windsor Beacon
- Notice of both public hearings posted on Town website and bulletin board
- Signs posted on the property
- November 8, 2013 applicant letter to property owners within 300-feet

**Neighborhood Meeting(s):** A neighborhood meeting was held in accordance with the Municipal Code requirements on November 13, 2012.

**Attachments:** Application materials; neighborhood meeting notes; 11-20-13 Planning Commission minutes excerpt; and slides

pc: Jon Turner, Colorado 80 Holdings LLC, applicant  
Jim Birdsall, The Birdsall Group, applicant's representative

TOWN OF WINDSOR, COLORADO

ORDINANCE NO. 2013-1465

AN ORDINANCE PURSUANT TO CHAPTER 16, ARTICLE V OF THE *WINDSOR MUNICIPAL CODE* APPROVING THE REZONING OF HIGHLAND MEADOWS GOLF COURSE SUBDIVISION, 8TH FILING, UPON THE APPLICATION OF COLORADO 80 HOLDINGS LLC

WHEREAS, the Town of Windsor is a home rule municipality with all powers conferred under Colorado law; and

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

WHEREAS, the Town has adopted the zoning regulations set forth in Chapter 16 of the *Windsor Municipal Code* (“Zoning Code”), under which parcels of land are identified and classified for regulatory purposes; and

WHEREAS, the property known as “Highland Meadows Golf Course Subdivision, 8<sup>th</sup> Filing” (“Property”), is presently zoned “General Commercial GC” and “Residential Mixed Use RMU”, pursuant to the regulations found in Article XIX of the Zoning Code; and

WHEREAS, the owner of the Property, Colorado 80 Holdings, LLC, has filed a Petition (“Petition”) requesting rezoning of the Property to reconfigure the boundaries of its current General Commercial GC and Residential Mixed Use RMU designation to coincide with newly-configured property lines; and

WHEREAS, in accordance with the requirements for rezoning found in Article V of the Zoning Code, the Petition has been reviewed by staff and referred to the Planning Commission for review and recommendation following a public hearing; and

WHEREAS, the Planning Commission has recommended that the Town Board approve the rezoning request, subject to certain conditions; and

WHEREAS, pursuant to the requirements for rezoning found in Article V of the Zoning Code, the Town Board has convened a public hearing and heard relevant evidence with respect to the merits of the Petition; and

WHEREAS, based upon the evidence presented at the public hearing, the Town Board concludes that the Petition should be granted, and the Property rezoned as requested.

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

1. The property known as Highland Meadows Golf Course Subdivision, 8<sup>th</sup> Filing (“Property”) is and shall henceforth be rezoned from General Commercial GC to Residential Mixed Use RMU.
2. In addition to all other applicable regulations, the use of the Property shall be subject to the regulations found in Chapter 16, Article XXI of the *Windsor Municipal Code*.
3. Pursuant to *Windsor Municipal Code* § 16-5-20 (d) (3), within ten (10) days of the effective date of this Ordinance, Colorado 80 Holdings, LLC, shall submit to the Planning Department a certified copy of a compact disc (CD) containing all drawings that have been approved by the Town, plus two (2) translucent original Mylars of final rezoning maps.

Introduced, passed upon a vote of \_\_\_\_ in favor and \_\_\_\_ opposed on first reading and ordered published this 9<sup>th</sup> day of December, 2013.

TOWN OF WINDSOR, COLORADO

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John S. Vazquez, Mayor

ATTEST:

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Patti Garcia, Town Clerk

Passed on second reading upon a vote of \_\_\_\_ in favor and \_\_\_\_ opposed, and ordered published this 13<sup>th</sup> day of January, 2014.

TOWN OF WINDSOR, COLORADO

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John S. Vazquez, Mayor

ATTEST:

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Patti Garcia, Town Clerk

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

For office use only:

Project ID No.

**LAND USE APPLICATION FORM**

Land use applications shall include all items listed in the application submittal checklist and the Town of Windsor Municipal Code. 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)

Highland Meadows Golf Course Subdivision Eighth Filing, being a re-plat of Highland Meadows

**PROJECT NAME\*:** Golf Course Subdivision Fourth Filing Rezone**LEGAL DESCRIPTION\*:** W 1/2 Sec. 26, T6N, R68W of the 6th P.M., Town of Windsor, County of Larimer, State of**PROPERTY ADDRESS (if available):** Colorado**PROPERTY OWNER (APPLICANT):**

Owner's Name(s)\*: Jon Turner, Member/Manager  
 Company: Colorado 80 Holdings LLC  
 Address\*: 8020 S. County Road 5, Suite 200, Windsor CO 80216  
 Primary Phone #\*: 970.204.9393 Secondary Phone #: \_\_\_\_\_  
 Fax #\*: 970.204.9396 E-Mail\*: jmwhturner@cox.net

**OWNER'S AUTHORIZED REPRESENTATIVE:**

Representative's Name: Jim Birdsall  
 Company: TB Group  
 Address: 444 Mountain Avenue, Berthoud CO 80513  
 Primary Phone #: 970.532.5891 Secondary Phone #: \_\_\_\_\_  
 Fax #: 970.532.5759 E-Mail: jim@tbgroup.us

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.

Jon Turner 9.19.12  
 Signature: Owner or Owner's Authorized Representative\*\* Date

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

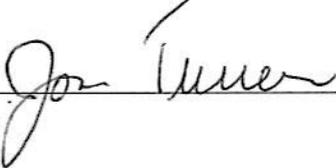
JON TURNER

Print Name(s)

\*Required fields

## REZONING PETITION

(I, We) the undersigned, being the owners of the property described as Tract H of Highland Meadows Golf Course Subdivision, a parcel of land located in Section 26 and the NW ¼ of Section 25, Township 6 North, Range 68 West of the 6<sup>th</sup> P.M., Town of Windsor, County of Larimer, State of Colorado containing a total of 84.748 acres more or less, hereby request a change in zoning from General Commercial to Residential Mixed Use (see attached breakdown) and do hereby pay the required fee.

Date	Owners	Signature	Mailing Address
9/20/12	Jon A. Turner		8020 S. CR 5, Suite 200 <u>Windsor, CO. 80528</u>

**PROPOSED ZONING GC FROM RMU (REZONE 1):**

A portion of Highland Meadows Golf Course Subdivision Fourth Filing located in Section 26, Township 6 North, Range 68 West of the 6<sup>th</sup> P.M., Town of Windsor, County of Larimer, State of Colorado and more particularly described as follows:

Considering the west line of said Fourth Filing as bearing South 00°33'07" West and with all bearings contained herein relative thereto:

Commencing at the Northwest Corner of Highland Meadows Golf Course Subdivision Fourth Filing; thence South 24°12'38" East, 2,044.76 feet to the Point of Beginning; thence, South 82°41'16" East, 639.34 feet; thence, South 07°18'44" West, 135.00 feet; thence, North 82°41'16" West, 676.03 feet; thence, North 00°11'55" East, 80.39 feet; thence along a curve concave to the Northwest, having a central angle of 57°37'15" with a radius of 75.00 feet, an arc length of 75.43 feet and the chord of which bears North 47°29'51" East, 72.29 feet to the Point of Beginning, containing 90,469 square feet, more or less.

**PROPOSED ZONING RMU FROM GC (REZONE 2):**

A portion of Highland Meadows Golf Course Subdivision Fourth Filing located in Section 26, Township 6 North, Range 68 West of the 6<sup>th</sup> P.M., Town of Windsor, County of Larimer, State of Colorado and more particularly described as follows:

Considering the west line of said Fourth Filing as bearing South 00°33'07" West and with all bearings contained herein relative thereto:

Commencing at the Northwest Corner of Highland Meadows Golf Course Subdivision Fourth Filing; thence South 47°33'08" East, 1,146.71 feet to the Point of Beginning; thence, South 89°48'12" East, 295.81 feet; thence, North 89°39'03" East, 297.67 feet; thence, South 01°02'07" East, 107.71 feet; thence along a curve concave to the East, having a central angle of 07°11'31" with a radius of 2544.00 feet, an arc length of 319.33 feet and the chord of which bears South 04°37'52" East, 319.12 feet; thence, South 08°13'37" East, 297.08 feet; thence along a curve concave to the West, having a central angle of 08°13'37" with a radius of 570.00 feet, an arc length of 81.85 feet and the chord of which bears South 04°06'49" East, 81.78 feet; thence, North 89°48'12" West, 672.30 feet; thence, North 00°11'48" East, 798.26 feet to the Point of Beginning, containing 499,450 square feet, more or less.

**PROPOSED ZONING RMU FROM GC (REZONE 3):**

A portion of Highland Meadows Golf Course Subdivision Fourth Filing located in Section 26, Township 6 North, Range 68 West of the 6<sup>th</sup> P.M., Town of Windsor, County of Larimer, State of Colorado and more particularly described as follows:

Considering the west line of said Fourth Filing as bearing South 00°33'07" West and with all bearings contained herein relative thereto:

Commencing at the Northwest Corner of Highland Meadows Golf Course Subdivision Fourth Filing; thence South 40°14'24" East, 310.70 feet to the Point of Beginning; thence along a curve concave to the East, having a central angle of 07°14'53" with a radius of 122.08 feet, an arc length of 15.44 feet and the chord of which bears South 05°05'33" East, 15.43 feet; thence, South 08°42'59" East, 91.03 feet; thence along a curve concave to the West, having a central angle of 08°54'42" with a radius of 150.00 feet, an arc length of 23.33 feet and the chord of which bears South 04°15'38" East, 23.31 feet; thence, South 00°11'43" West, 96.11 feet; thence along a curve concave to the West, having a central angle of 01°12'36" with a radius of 400.00 feet, an arc length of 8.45 feet and the chord of which bears North 07°13'36" West, 8.45 feet; thence, North 07°49'54" West, 89.90 feet; thence along a curve concave to the East, having a central angle of 08°25'15" with a radius of 380.04 feet, an arc length of 55.86 feet and the chord of which bears North 03°49'54" West, 55.81 feet; thence, North 00°22'43" East, 71.58 feet to the Point of Beginning, containing 1,747 square feet, more or less.

**PROPOSED ZONING GC FROM RMU (REZONE 4):**

A portion of Highland Meadows Golf Course Subdivision Fourth Filing located in Section 26, Township 6 North, Range 68 West of the 6<sup>th</sup> P.M., Town of Windsor, County of Larimer, State of Colorado and more particularly described as follows:

Considering the west line of said Fourth Filing as bearing South 00°33'07" West and with all bearings contained herein relative thereto:

Commencing at the Northwest Corner of Highland Meadows Golf Course Subdivision Fourth Filing; thence South 25°11'37" East, 510.43 feet to the Point of Beginning; thence along a curve concave to the West, having a central angle of 06°47'24" with a radius of 400.00 feet, an arc length of 47.40 feet and the chord of which bears South 03°13'36" East, 47.37 feet; thence, South 00°10'06" West, 121.54 feet; thence, North 89°49'54" West, 2.88 feet; thence, North 00°11'43" East, 168.83 feet to the Point of Beginning, containing 436 square feet, more or less.

**PROPOSED ZONING GC FROM RMU (REZONE 5):**

A portion of Highland Meadows Golf Course Subdivision Fourth Filing located in Section 26, Township 6 North, Range 68 West of the 6<sup>th</sup> P.M., Town of Windsor, County of Larimer, State of Colorado and more particularly described as follows:

Considering the west line of said Fourth Filing as bearing South 00°33'07" West and with all bearings contained herein relative thereto:

Commencing at the Northwest Corner of Highland Meadows Golf Course Subdivision Fourth Filing; thence South 09°20'31" East, 1,980.77 feet to the Point of Beginning; thence, North 66°01'20" East, 236.13 feet; thence, South 10°14'29" East, 19.02 feet; thence along a curve concave to the Northeast, having a central angle of 24°19'18" with a radius of 75.00 feet, an arc length of 31.84 feet and the chord of which bears South 22°24'08" East, 31.60 feet; thence, South 40°05'36" West, 27.31 feet; thence, South 00°14'34" East, 425.18 feet; thence along a curve concave to the Southwest, having a central angle of 17°57'30" with a radius of 150.00 feet, an arc length of 47.01 feet and the chord of which bears North 51°00'51" West, 46.82 feet; thence, North 59°59'36" West, 119.23 feet; thence along a curve concave to the Northeast, having a central angle of 59°45'01" with a radius of 150.00 feet, an arc length of 156.43 feet and the chord of which bears North 30°07'05" West, 149.43 feet; thence, North 00°14'34" West, 179.70 feet to the Point of Beginning, containing 79,641 square feet, more or less.

**PROPOSED ZONING RMU FROM GC (REZONE 6):**

A portion of Highland Meadows Golf Course Subdivision Fourth Filing located in Section 26, Township 6 North, Range 68 West of the 6<sup>th</sup> P.M., Town of Windsor, County of Larimer, State of Colorado and more particularly described as follows:

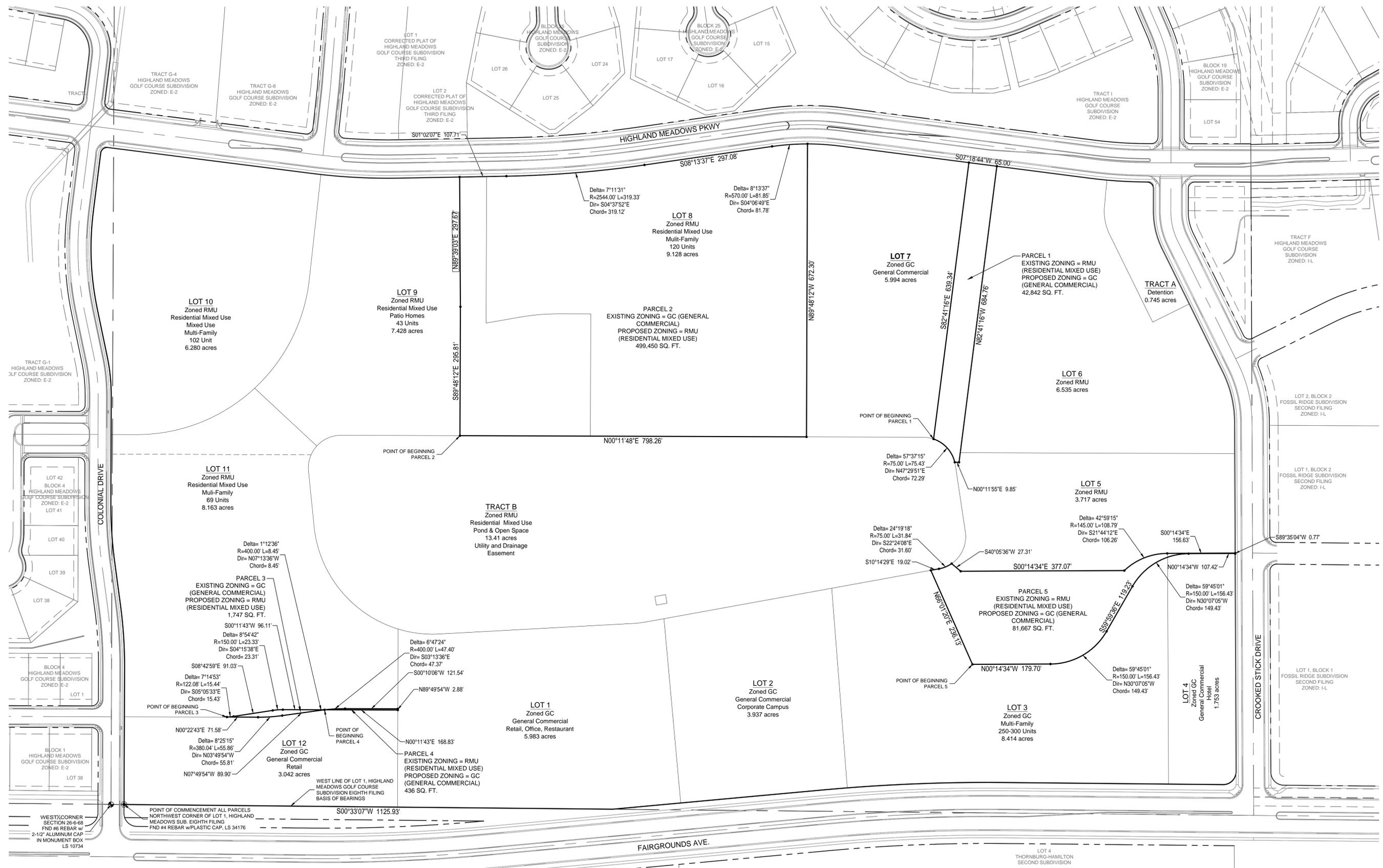
Considering the west line of said Fourth Filing as bearing South 00°33'07" West and with all bearings contained herein relative thereto:

Commencing at the Northwest Corner of Highland Meadows Golf Course Subdivision Fourth Filing; thence South 12°51'23" East, 2,413.03 feet to the Point of Beginning; thence along a curve concave to the Southwest, having a central angle of 41°47'32" with a radius of 150.00 feet, an arc length of 109.41 feet and the chord of which bears South 21-08'20" East, 107.00 feet; thence, South 00°14'34" East, 107.42 feet; thence, South 89°45'26" West, 38.16 feet; thence, North 00°14'34" West, 207.39 feet to the Point of Beginning, containing 6,716 square feet, more or less.

# HIGHLAND MEADOWS GOLF COURSE SUBDIVISION EIGHTH FILING REZONING



100 0 100 200 300 Feet  
(IN FEET)  
1 inch = 100ft.



Revisions:  
No. Date  
**REVIEW SET**  
**NOT FOR CONSTRUCTION**  
09/19/2013

These drawings are instruments of service provided by Northern Engineering Services, Inc. for any type of construction unless signed and sealed by the engineer of Northern Engineering Services, Inc.

**NORTHERN ENGINEERING**  
200 South College Avenue, Suite 100  
Fort Collins, Colorado 80524  
PHONE: 970.221.5158 FAX: 970.221.4159  
www.northernengineering.com



PROJECT: 103-027  
DATE: SEPT 19, 2013  
DESIGNED BY: J. Prelog  
SCALE: 1" = 100'  
DRAWN BY: J. Prelog  
REVIEWED BY: G. Schack

HIGHLAND MEADOWS GOLF COURSE SUBDIVISION  
EIGHTH FILING REZONING  
**ZONING PLAN**

Sheet  
**2**  
Of 2 Sheets

DRAWING FILENAME: D:\Projects\103-027\Map\103-027\_ZONING MAP.dwg DATE: Sep 20, 2013 4:18:09 PM CAD OPERATOR: jprelog LIST OF REVISIONS: [103-027\_48357] [103-027\_48357] [103-027\_48357]

- What are the 300+ homes proposed? Senior housing, paired units, townhomes, mixed density
- What will the density be? Lower than typical multi-family in Fort Collins and McWhinney (Loveland)
- What is the clubhouse use? The clubhouse is not golf course related. It will be owned by the metro district for the benefit of community functions
- What level of multi-family housing? 2-3 story – no 4 story as that requires an elevator
- Is there no park site (as one neighbor was under the impression that there would be a park on Colonial Drive)? The previously planned park site on Tract H was on the south part of the site as opposed to on Colonial Drive and that park site was eliminated in a trade with Windsor for the 15<sup>th</sup> Street park site north of Windshire Park Subdivision. There may be some park area in the new master plan but nothing has been confirmed. Working with the Town to allow connectivity of the Town’s trail system to the privately owned and maintained trail around the lake.
- How much parking will there be on site? Enough to meet Town code.
- What is the history of the lake? Built in 2002-2003, owned by golf course, used by various entities for storage of irrigation water including the Town of Windsor and Larimer County
- What type of lighting? Planners are considering the options, but would like something similar to the Rustic Oven sconces and low level lighting
- What is considered low-density multi-family on this site? 4-plexes (64 total units)
- Will there be any rentals? There is some interest in retaining some units for rental
- What is up with the “varying width” curved street in the northeast corner of the property? The road is planned to taper from a width that reflects the median at the north end to a narrower street at the east end
- What is the construction timeframe? Submitting office, retail and townhome site plans this month, hoping to gain approvals in first quarter of 2013, perhaps break ground next summer?
- What type of retail? At northwest corner of Fairgrounds would like to start with a nice coffee shop with room for “hanging out”, followed by a nice lunch place and other ideas such as doughnuts
- Be sensitive to homes directly north of this retail area.

1. Public Hearing – Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing Rezoning – Jon Turner, President, Colorado 80 Holdings LLC, owner/Jim Birdsall, TB Group, owner’s representative - S. Ballstadt

Mr. Ballstadt began his presentation by stating the applicant, Mr. Jon Turner, Colorado 80 Holdings LLC, represented by Mr. Jim Birdsall, The Birdsall Group, is proposing to reconfigure the existing zoning of the Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing (which was previously known as Highland Meadows Golf Course Tract H) for future commercial and residential development. The existing and proposed zoning of the property is Residential Mixed Use (RMU) and General Commercial (GC), so the rezoning simply proposes to shift some of the zoning lines between uses.

Mr. Ballstadt went on to tell Commissioners the master plan proposes a mixed use development including retail, office, restaurant, corporate campus, general commercial, recreational multi-family and patio home uses. The proposed rezoning, amended master plan and major subdivision propose that the commercial uses primarily front Fairgrounds Avenue and the residential uses generally back to Highland Meadows Parkway, creating a transition from commercial to residential uses. Mr. Ballstadt showed a side-by-side depiction of the proposed changes to the master plan for clarification. He added that notes from the neighborhood meeting held November 13, 2012 were included in the meeting packets.

Mr. Ballstadt informed Commissioners that all of the proposals are supported by the Comprehensive Plan, Vision 2025, and the Strategic Plan.

Mr. Turner then addressed the Commission explaining the goal is to focus traffic on Fairgrounds Avenue by keeping commercial development along that area. He noted other lots will be changed to Residential Mixed Use (RMU) zoning to create a reasonable transition of uses. He spoke of proposed uses in the area, including relocation of the tennis center and corresponding removal of the “tennis bubble” at the current location. He also explained the history of the golf course development including the extension of sanitary sewer to the property, addition of parks, the creation of the lake which serves as both storage and distribution of irrigation water for golf course, parks and residential properties, installation of oversized sewer and additional lift stations for utilities. Mr. Turner commented he is committed to these neighborhoods and is planning nothing that will detract from the quality of life in the area, noting that it is his hope this area will become the focal point of the development.

Mr. Gilmer Gerdes addressed the Commission and pointed out concerns regarding traffic, residential density, and impact on local schools. He called this a “large change” noting an increase in density to 543 residents.

Mr. Michael Kimiecik expressed similar concerns, asking for details regarding the number of multi-family units planned.

Mr. Bill Mullaney also spoke, briefly noting concerns regarding property values, quality of life and the impact on utilities, primarily water and sewer.

Mr. Turner clarified that the only currently active proposal on the property is to construct 69 townhomes on the south side of Colonial Drive.

Mr. Schick asked if reconfiguring the proposed zoning of particular lots would be acceptable. Mr. Ballstadt responded that he would need to consult with the Town Attorney, as any changes to the proposed drawings may require the public hearing to be re-advertised.

Mr. Ballstadt stated that, in response to some of the questions raised, the Town has intergovernmental agreements with all of the school districts to address impacts to schools, and each residential building permit will require payment of cash-in-lieu of land dedication to help mitigate the impact of residential development. He also stated that the water and sewer districts have reviewed and approve of the project.

**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, Wayne Frelund; Nays – None. Motion carried.**

2. Recommendation to Town Board – Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing Rezoning – Jon Turner, President, Colorado 80 Holdings LLC, owner/Jim Birdsall, TB Group, owner’s representative - S. Ballstadt

Mr. Ballstadt told the Commission staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the rezoning.

**Mr. Ehrlich moved to forward a recommendation of approval for rezoning of Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing. Mr. Tallon seconded the motion. Roll call on the vote resulted as follows: Yeas – Gale Schick, Paul Ehrlich, Robert Frank, Victor Tallon, Steve Scheffel, Wayne Frelund; Nays – None. Motion carried.**

3. Recommendation to Town Board – Master Plan - Highland Meadows Golf Course Subdivision, Tract H Second Amended Master Plan – Jon Turner, President, Colorado 80 Holdings LLC, owner/Jim Birdsall, TB Group, owner’s representative - S. Ballstadt

Mr. Ballstadt told the Commission staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the amended master plan subject to the following conditions:

1. All remaining Planning Commission and staff comments shall be addressed prior to Town Board approval.
2. All master plan requirements shall continue to be met.

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

4. Public Hearing – Final Major Subdivision - Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing – Jon Turner, President, Colorado 80 Holdings LLC, owner/Jim Birdsall, TB Group, owner’s representative - S. Ballstadt

Mr. Ballstadt expanded on his previous comments by stating the master plan proposes a mixed use development re-platting the 19 existing lots, resulting in 11 lots to include retail, office, restaurant, corporate campus, general commercial, recreational multi-family and patio home uses. The proposed rezoning, amended master plan and major subdivision propose that the commercial uses primarily front Fairgrounds Avenue and the residential uses generally back to Highland Meadows Parkway, creating a transition from commercial to residential uses. The existing and proposed zoning of the property is Residential Mixed Use (RMU) and General Commercial (GC), which allows for the proposed uses as a use by right.

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

5. Recommendation to Town Board – Final Major Subdivision - Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing – Jon Turner, President, Colorado 80 Holdings LLC, owner/Jim Birdsall, TB Group, owner’s representative - S. Ballstadt

Mr. Ballstadt stated staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the final major subdivision subject to the following conditions:

1. All remaining Planning Commission and staff comments shall be addressed prior to Town Board approval.
2. All subdivision requirements shall continue to be met.
3. The development agreement shall be executed prior to being placed on a Town Board agenda for approval.

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

#### **D. COMMUNICATIONS**

1. Communications from the Planning Commission  
Mr. Frelund pointed out a substantial build-up of mud along Crossroads. Mr. Ballstadt noted that Mr. Arnold is aware of the issue, further stating that the predominant cause of the mud was harvest activity in the field on the south side of Crossroads Boulevard.

Mr. Scheffel congratulated Mr. Ballstadt on a productive and informative meeting regarding enclaves.



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# **Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing Rezoning, Final Major Subdivision and Tract H 2<sup>nd</sup> Amended Master Plan**

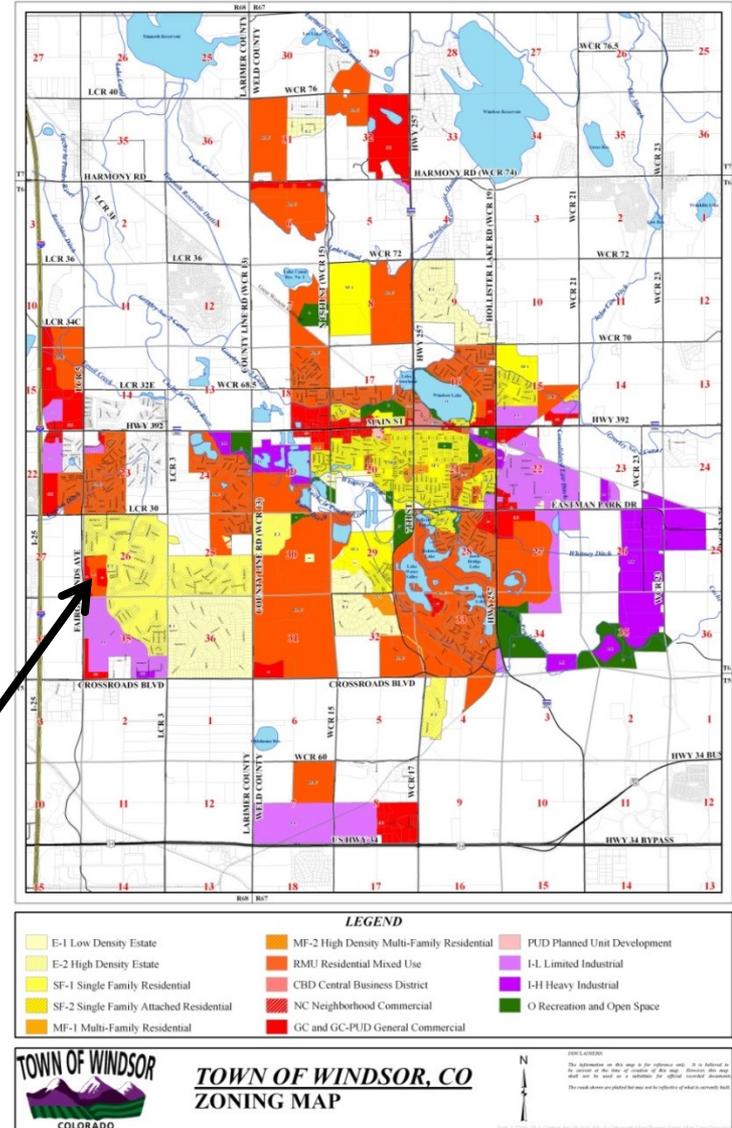
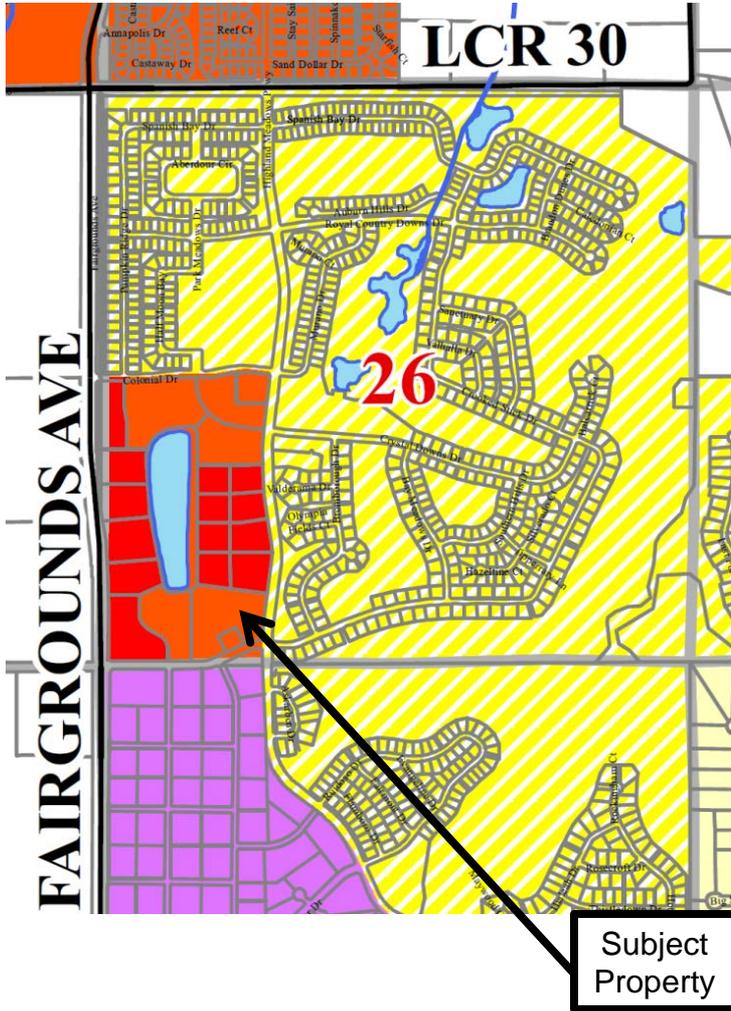
Scott Ballstadt, AICP

December 9, 2013

Town Board

C.2, C.3, C.4, C.5 & C.6

# Zoning





# Rezoning

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Article V of Chapter 16 of the Municipal Code outlines the purpose of the Rezoning process:

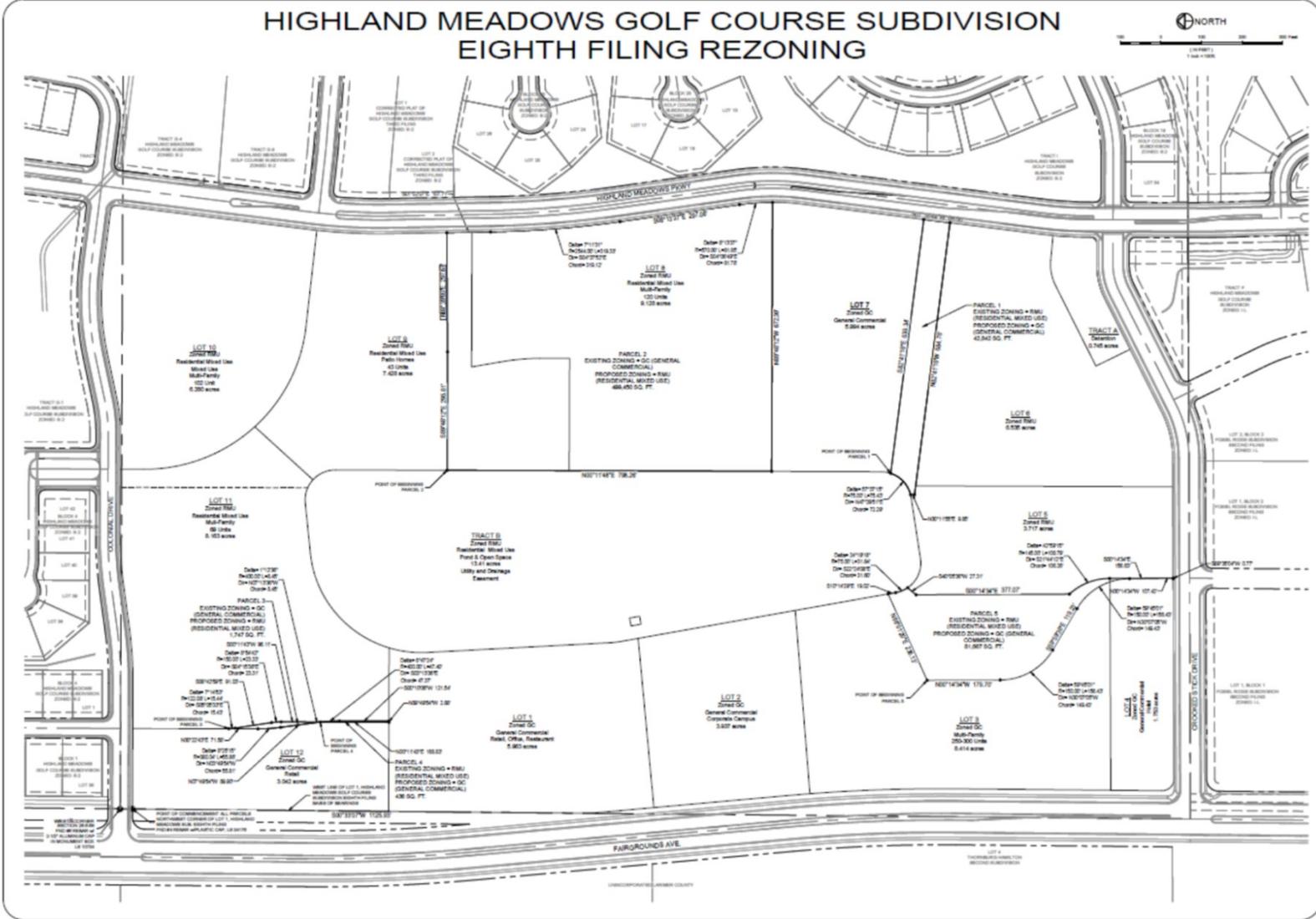
## **Sec. 16-5-20. Rezoning applications.**

(a) Purpose. The purpose of this Section is to provide a procedure for changing the existing zone classification of parcels of land within the Town.



# Rezoning

## HIGHLAND MEADOWS GOLF COURSE SUBDIVISION EIGHTH FILING REZONING



**REVIEW SET**  
 NOT FOR CONSTRUCTION

**NORTHERN ENGINEERING**

**ZONING PLAN**

HIGHLAND MEADOWS GOLF COURSE SUBDIVISION  
 EIGHTH FILING REZONING

Sheet  
**2**  
 Of 2 sheets



# Zoning Chronology

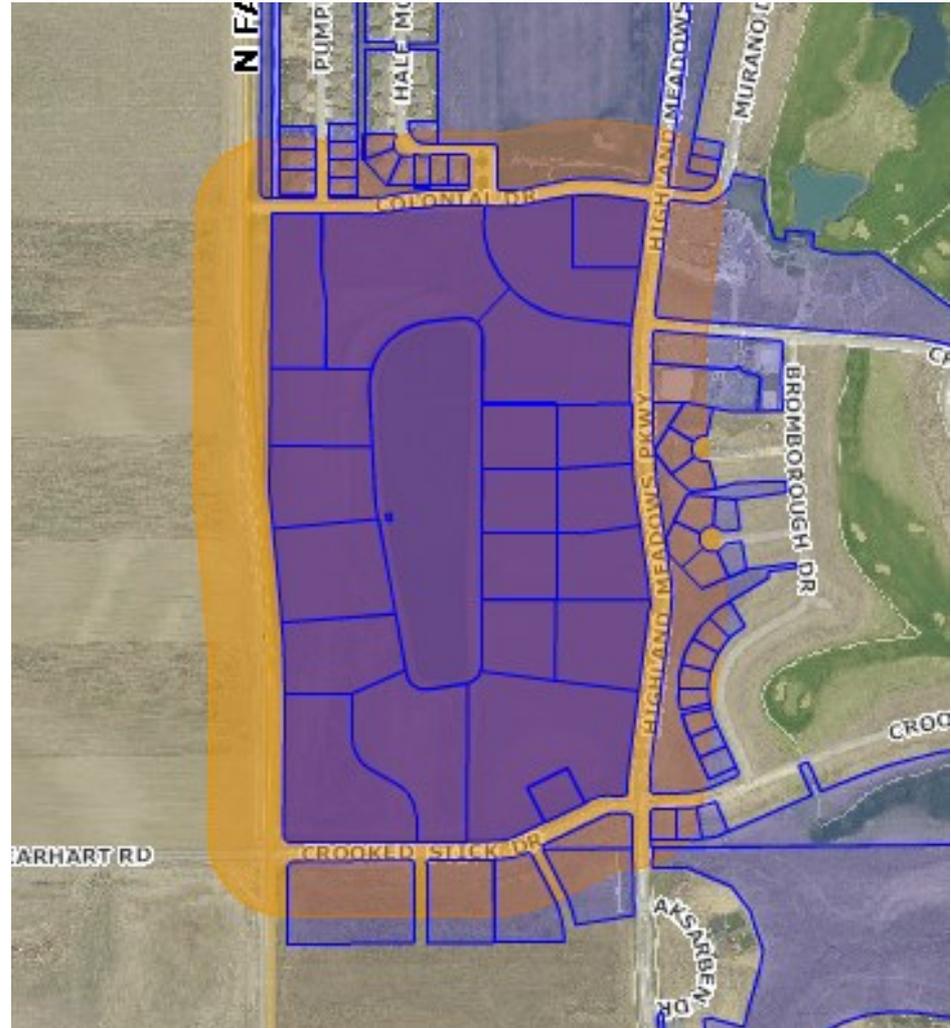
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- 1996 Estate Residential (E) was original zoning as part of Windsor Highlands Annexation No. 4 (Ord. No. 1996-938)
- 2000 Rezoning Plat of Windsor Highlands Annexation No. 4 approved Estate Residential (E-2) zoning as the applicant extended sanitary sewer to the property (Ord. No. 2000-1073)
- 2003 General Commercial (GC) and Residential Mixed Use (RMU) zoning approved with Highland Meadows Golf Course Subdivision Tract H Rezoning (Ord. 2003-1153)
- 2007 General Commercial (GC) and Residential Mixed Use (RMU) zoning approved with Highland Meadows Golf Course Subdivision Tract H Rezoning (Ord. No. 2007-1289)
- 2013 General Commercial (GC) and Residential Mixed Use (RMU) zoning proposed to be reconfigured with Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing Rezoning

# Notification

## Notification Area

- The neighborhood meeting was held on November 13, 2012
- Notice of public hearings was published in the newspaper on November 1, 2013
- Signs were posted on the property
- Letters were mailed to surrounding property owners within 300-feet on November 8, 2013





# Public Questions/Comments

---

Questions received from the public include:

## **Increased Density:**

- The Fort Collins-Loveland Water / South Fort Collins Sanitation District has verified that it can serve the proposed development.
- Comprehensive Plan Overall Land Use Policy 9 states: “Areas of higher density should be encouraged for all types of land uses, to preserve environmentally sensitive areas, encourage more efficient use of infrastructure and provide the development density necessary to support economic development.”



# Public Questions/Comments

---

Questions received from the public include:

## **Increased Traffic:**

- Fairgrounds Avenue is classified as an Urban Major Arterial streets
- Highland Meadows Parkway, Colonial Drive and Crooked Stick Drive are classified as Urban Major Collector streets
- These streets are designed and intended to carry large traffic volumes



# Public Questions/Comments

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Questions received from the public include:

## **School Impacts:**

- The Town has an intergovernmental agreement with all three school districts that serve the Town and the school districts receive fees-in-lieu of land dedication on each residential building permit

## **When will pond and open space be developed?**

- Generally speaking, the timing of these improvements are subject to development of the adjacent parcels and development is subject to market conditions



# Rezoning

---

Staff requests that the following be entered into the record:

- Application materials
- Staff memorandum and supporting documents
- Recommendation



# Amended Master Plan

---

Article II of Chapter 15 of the Municipal Code outlines the purposes of the Master Plan process, including:

## **Sec. 15-2-10. Purpose.**

The purpose of the master plan procedure is to provide for the master planning of property annexed to the Town pursuant to Article I of this Chapter.



# Master Plan Changes

The below land use table from the existing master plan approved in 2006 includes 300 dwelling units and a gross density of 3.5 dwelling units per acre.

## LAND USE TABLE:

PARCEL	GROSS ACREAGE	NET ACREAGE	LAND USE	MIN. LOT SIZE	GROSS DENSITY	NET DENSITY	PROPOSED UNITS	PROPOSED ZONING
A	7.6	6.8	CORPORATE CAMPUS	N/A	-	-	-	GC-PUD
B	9.5	8.6	CORPORATE CAMPUS	N/A	-	-	-	GC-PUD
C	13.8	12.4	MIXED USE COMM./RESIDENTIAL	UNKNOWN	11.4 D.U./AC	12.7 D.U./AC	158	RMU
D	5.4	4.9	OFFICE/RETAIL	N/A	-	-	-	GC-PUD
E	7.1	6.4	CORPORATE CAMPUS	N/A	-	-	-	GC-PUD
F	6.0	5.4	CORPORATE CAMPUS	N/A	-	-	-	GC-PUD
G	3.1	2.8	OFFICE/RETAIL	N/A	-	-	-	GC-PUD
H	13.4	12.1	MIXED USE COMM./RESIDENTIAL	UNKNOWN	10.7 D.U./AC	11.8 D.U./AC	142	RMU
I	6.3	5.7	RECREATION CENTER	N/A	-	-	-	RMU
J	12.6	-	POND & OPEN SPACE	N/A	-	-	-	RMU
R.O.W. (ESTIMATED)	7.0							
<b>TOTAL</b>	<b>84.8 ACRES</b>				<b>3.5 D.U./AC</b>		<b>300 UNITS</b>	



# Master Plan Changes

The below land use table from the proposed master plan amendment includes 534 dwelling units and a gross density of 6.3 dwelling units per acre.

Land Use Table:

LOT	GROSS ACREAGE	NET ACREAGE	LAND USE	MIN. LOT SIZE	GROSS DENSITY	NET DENSITY	PROPOSED UNITS	PROPOSED ZONING
1	5.983	5.384	RETAIL/OFFICE/RESTAURANT	N/A	-	-	-	GC
2	3.937	3.543	CORPORATE CAMPUS	N/A	-	-	-	GC
3	8.476	7.572	MULTI-FAMILY	N/A	23.8 D.U./AC	26.4 D.U./AC	200	GC
4	1.892	1.577	HOTEL	N/A	-	-	-	GC
5	3.717	3.074	RMU USES	N/A	-	-	-	RMU
6	6.535	4.615	RECREATION	N/A	-	-	-	RMU
7	5.994	4.811	GENERAL COMMERCIAL	N/A	-	-	-	GC
8	9.128	8.215	MULTI-FAMILY	N/A	13.1 D.U./AC	14.6 D.U./AC	120	RMU
9	7.428	6.685	PATIO HOMES	N/A	5.8 D.U./AC	6.5 D.U./AC	43	RMU
10	6.280	5.652	MULTI-FAMILY	UNKNOWN	16.2 D.U./AC.	18.0 D.U./AC	102	RMU
11	8.163	7.346	MULTI-FAMILY	N/A	8.45 D.U./AC	9.45 D.U./AC.	69	RMU
12	3.042	2.737	RETAIL	N/A	-	-	-	GC
TRACT A	0.745	0.566	DRAINAGE EASEMENT	-	-	-	-	-
TRACT B	13.419	12.077	POND & OPEN SPACE	-	-	-	-	RMU
TRACT C	0.011	0.011	POND, OPEN SPACE, UTILITY AND DRAINAGE EASEMENT	-	-	-	-	-
R.O.W. (EST.)	7.000							
TOTAL	84.75 ACRES				6.3 D.U./AC		534 UNITS	



# Master Plan Changes

---

Comprehensive Plan

Overall Land Use Policy 9 states:

“Areas of higher density should be encouraged for all types of land uses, to preserve environmentally sensitive areas, encourage more efficient use of infrastructure and provide the development density necessary to support economic development.”





# Amended Master Plan

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Staff requests that the following be entered into the record:

- Application materials
- Staff memorandum and supporting documents
- Recommendation



# Final Major Subdivision

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

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

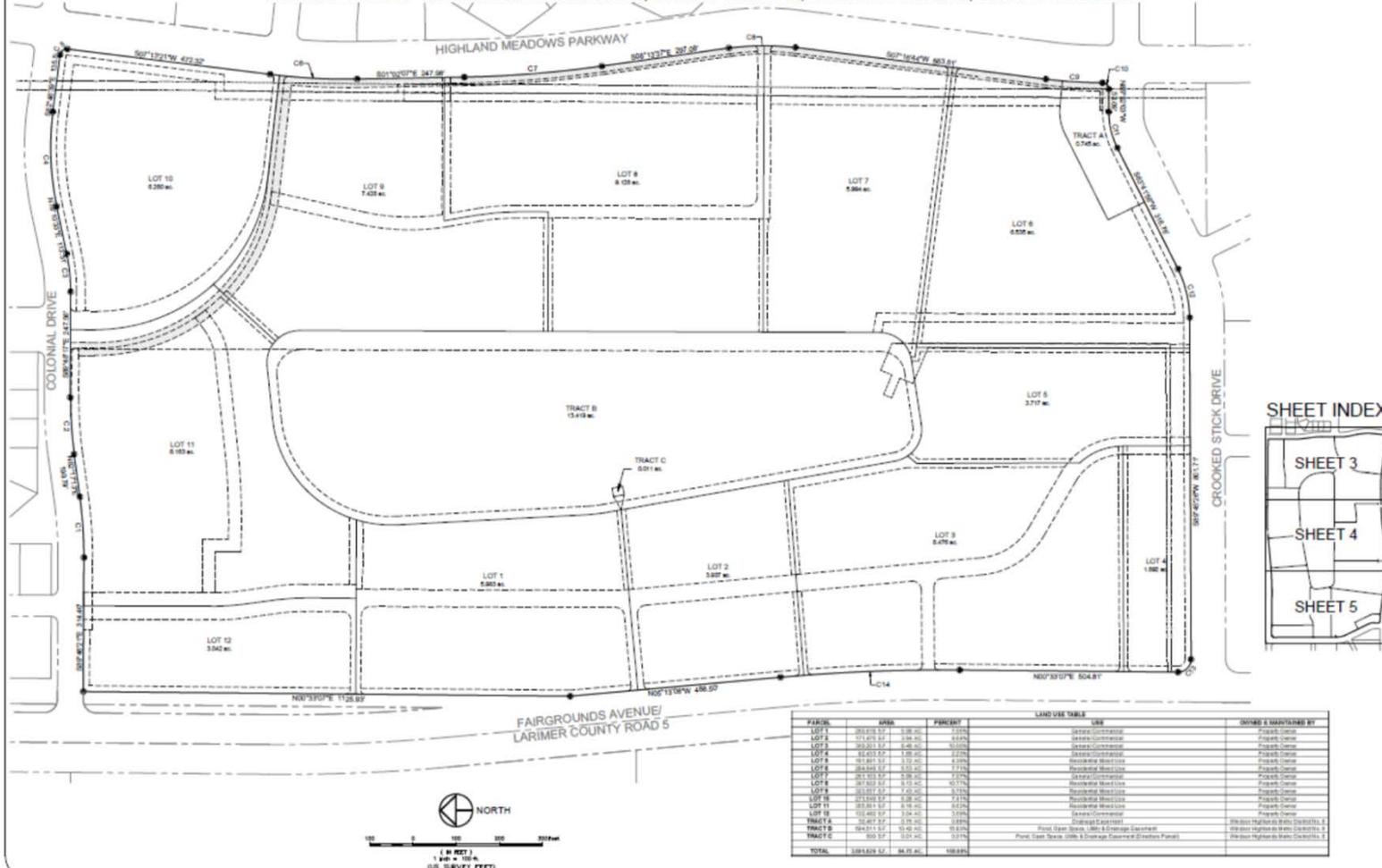
(3) To change an existing subdivision when the change involves rights-of-way or major easements.



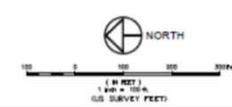
# Final Major Subdivision

## HIGHLAND MEADOWS GOLF COURSE SUBDIVISION EIGHTH FILING

BEING A REPLAT OF HIGHLAND MEADOWS GOLF COURSE SUBDIVISION FOURTH FILING, LOCATED IN SECTION 26, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF WINDSOR, COUNTY OF LARIMER, STATE OF COLORADO



PARCEL	AREA	PERCENT	LAND USE TABLE	OWNED & MAINTAINED BY
LOT 1	171,475 S.F.	3.38%	Public Use	Public Owner
LOT 2	171,475 S.F.	3.38%	Public Use	Public Owner
LOT 3	300,000 S.F.	5.84%	Public Use	Public Owner
LOT 4	65,433 S.F.	1.26%	Public Use	Public Owner
LOT 5	141,891 S.F.	2.75%	Residential Medium Density	Public Owner
LOT 6	264,568 S.F.	5.12%	Residential Medium Density	Public Owner
LOT 7	261,533 S.F.	5.08%	Public Use	Public Owner
LOT 8	217,500 S.F.	4.21%	Residential Medium Density	Public Owner
LOT 9	261,533 S.F.	5.08%	Residential Medium Density	Public Owner
LOT 10	217,500 S.F.	4.21%	Residential Medium Density	Public Owner
LOT 11	261,533 S.F.	5.08%	Residential Medium Density	Public Owner
LOT 12	151,482 S.F.	2.90%	Public Use	Public Owner
TRACT A	32,407 S.F.	0.62%	Public Use	Public Owner
TRACT B	292,211 S.F.	5.62%	Public Use	Public Owner
TRACT C	800 S.F.	0.01%	Public Use	Public Owner
TOTAL	509,619 S.F.	98.21%		




**NORTHERN ENGINEERING**

**NE**

1000 W. 10TH AVENUE, SUITE 100  
DENVER, CO 80202  
TEL: 303.733.1111  
WWW.NORTHERNENGINEERING.COM

DATE	REVISED	BY	APP'D

**HIGHLAND MEADOWS GOLF COURSE SUBDIVISION EIGHTH FILING**

**TOWN OF WINDSOR, COLORADO**

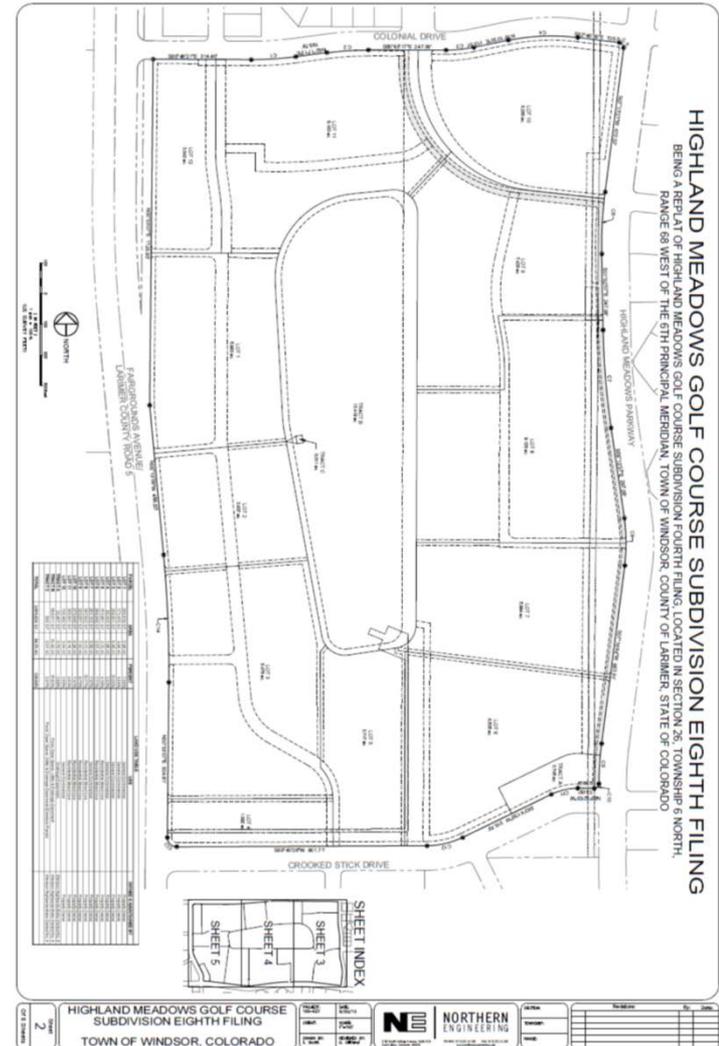
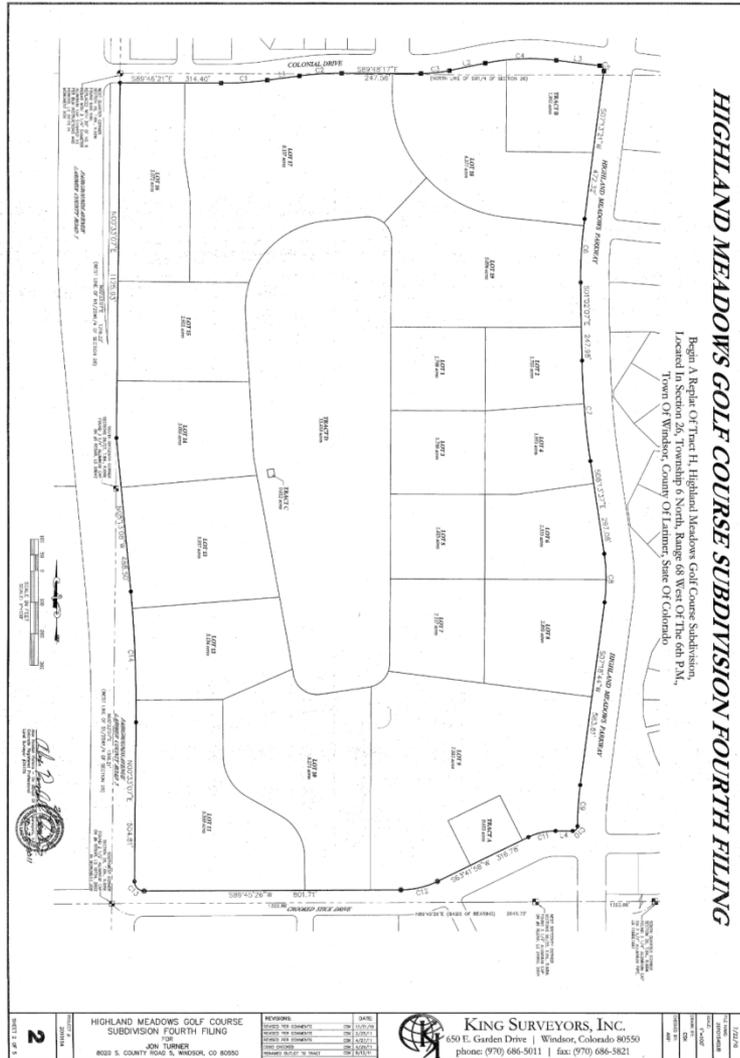
Sheet  
**2**  
Of 5 Sheets



# Subdivision Changes

Existing

Proposed





# Final Major Subdivision

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Staff requests that the following be entered into the record:

- Application materials
- Staff memorandum and supporting documents
- Recommendation



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## MEMORANDUM

**Date:** December 9, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
Joseph P. Plummer, AICP, Director of Planning  
**From:** Scott Ballstadt, AICP, Chief Planner  
**Subject:** Resolution No. 2013-75 Ratifying, Approving and Confirming the Terms and Conditions of the Highland Meadows Golf Course Subdivision Tract H Second Amended Master Plan  
**Location:** East of and adjacent to Fairgrounds Avenue; south of and adjacent to Colonial Drive; west of and adjacent to Highland Meadows Parkway; and north of and adjacent to Crooked Stick Drive  
**Item #s:** C.4

### **DISCUSSION:**

The applicant, Mr. Jon Turner, Colorado 80 Holdings LLC, represented by Mr. Jim Birdsall, The Birdsall Group, is proposing to amend the existing Highland Meadows Golf Course Subdivision Tract H Master Plan (also known as Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing) for future commercial and residential development.

The master plan proposes a mixed use development including retail, office, restaurant, corporate campus, general commercial, recreational multi-family and patio home uses. The proposed rezoning, amended master plan and major subdivision propose that the commercial uses primarily front Fairgrounds Avenue and the residential uses generally back to Highland Meadows Parkway, creating a transition from commercial to residential uses. The existing and proposed zoning of the property is Residential Mixed Use (RMU) and General Commercial (GC), which allows for the proposed uses as a use by right.

**Conformance with Vision 2025:** The application is consistent with Vision 2025 Housing Quality and Diversity Goal 1: "Provide choices for housing in town, not just single family homes," and Economic Vitality Goal 3: "Grow and Diversify the Windsor economy," and Goal 4: "Establish the Town of Windsor as a Business and Lifestyle Destination."

**Relationship to Strategic Plan:** The proposal advances the Strategic Plan Vision #5: "Windsor residents enjoy a friendly community with housing opportunities, choices for leisure, cultural activities, recreation and mobility for all" and Goal 3: "Diversify, Grow, and Strengthen the Local Retail and Industrial Economy."

**Recommendation:** At the November 20, 2013 regular meeting, the Planning Commission voted to recommend approval of the amended master plan to the Town Board subject to all remaining redline comments being addressed and staff concurs with this recommendation.

**Notification:** n/a for master plan applications

**Neighborhood Meeting(s):** n/a for master plan applications

**Attachments:** Application materials

pc: Jon Turner, Colorado 80 Holdings LLC, applicant  
Jim Birdsall, The Birdsall Group, applicant's representative

TOWN OF WINDSOR

RESOLUTION NO. 2013-75

A RESOLUTION OF THE WINDSOR TOWN BOARD APPROVING AND CONFIRMING THE TERMS AND CONDITIONS OF THE HIGHLAND MEADOWS GOLF COURSE SUBDIVISION TRACT H SECOND AMENDED MASTER PLAN SUBDIVISION TO THE TOWN OF WINDSOR, COLORADO

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

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

WHEREAS, the Town Board previously approved a Master Plan, and an Amendment thereto, for land uses within Tract H of the Highland Meadows Golf Course Subdivision; and

WHEREAS, the owner/developer of the Highland Meadows Golf Course Subdivision has presented the Town with a proposed Amendment to the previously-approved Amended Master Plan, a copy of which is attached hereto, incorporated herein by this reference as if set forth fully, and designated “Exhibit A”; and

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

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

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

1. Pursuant to *Windsor Municipal Code* Section 15-2-40, the attached Amended Master Plan for Tract H of the Highland Meadows Golf Course Subdivision is hereby approved.
2. The owner/developer is hereby instructed to comply with the requirements of *Windsor Municipal Code* Section 14-2-50 within thirty (30) days.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 9<sup>th</sup> day of December, 2013.

TOWN OF WINDSOR, COLORADO

---

John S. Vazquez, Mayor

ATTEST:

---

Patti Garcia, Town Clerk

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

For office use only:

Project ID No.

**LAND USE APPLICATION FORM**

Land use applications shall include all items listed in the application submittal checklist and the Town of Windsor Municipal Code. 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  
 SITE PLAN - Qualified Commercial or Industrial (Fast Track)

**STATUS:**

- (for MAJOR SUBDIVISIONS and SITE PLANS only)  
 Preliminary  
 Final

**PROJECT NAME\*:** Golf Course Subdivision Fourth Filing Amended Master Plan**LEGAL DESCRIPTION\*:** W 1/2 Sec. 26, T6N, R68W of the 6th P.M., Town of Windsor, County of Larimer, State of**PROPERTY ADDRESS (if available):** Colorado**PROPERTY OWNER (APPLICANT):**

Owner's Name(s)\*: Jon Turner, Member/Manager  
 Company: Colorado 80 Holdings LLC  
 Address\*: 8020 S. County Road 5, Suite 200, Windsor CO 80216  
 Primary Phone #: 970.204.9393 Secondary Phone #: \_\_\_\_\_  
 Fax #: 970.204.9396 E-Mail\*: jmwhturner@cox.net

**OWNER'S AUTHORIZED REPRESENTATIVE:**

Representative's Name: Jim Birdsall  
 Company: TB Group  
 Address: 444 Mountain Avenue, Berthoud CO 80513  
 Primary Phone #: 970.532.5891 Secondary Phone #: \_\_\_\_\_  
 Fax #: 970.532.5759 E-Mail: jim@tbgroup.us

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: Jon Turner Owner or Owner's Authorized Representative\*\* Date 9.19.12

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

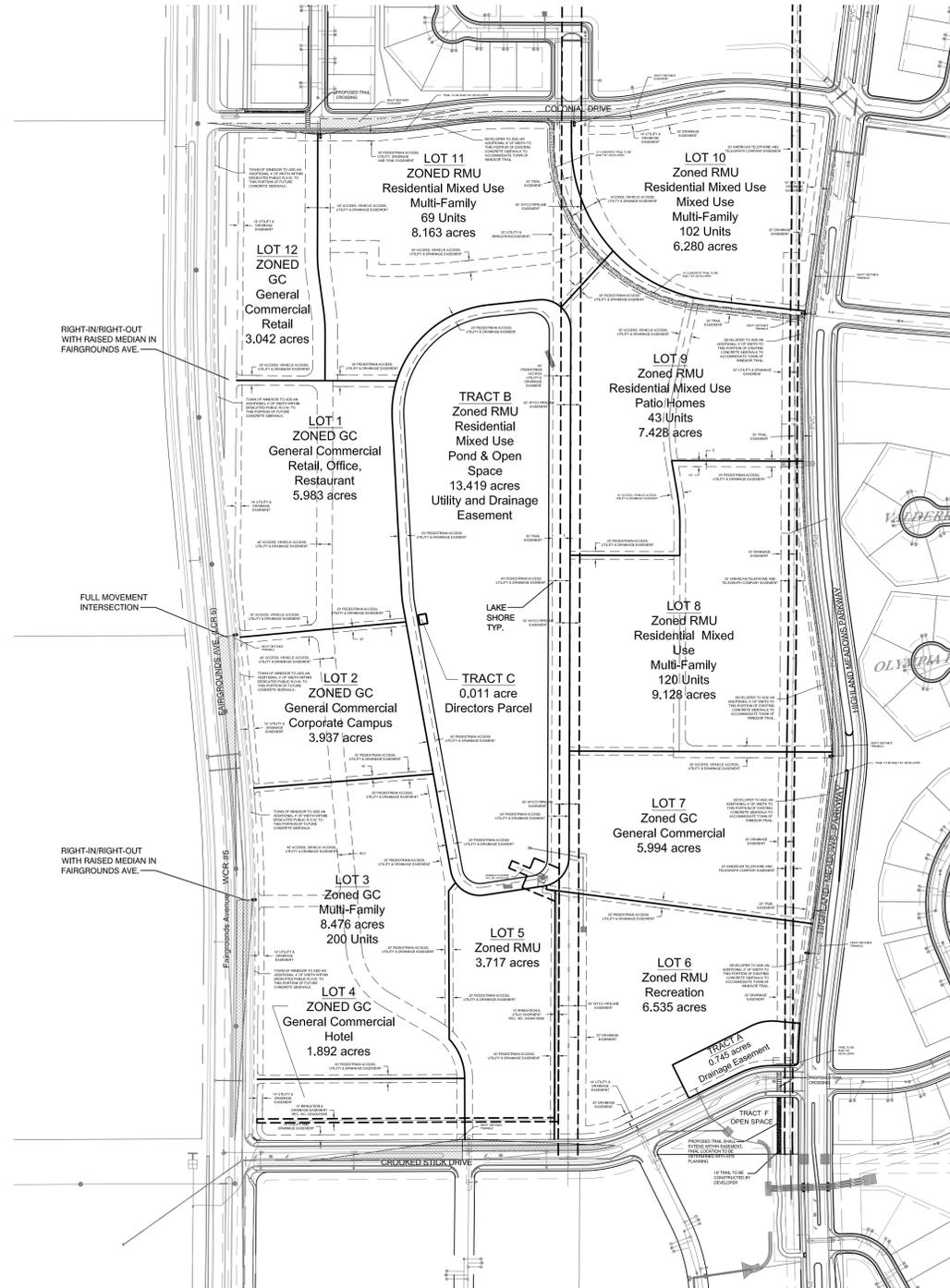
Jon Turner

Print Name(s)

\*Required fields

# HIGHLAND MEADOWS GOLF COURSE SUBDIVISION TRACT H 2ND AMENDED MASTER PLAN

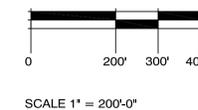
BEING AN AMENDMENT TO THE HIGHLAND MEADOWS GOLF COURSE SUBDIVISION TRACT H MASTER PLAN AS PREVIOUSLY AMENDED,  
LOCATED IN THE WEST HALF OF SECTION 26, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M.,  
TOWN OF WINDSOR, COUNTY OF LARIMER, STATE OF COLORADO.



Land Use Table:

LOT	GROSS ACREAGE	NET ACREAGE	LAND USE	MIN. LOT SIZE	GROSS DENSITY	NET DENSITY	PROPOSED UNITS	PROPOSED ZONING
1	5.983	5.384	RETAIL/OFFICE/RESTAURANT	N/A	-	-	-	GC
2	3.937	3.543	CORPORATE CAMPUS	N/A	-	-	-	GC
3	8.476	7.572	MULTI-FAMILY	N/A	23.8 D.U./AC	26.4 D.U./AC	200	GC
4	1.892	1.577	HOTEL	N/A	-	-	-	GC
5	3.717	3.074	RMU USES	N/A	-	-	-	RMU
6	6.535	4.615	RECREATION	N/A	-	-	-	RMU
7	5.994	4.811	GENERAL COMMERCIAL	N/A	-	-	-	GC
8	9.128	8.215	MULTI-FAMILY	N/A	13.1 D.U./AC	14.6 D.U./AC	120	RMU
9	7.428	6.685	PATIO HOMES	N/A	5.8 D.U./AC	6.5 D.U./AC	43	RMU
10	6.280	5.652	MULTI-FAMILY	UNKNOWN	16.2 D.U./AC	18.0 D.U./AC	102	RMU
11	8.163	7.346	MULTI-FAMILY	N/A	8.45 D.U./AC	9.45 D.U./AC	69	RMU
12	3.042	2.737	RETAIL	N/A	-	-	-	GC
TRACT A	0.745	0.566	DRAINAGE EASEMENT	-	-	-	-	-
TRACT B	13.419	12.077	POND & OPEN SPACE	-	-	-	-	RMU
TRACT C	0.011	0.011	POND, OPEN SPACE, UTILITY AND DRAINAGE EASEMENT	-	-	-	-	-
R.O.W. (EST.)	7.000							
TOTAL	84.75 ACRES				6.3 D.U./AC		534 UNITS	

NOTES:  
1. NET DENSITY IS APPROXIMATE AND IS CALCULATED AS 90% OF THE GROSS DENSITY. FINAL NET DENSITY SHALL BE DETERMINED WITH FINAL PLAT



REVISIONS	DATE
Town Comments	1-4-13
Town Comments	3-22-13
Town Comments	7-19-13
Town Comments	9-19-13

DATE  
September 20, 2012

SHEET TITLE  
Master Plan

SHEET INFORMATION  
Sheet Number: **2**  
Of: 4



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## MEMORANDUM

**Date:** December 9, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
Joseph P. Plummer, AICP, Director of Planning  
**From:** Scott Ballstadt, AICP, Chief Planner  
**Subject:** Public Hearing and Resolution No. 2013-76 Approving the Final Plat for the Highland Meadows Golf Course Subdivision 8th Filing in the Town of Windsor, Colorado  
**Location:** East of and adjacent to Fairgrounds Avenue; south of and adjacent to Colonial Drive; west of and adjacent to Highland Meadows Parkway; and north of and adjacent to Crooked Stick Drive  
**Item #s:** C.5 and C.6

### DISCUSSION:

The applicant, Mr. Jon Turner, Colorado 80 Holdings LLC, represented by Mr. Jim Birdsall, The Birdsall Group, is proposing to re-subdivide the existing Highland Meadows Golf Course Subdivision 4<sup>th</sup> Filing (which was previously known as Highland Meadows Golf Course Tract H) to create re-plat the existing 19 lots, resulting in 11 lots for future commercial and residential development.

The master plan proposes a mixed use development including retail, office, restaurant, corporate campus, general commercial, recreational multi-family and patio home uses. The proposed rezoning, amended master plan and major subdivision propose that the commercial uses primarily front Fairgrounds Avenue and the residential uses generally back to Highland Meadows Parkway, creating a transition from commercial to residential uses. The existing and proposed zoning of the property is Residential Mixed Use (RMU) and General Commercial (GC), which allows for the proposed uses as a use by right.

Notes from the neighborhood meeting that was held on November 13, 2012 are enclosed.

**Conformance with Vision 2025:** The application is consistent with Vision 2025 Housing Quality and Diversity Goal 1: "Provide choices for housing in town, not just single family homes," and Economic Vitality Goal 3: "Grow and Diversify the Windsor economy," and Goal 4: "Establish the Town of Windsor as a Business and Lifestyle Destination."

**Relationship to Strategic Plan:** The proposal advances the Strategic Plan Vision #5: "Windsor residents enjoy a friendly community with housing opportunities, choices for leisure, cultural activities, recreation and mobility for all" and Goal 3: "Diversify, Grow, and Strengthen the Local Retail and Industrial Economy."

**Recommendation:** At the November 20, 2013 regular meeting, the Planning Commission voted to recommend approval of the final major subdivision to the Town Board subject to all remaining redline comments being addressed and the development agreement being executed and staff concurs with this recommendation.

**Notification:**

- Notice of November 20, 2013 Planning Commission public hearing published in November 1, 2013 Windsor Beacon
- Notice of December 9, 2013 Town Board public hearing published in November 1, 2013 Windsor Beacon
- Notice of both public hearings posted on Town website and bulletin board
- Signs posted on the property
- November 8, 2013 applicant letter to property owners within 300-feet

**Neighborhood Meeting(s):** A neighborhood meeting was held in accordance with the Municipal Code requirements on November 13, 2012.

**Attachments:** Application materials

pc: Jon Turner, Colorado 80 Holdings LLC, applicant  
Jim Birdsall, The Birdsall Group, applicant's representative

TOWN OF WINDSOR

RESOLUTION NO. 2013-76

A RESOLUTION OF THE WINDSOR TOWN BOARD APPROVING THE FINAL PLAT FOR THE HIGHLAND MEADOWS GOLF COURSE SUBDIVISION 8<sup>TH</sup> FILING IN THE TOWN OF WINDSOR, COLORADO

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

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

WHEREAS, the Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing (“Subdivision”) proposes to subdivide land located within the Town; and

WHEREAS, the owner/developer of the Subdivision has presented the Town with the attached Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing Subdivision Plat (“Subdivision Plat”), which Subdivision Plat is incorporated herein by this reference as if set forth fully, and designated “Exhibit A”; and

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

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

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

1. Pursuant to *Windsor Municipal Code* Section 17-4-20 (e), the attached Subdivision Plat for the Highland Meadows Golf Course Subdivision 8<sup>th</sup> Filing is hereby approved.
2. The owner/developer is hereby instructed to comply with all post-approval requirements of Chapter 17, Article IV of the *Windsor Municipal Code* within thirty (30) days.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 9<sup>th</sup> day of December, 2013.

TOWN OF WINDSOR, COLORADO

---

John S. Vazquez, Mayor

ATTEST:

---

Patti Garcia, Town Clerk

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

For office use only:

Project ID No.

**LAND USE APPLICATION FORM**

Land use applications shall include all items listed in the application submittal checklist and the Town of Windsor Municipal Code. 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  
 SITE PLAN - Qualified Commercial or Industrial (Fast Track)

**STATUS:**

- (for MAJOR SUBDIVISIONS and SITE PLANS only)  
 Preliminary  
 Final

**PROJECT NAME\*:** Golf Course Subdivision Fourth Filing

**LEGAL DESCRIPTION\*:** W 1/2 Sec. 26, T6N, R68W of the 6th P.M., Town of Windsor, County of Larimer, State of

**PROPERTY ADDRESS (if available):** Colorado

**PROPERTY OWNER (APPLICANT):**

Owner's Name(s)\*: Jon Turner, Member/Manager  
 Company: Colorado 80 Holdings LLC  
 Address\*: 8020 S. County Road 5, Suite 200, Windsor CO 80216  
 Primary Phone #\*: 970.204.9393 Secondary Phone #: \_\_\_\_\_  
 Fax #\*: 970.204.9396 E-Mail\*: jmwhturner@cox.net

**OWNER'S AUTHORIZED REPRESENTATIVE:**

Representative's Name: Jim Birdsall  
 Company: TB Group  
 Address: 444 Mountain Avenue, Berthoud CO 80513  
 Primary Phone #: 970.532.5891 Secondary Phone #: \_\_\_\_\_  
 Fax #: 970.532.5759 E-Mail: jim@tbgroup.us

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.

Jon Turner Signature Owner or Owner's Authorized Representative\*\* Date 9.19.12

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

JON TURNER Print Name(s)

\*Required fields

September 20, 2012

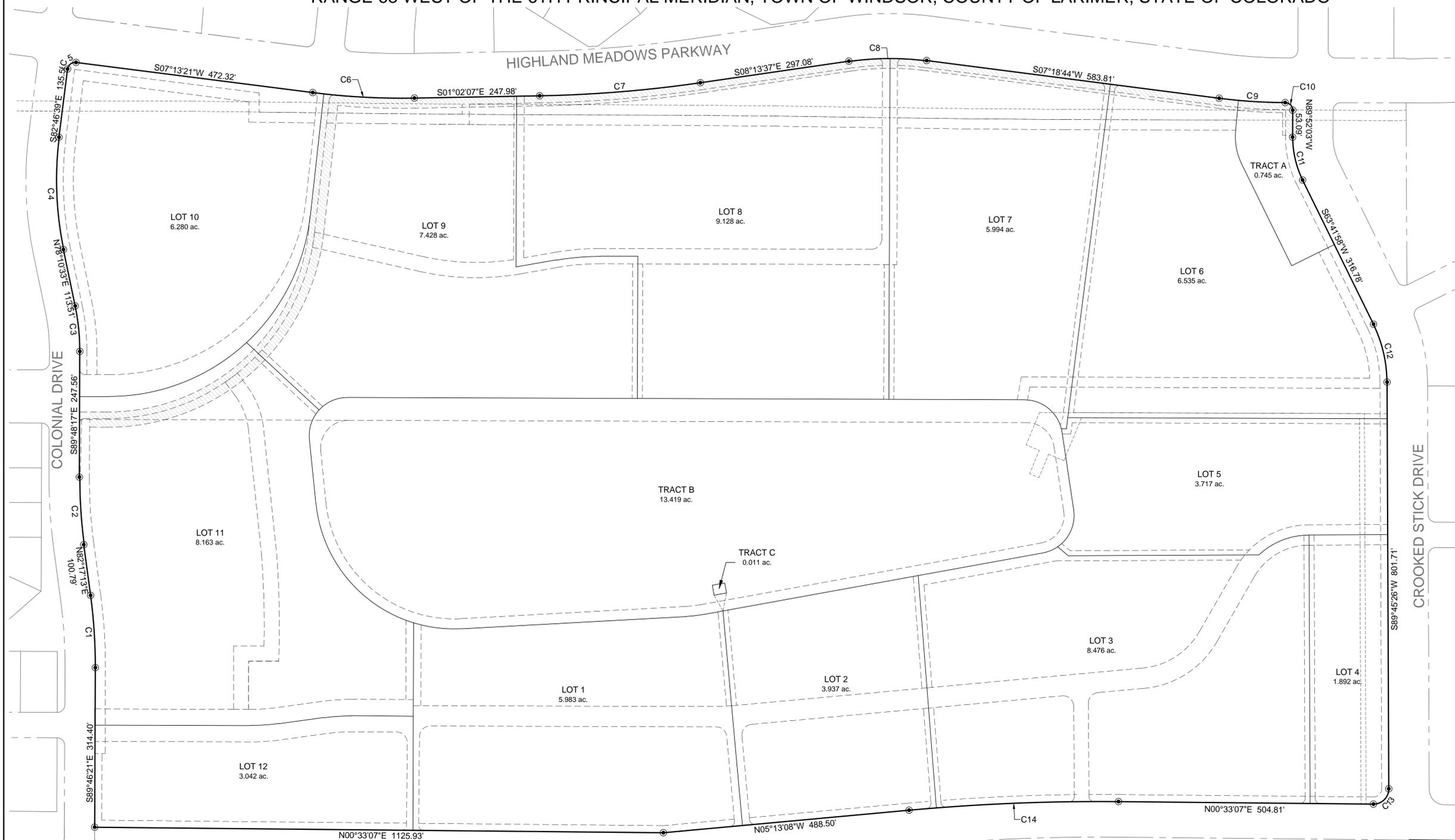
## **Highland Meadows Golf Course Subdivision Eighth Filing Being a Replat of Highland Meadows Golf Course Subdivision Fourth Filing**

This request is for an amended plat for 84.748 acres known as the Highland Meadows Golf Course Subdivision Fourth Filing (Tract H). The rationale for the proposed plat amendment is to provide a master development plan that responds to the current market.

The proposed plan contains approximately 11 lots zoned for RMU and GC-PUD uses. The commercial areas are generally fronting along Fairgrounds Avenue with the residential uses located internal to the site and along Highland Meadows Parkway. Planned uses for the project will consist of multi-family, patio homes, retail, office, restaurant, church uses. The internal streets will be dedicated on the plat as private access and utility easements.

# HIGHLAND MEADOWS GOLF COURSE SUBDIVISION EIGHTH FILING

BEING A REPLAT OF HIGHLAND MEADOWS GOLF COURSE SUBDIVISION FOURTH FILING, LOCATED IN SECTION 26, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF WINDSOR, COUNTY OF LARIMER, STATE OF COLORADO



## SHEET INDEX



FAIRGROUNDS AVENUE/  
LARIMER COUNTY ROAD 5



PARCEL	AREA	PERCENT	LAND USE TABLE		OWNED & MAINTAINED BY
LOT 1	260,618 S.F. 5.98 AC.	7.06%	General Commercial		Property Owner
LOT 2	171,475 S.F. 3.94 AC.	4.64%	General Commercial		Property Owner
LOT 3	369,201 S.F. 8.48 AC.	10.00%	General Commercial		Property Owner
LOT 4	82,433 S.F. 1.89 AC.	2.23%	General Commercial		Property Owner
LOT 5	161,891 S.F. 3.72 AC.	4.39%	Residential Mixed Use		Property Owner
LOT 6	284,649 S.F. 6.53 AC.	7.71%	Residential Mixed Use		Property Owner
LOT 7	261,103 S.F. 5.99 AC.	7.07%	General Commercial		Property Owner
LOT 8	397,622 S.F. 9.13 AC.	10.77%	Residential Mixed Use		Property Owner
LOT 9	323,557 S.F. 7.43 AC.	8.76%	Residential Mixed Use		Property Owner
LOT 10	273,549 S.F. 6.28 AC.	7.41%	Residential Mixed Use		Property Owner
LOT 11	355,561 S.F. 8.16 AC.	9.33%	Residential Mixed Use		Property Owner
LOT 12	132,492 S.F. 3.04 AC.	3.59%	General Commercial		Property Owner
TRACT A	32,467 S.F. 0.75 AC.	0.88%	Drainage Easement		Windsor Highlands Metro District No. 6
TRACT B	584,511 S.F. 13.42 AC.	15.83%	Pond, Open Space, Utility & Drainage Easement		Windsor Highlands Metro District No. 6
TRACT C	500 S.F. 0.01 AC.	0.01%	Pond, Open Space, Utility & Drainage Easement (Directors Parcel)		Windsor Highlands Metro District No. 6
<b>TOTAL</b>	<b>3,691,629 S.F. 84.75 AC.</b>	<b>100.00%</b>			

Revisions:
By: \_\_\_\_\_
Date: \_\_\_\_\_

SECTION: \_\_\_\_\_
TOWNSHIP: \_\_\_\_\_
RANGE: \_\_\_\_\_

**NORTHERN ENGINEERING**

PHONE: 970.921.4158 FAX: 970.921.4159  
www.northernengineering.com

DATE: 9/20/13

PROJECT: 168-027

CLIENT: \_\_\_\_\_

SCALE: 1"=100'

REVIEWED BY: G. Gilliland

DRAWN BY: L. Smith

HIGHLAND MEADOWS GOLF COURSE  
SUBDIVISION EIGHTH FILING

TOWN OF WINDSOR, COLORADO

Sheet
2

Of 5 Sheets



## MEMORANDUM

**Date:** December 9, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Dean Moyer, Director of Finance  
**Re:** Kyger Pit Project Financing  
**Item #:** C.7.

In our discussions on financing the Kyger pit purchase, the biggest source of funding on the project came from a loan from the Colorado Water Conservation Board. Our application was approved at their quarterly meeting in September. Before you this evening is a resolution we are required to approve as part of the process.

The loan is in the amount of \$4,545,000 for a term of 20 years at 2.75%. We have yet to draw on any of the funds and will not until we have an agreement on the project with the sellers. If for some reason we do not do this project, we can cancel the loan and return the funds to the State.

### **Recommendation**

Approve Resolution 2013-77 as presented.

TOWN OF WINDSOR

RESOLUTION NO. 2013-77

A RESOLUTION APPROVING THE TERMS OF A SECURED LOAN FROM THE STATE OF COLORADO WATER CONSERVATION BOARD TO THE TOWN OF WINDSOR WATER UTILITY ENTERPRISE FOR THE ACQUISITION OF REAL PROPERTY AND WATER RIGHTS, AND THE CONSTRUCTION OF WATER DELIVERY INFRASTRUCTURE, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE DOCUMENTS NECESSARY TO ACCOMPLISH SAME

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

WHEREAS, the Town has established and maintained in good standing its Water Utility Enterprise pursuant to Article X, Section 20 of the Colorado Constitution; and

WHEREAS, the Town has entered into a contract with the owners of property located at the northwest corner of the intersection of Colorado Highway 392 and Weld County Road 13, known to the parties as the “Kyger Property”; and

WHEREAS, in order to facilitate the acquisition of the Kyger Property, the acquisition of necessary water rights and the construction of related water infrastructure (“Kyger Property Project Costs”), the Town has applied for and been approved for a loan in the maximum amount of \$4,545,000 from the Colorado Water Conservation Board (“CWCB”); and

WHEREAS, the Town Board has reviewed the loan documentation and, with the advice of counsel, is prepared to approve the loan and authorize the Town’s Water Utility Enterprise to enter into the loan transaction.

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

1. The Town Manager, on behalf of the Town’s Water Utility Enterprise, is authorized to enter into and comply with the terms of a contract with the CWCB for a loan in the amount of \$4,545,000, or such actual amount, more or less, as needed to finance the Kyger Property Project Costs, including a CWCB loan origination fee of 1% (“Loan Contract”).
2. The Town’s Water Utility Enterprise is authorized and directed to levy and collect water activity enterprise revenues in an amount sufficient to pay the annual amounts due under the Loan Contract, and to pledge said revenues and the Water Utility Enterprise’s right to receive said revenues for repayment of the loan approved herein.
3. The Town’s Water Utility Enterprise shall place said pledged revenues in a special account separate and apart from other Water Utility Enterprise revenues.

4. The Water Utility Enterprise is to make the annual payments required by the Loan Contract and related Promissory Note, and to make annual deposits to a debt service reserve fund as required by the Loan Contract.
5. The Water Utility Enterprise is authorized to pledge its revenues, backed by CWCB's customary rate covenant and annual financial reporting, as collateral for the loan and to execute all documents, including a Promissory Note and Security Agreement, necessary to convey a security interest in said property to the CWCB.
6. The Town Manager, Kelly E. Arnold, is authorized to execute all documents as required by the Loan Contract, including, but not limited to, a Promissory Note and Security Agreement.
7. The Town Manager, Kelly E. Arnold, is authorized to take such other actions and to execute such other documents as may be necessary to consummate and implement the loan.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 9th day of December, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

TOWN OF WINDSOR

RESOLUTION NO. 2013-78

A RESOLUTION OF THE WINDSOR TOWN BOARD PURSUANT TO SECTION 9.1 (A) TOWN OF WINDSOR HOME RULE CHARTER APPOINTING JOHN P. FREY AND IAN D. McCARGAR TO SERVE AS TOWN ATTORNEYS FOR THE TOWN OF WINDSOR, AND GENERALLY AFFIRMING THE TERMS OF REPRESENTATION

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’s Home Rule Charter provides for the appointment of the Town Attorney to serve as general legal counsel to the Town; and

WHEREAS, Ian D. McCargar and John P. Frey have served the Town as Town Attorneys for a number of years under a contractual agreement with the law firms to which these attorneys have belonged; and

WHEREAS, in 2012, the Town Board directed that the Town Manager take the necessary steps to provide the Town Attorneys with facilities and support staff, in order that the Office of the Town Attorney is brought “in-house”; and

WHEREAS, the Town Manager has taken the steps necessary to bring the Town Attorneys in-house, the result of which is a full-time in-house status for Mr. McCargar as Town Attorney, and a part-time contractual status for Mr. Frey as Assistant Town Attorney; and

WHEREAS, the Town Board wishes to confirm the appointment of Mr. Frey and Mr. McCargar, and to further confirm the terms of the professional relationship applicable to each.

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

**Section 1.** Ian D. McCargar is hereby appointed to serve as Town Attorney for the Town of Windsor, subject to and in accordance with the Windsor Home Rule Charter and the Colorado Code of Professional Conduct.

**Section 2.** John P. Frey is hereby appointed to serve as the Assistant Town Attorney for the Town of Windsor, subject to and in accordance with the Windsor Home Rule Charter and the Colorado Code of Professional Conduct.

**Section 3.** The terms of Mr. Frey’s compensation and other aspects of his professional relationship with the Town shall be set forth in a separate engagement letter to be executed by the Mayor and retained in the Town’s permanent records.

**Section 4.** The compensation and office budget for the Office of the Town Attorney shall be as set forth in Resolution 2013-69, and shall be set in all years subsequent by similar Town Board budget approvals. In addition, all other terms of Mr. McCargar’s professional relationship

with the Town shall be set forth in a separate engagement letter to be executed by the Mayor and retained in the Town's permanent records.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 9<sup>th</sup> day of December, 2013, upon a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

TOWN OF WINDSOR, COLORADO

RESOLUTION NO. 2013-79

A RESOLUTION RATIFYING, APPROVING, AND CONFIRMING THE TERMS AND CONDITIONS OF THE EMPLOYMENT AGREEMENT, AS AMENDED, BETWEEN THE TOWN OF WINDSOR AND TOWN MANAGER KELLY E. ARNOLD

WHEREAS, the Town of Windsor (“Town”) is by its Home Rule Charter structured as a “council-manager” form of government, under which the Town Manager is responsible for operations and is accountable to the Town Board; and

WHEREAS, the Town’s Home Rule Charter provides that the Town Board shall review the job performance of the Town Manager on an annual basis, which reviews have customarily taken place late in the fourth quarter of each calendar year; and

WHEREAS, the Town Board has reviewed the 2013 job performance of the Town Manager, and has concluded that the Town Manager continues to perform at a high level, such that his employment contract should be extended; and

WHEREAS, the Town Manager’s initial Employment Agreement was approved by the Town Board under Resolution No. 2007-76, which Agreement remains in effect, subject to later amendments approved by the Town Board; and

WHEREAS, the Town Board approved a new Employment Agreement dated January 12, 2009, for the Town Manager by Resolution No. 2009-09; and

WHEREAS, by Resolution No. 2011-55, the Town Board approved the First Amendment to the Town Manager’s Employment Agreement; and

WHEREAS, by Resolution No. 2012-87, the Town Board approved the Second Amendment to the Town Manager’s Employment Agreement; and

WHEREAS, the Town Board wishes to reaffirm the Town Manager’s Employment Agreement, subject to the provisions of the Home Rule Charter, and further subject to the attached “Third Amendment to Employment Agreement Dated January 12, 2009”.

NOW, THEREFORE, be it resolved by the Town Board of the Town of Windsor, Colorado, as follows:

1. Kelly E. Arnold shall be reappointed to serve as Town Manager as provided in and subject to the Town’s Home Rule Charter.

2. Mr. Arnold's service to the Town shall be governed by the terms of the Employment Agreement dated January 12, 2009, approved by Resolution 2009-09, as subsequently amended, and as specifically amended by the attached Third Amendment to Employment Agreement Dated January 12, 2009.
3. The Mayor is hereby authorized to execute the attached Third Amendment on behalf of the Town.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 9<sup>th</sup> day of December, 2013.

TOWN OF WINDSOR, COLORADO

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

ATTEST:

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

**THIRD AMENDMENT  
TO  
EMPLOYMENT AGREEMENT DATED JANUARY 12, 2009**

THIS AMENDMENT TO EMPLOYMENT AGREEMENT DATED JANUARY 12, 2009, is dated December 9, 2013, and is between the Town of Windsor, Colorado, a Colorado Home Rule Municipality (“Town”), and Kelly E. Arnold, Town Manager.

In accordance with the terms of the Town of Windsor Home Rule Charter, the parties wish to memorialize certain understandings with respect to the ongoing relationship between the Town and Mr. Arnold. Therefore, except as specifically set forth below, the parties reaffirm all provisions of the Employment Agreement dated January 12, 2009, which provisions are incorporated herein by this reference as if set forth fully.

Notwithstanding the foregoing, the parties agree that Section 6 (a) of the Employment Agreement dated January 12, 2009, shall be amended to read as follows:

Subject to the terms and conditions regarding termination as set forth elsewhere in this Employment Agreement, the Town agrees to pay the Employee as Town Manager a base annual salary of One-hundred-forty-nine-thousand nine-hundred forty-six dollars (\$149,946.00), effective January 1, 2014.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

TOWN OF WINDSOR, COLORADO

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

\_\_\_\_\_  
Kelly E. Arnold, Town Manager

ATTEST:

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

APPROVED AS TO FORM:

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



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## MEMORANDUM

**Date:** December 9, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Dennis Wagner, Director of Engineering; Dean Moyer,  
Director of Finance  
**Re:** 3.0 million gallon water tank bids  
**Item #:** C.10

### **Background / Discussion:**

Windsor's 2002 Water Master Plan projected the town would need a new 3.0 million gallon (MG) water storage tank to supplement the existing 2.0 MG tank in 2010. Water tanks are a vital part of a municipal water system because they equalize peak hour demands and provide extra water for fire and other emergencies.

Starting in 2011, there was \$3.3 million in Windsor's Capital Improvement Plan for design and construction of a 3.0 MG tank.

Bates Engineering, a well-known Colorado tank designer, was contracted in August 2012 to design a 3.0 MG tank. Also in August they were asked for an estimate of the cost to construct the tank. That estimate, \$2.3 million, was used in an application to the State of Colorado Department of Local Affairs Energy Impact Assistance Fund to assist in financing the project. Windsor was awarded a \$450,000 grant from DOLA. \$2.3 million was also the amount in Windsor's 2013 budget as opposed to \$3.0 million that was in the 2011 Capital Improvement Plan.

Bids for the tank from six pre-qualified contractors were opened on November 21, 2013. They ranged from \$3,092,635 to \$3,894,150; a range of only 26%. Also, the next to highest bid was only 10% higher than the low bid. This is typically an indication that the plans and specifications for the project are clear and all bidders had a good understanding of the expectations. The low bidder has indicated readiness to start the project.

The dilemma now is that tank construction plus construction services will total \$3.2 million and only \$2.3 million is budgeted.

Looking back for an explanation for the discrepancy between the current budget and bid I would offer the following:

- Bates Engineering based their August 2012 cost estimate largely on a tank bid in

2009 that was extraordinarily low and didn't accurately reflect construction costs then and certainly not now. The contractor that built that tank is no longer in business.

- In talking to contractors, they say that construction costs have escalated recently due to a shortage of skilled labor and demand on materials such as concrete, steel and aggregates. The shortage of skilled labor is being partially attributed to out-of-state oil industry work and large in-state public works projects.

I have explored with Bates Engineering alternative tank sizes (2.0 and 2.5 MG) for a way to reduce the expenditure. An alternative sized tank would require some re-design. Estimated costs for the alternative sized tanks, including re-design and construction services are as follows:

2.0 MG tank	\$2.7 million
2.5 MG tank	\$2.9 million

According to the formulas in the 2002 Water Master Plan for calculating water storage, Windsor currently needs 3.2 million gallons of storage (1.2 MG in addition to existing 2.0 MG tank). Additional storage will be needed as the population grows. The Master Plan estimated that by 2030 the town will need 4.9 million gallons and is why a 3.0 MG tank, to provide for the next 20 years, was designed at this time. An alternative is to construct a 2.0 MG tank now and another 2.0 MG tank sometime in the future. Of course, it's reasonable to assume the cost per gallon of storage capacity will continue to go up. It's worth noting that 50% storage capacity can be added to a 2.0 MG tank today for 18.5% additional costs.

If the Town Board elects to proceed with any one of the three tank sizes the water plant investment fee fund will be used in addition to \$450,000 DOLA grant. For example, if a 3.0 MG tank is chosen \$900,000 over and above the current budget is needed, leaving an estimated \$5.0 million fund balance at the end of 2014. Additionally, staff will explore with the low bidder potential cost-savings through value engineering and will also ask DOLA for additional grant funds.

### **Options/Recommendation:**

Option #1: Construct 3.0 MG tank at \$3.2 million with completion in September 2014.

Option #2: Construct 2.0 or 2.5 MG tank at \$2.7 million or \$2.9 million respectively with completion in late 2014.

Option #3: Do nothing at this time and delay project until budgeted in a future year.

Staff recommends Option #1 with potential cost-savings through value engineering.



8000 E. Iliff Ave.  
Denver, CO 80231

November 26, 2013

**VIA FACSIMILE**

Kelly Arnold  
Town Manager  
Town of Windsor  
301 Walnut St.  
Windsor, CO 80550  
**Fax No. 970-686-7180**

RE: Important Information—Price Changes

Dear Kelly,

At Comcast, we are committed to constantly improving our customers' entertainment and communications experience in your community, and we continue to invest in making their services even better. As we make these and other investments, we periodically need to adjust prices due to increases we incur in programming and other business costs. Starting January 1, 2014, new prices will apply to select Video and Internet services and equipment as reflected in the enclosed notice.

Among these price changes, we have itemized a Broadcast TV Fee in order to defray the rising costs of retransmitting broadcast television signals. In the past, a portion of those costs were included within the basic service rate. In recent years, the cost of retransmitting broadcast television signals has increased significantly, and we want to address these increases through a separate itemized charge so they are clear to the customer. \*

We promise to continue to provide our customers with a consistently superior experience, including 24/7 customer service, two-hour appointment windows and on-time arrival—or we'll credit the customer \$20 or provide a free premium channel for three months. We back up our services with the Comcast Customer Guarantee (visit [www.comcast.com/guarantee](http://www.comcast.com/guarantee) for details).

Should you have any questions regarding this information, please feel free to contact me at 303-603-2012.

Sincerely,

A handwritten signature in black ink that reads "Glenn Walker".

Glenn Walker  
Government Affairs Manager

*\*If a customer was receiving services on a promotional basis, or under a minimum term agreement associated with a specific rate, as December 1, 2013, the customer will not be affected by the Broadcast TV Fee during the applicable period.*

Enc.

Effective 1/1/14, Comcast will implement a Broadcast TV Fee of \$1.50 per month (excluding applicable taxes and fees) on video customers' bills to defray the rising costs of retransmitting broadcast television signals. However, we will waive the Broadcast TV Fee for current customers until 10/1/14.

**Rate Changes:**

Periodically, we adjust prices due to increases in business costs. Effective 1/1/14, the monthly rate for following packages will be changing as stated below. Services received on a promotional basis or under a minimum term agreement associated with a specific rate, will not be affected. Additional fees and taxes are additional.		
	<b>Current Price</b>	<b>New Price</b>
<b>MULTILATINO PACKAGES</b>		
<b>MultiLatino Max Paquete Triple<sup>4</sup></b> Includes MultiLatino Max for primary outlet, Performance Internet, XFINITY Voice Unlimited™ and Carefree Minutes Mexico 300. Can substitute Carefree Minutes Latin America 300. <b>SurePrice<sup>3</sup></b>		
	\$139.95	\$149.95
	\$119.99	No Change
<b>MultiLatino Ultra Paquete Triple<sup>4</sup></b> Includes MultiLatino Ultra for primary outlet, Performance Internet, XFINITY Voice Unlimited™ and Carefree Minutes Mexico 300. Can substitute Carefree Minutes Latin America 300. <b>SurePrice<sup>3</sup></b>		
	\$149.95	\$159.95
	\$129.99	No Change
<b>MultiLatino Ultra HD Paquete Triple<sup>4</sup></b> Includes MultiLatino Ultra for primary outlet, HD Technology Fee, Starz®, Performance Internet, XFINITY Voice Unlimited™ and Carefree Minutes Mexico 300. Can substitute Carefree Minutes Latin America 300. <b>SurePrice<sup>3</sup></b>		
	\$159.95	\$169.95
	\$139.99	No Change
<b>MultiLatino Ultra HD Plus Paquete Triple<sup>4</sup></b> Includes MultiLatino Ultra for primary outlet, HD Technology Fee, HBO®, Starz®, Blast!® Internet, XFINITY Voice Unlimited™ and Carefree Minutes Mexico 300. Can substitute Carefree Minutes Latin America 300. <b>SurePrice<sup>3</sup></b>		
	\$179.95	\$189.95
	\$159.99	No Change
<b>MultiLatino Total HD Paquete Triple<sup>4</sup></b> Includes MultiLatino Ultra and HD DVR Service or AnyRoom® DVR Service for primary outlet, HD Technology Fee, HBO®, Showtime®, Starz®, Cinemax®, Sports Entertainment Package, Blast!® Internet, XFINITY Voice Unlimited™ and Carefree Minutes Mexico 300. Can substitute Carefree Minutes Latin America 300. <b>SurePrice<sup>3</sup></b>		
	\$209.95	\$219.95
	\$179.99	No Change
<b>MultiLatino Max XF Double Play<sup>2</sup></b> Includes MultiLatino Max for primary outlet and Performance Internet <b>SurePrice<sup>5</sup></b>		
	\$113.90	\$114.95
	\$104.99	No Change
<b>MultiLatino Max</b> Includes MultiLatino Extra, additional digital channels, access to Pay-Per-View and On Demand programming		
	\$59.95	\$64.95
<b>MultiLatino Ultra</b> Includes MultiLatino Max and additional digital channels		
	\$76.90	\$83.45
<b>XFINITY® INTERNET<sup>1, 6</sup></b> Periodically, we adjust prices due to increases in business costs. Effective 1/1/14, the monthly rate for following packages will be changing as stated below. Services received on a promotional basis or under a minimum term agreement associated with a specific rate, will not be affected. Additional fees and taxes are additional.		
	<b>Current Price</b>	<b>New Price</b>
<b>Performance</b>	<b>\$64.95</b>	<b>\$66.95</b>
<b>Blast!®</b>	<b>\$74.95</b>	<b>\$76.95</b>

1 Certain services available separately or as a part of other levels of service. Comcast service is subject to Comcast's standard terms and conditions of service. Unless otherwise specified, prices shown are the monthly charge for the corresponding service, equipment or package. Prices shown do not include applicable taxes, franchise fees, FCC fees, Regulatory Recovery Fee, Public Access fees, other state or local fees or other applicable charges (e.g., per-call toll or international charges). Prices, services and features are subject to change. If you are a video service customer and you own a compatible digital converter or CableCARD device, please call 1-800-XFINITY for pricing information or visit [www.comcast.com/equipmentpolicy](http://www.comcast.com/equipmentpolicy) ©2013 Comcast. All rights reserved.

2 Requires a Voice/Data Modem, except for the Complete Triple Play Packages.

3 SurePrice only available for 12 months to XF Triple Play, XH Triple Play or MultiLatino Paquete Triple Play customers after 12 month promotional package.

4 Requires a Voice/Data Modem.

5 SurePrice only available for 12 months to Preferred XF Double Play, MultiLatino Max XF Double Play and MultiLatino Ultra XF Double Play customers after 12 month promotional package. HBO® and Streampix™ available at no extra cost during 12 month promotional package and 12 month SurePrice period. After end of the promotional and SurePrice periods, HBO® and Streampix™ will be billed at the then current retail rate.

6 Voice/Data modem required. For more information regarding XFINITY Internet go to <http://www.comcast.com/highspeedinternet>.



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## MEMORANDUM

**Date:** December 2, 2013  
**To:** Town Board  
**From:** Amy Porter, Special Events Coordinator  
**Re:** November Special Event Monthly Report

**Events in Planning:**

- Windsor Wonderland- 37 hours
- End of Year Banquet- 1 hour
- Special Event Application Reviews- 2 Hours
- Meetings-3 hours
- Office Work (includes phone, email, processing applications, correspondence, posting data, etc.)- 68 hours

**Events Conducted:**

None