



**WATER AND SEWER REGULAR MEETING**  
**October 10, 2018 – 6:30 a.m.**  
**2<sup>nd</sup> Floor Conference Room - 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 2<sup>nd</sup> day prior to the meeting to make arrangements.

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**AGENDA**

**A. CALL TO ORDER**

1. Roll Call
2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board
3. Public Invited to be Heard

**B. CONSENT CALENDAR**

1. Minutes from August 8, 2018

**C. BOARD ACTION**

1. Amended By-Laws

**D. PRESENTATIONS AND DISCUSSION**

1. Town Board's resolution of support for Northern Integrated Supply Project preferred alternative.
2. Cash-in-lieu of water dedication increase.
3. Windsor 2018 water usage year-to-date.

**E. COMMUNICATIONS**

1. Staff
2. Board

**F. ADJOURN**



**WATER AND SEWER BOARD REGULAR MEETING**  
**August 8, 2018 – 6:30 a.m.**  
**2<sup>nd</sup> Floor Conference Room – 301 Walnut Street**  
**Windsor, CO 80550**

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**MINUTES**

**A. CALL TO ORDER**

Board Secretary Julie Cline called the meeting to order at 6:32 a.m.

- |                     |   |   |
|---------------------|---|---|
| 1. <u>Roll Call</u> | Chairperson<br>Vice-Chairperson<br>Secretary                                | Vacant<br>Vacant<br>Julie Cline<br>Carlos Medina<br>Darell Zimbelman<br>Greg Bielawski<br>Milt Tokunaga<br>Milton Geiger<br>Ken Bennett |
|                     | Town Board Liaison  |   |
| Also present:       | Director of Engineering<br>Water Resources Manager<br>Utility Billing Clerk | Dennis Wagner<br>John Thornhill<br>Erin Porter  |

2. Review of Agenda by the Board and Addition of items of New Business to the Agenda for Consideration by the Board
3. Public Invited to be Heard  
There was no public comment.

**B. CONSENT CALENDAR**

1. Minutes of April 11, 2018 Regular Meeting  
Board Member Bielawski asked for a clarification to the minutes in regards to staff communication on watering restrictions. Ms. Porter said she would update the minutes to reflect the requested change.

**Board Member Medina moved to accept the minutes of the April 11, 2018 meeting with the requested correction; Board Member Bielawski seconded the motion. Motion carried unanimously.**

**C. BOARD ACTION**

1. Election of Officers  
As the former Chairman and Vice-Chairman had decided to resign from the Water and Sewer Board, elections were held for a new Chairman and Vice-Chairman.

For Chairman, Board Member Zimbelman nominated Board Member Cline and Board Member Medina nominated Board Member Bielawski. Voting results are as follows:

Round 1:

Board Member Zimbleman:	1 vote
Board Member Bielawski:	2 votes
Board Member Cline:	2 votes
Ex-Board Member Goodell:	1 vote

Round 2:

Board Member Bielawski:	4 votes
Board Member Cline:	2 votes

For Vice-Chairman. Board Member Medina nominated Board Member Zimbleman and Board Chairman Bielawski nominated Board Member Medina. Voting results are as follows:

Round 1:

Board Member Medina:	4 votes
Board Member Zimbleman:	2 votes

Board Member Cline will remain as Secretary.

#### **D. PRESENTATIONS AND DISCUSSION**

1. North Sewer Extension Project

Mr. Wagner provided the Board with an update to the current North Sewer Extension Project. For the past 4 months Windsor has been working to get sanitary sewer up to Highway 257 and County Road 74 also known as Harmony Road. The current stakeholders are the Town of Windsor, the Town of Severance and North Lake Metropolitan District. The area under discussion is the land on the north-west corner of Highway 257 and Harmony. The land is the proposed location of the Rocky Mountain Sports Park, and the Park project was the driving factor for the Sewer Extension Project. The area has been annexed into the Town since 1983.

The original Master Plan called for sewer to be extended up to the current development of The Ridge at Harmony Road, but when the development began, The developer made an agreement with Box Elder Sanitation to provide service for that subdivision. When the new project came up, staff reviewed the existing Mater Plan which called for an all-gravity route. Cost figures from several years ago were about \$1 million a mile, with an estimated cost of \$3 million. After running a new analysis, consultants said it would be about \$18 million. This was cost prohibitive, and so a new plan was devised for a partial gravity sewer with a lift station and force main.

The Board discussed the various aspects of the current plan and the alternative plan. Expectations for the completion of the project are July 2019.

#### **E. COMMUNICATIONS**

1. Staff

Mr. Wagner introduced the new Water Resources Manager John Thornhill to the Board.

Mr. Thornhill presented the current water use chart which showed that water consumption was continuously going up.

Mr. Wagner reported that NISP's final Environmental Impact Statement came out last week, and the comment period has been extended to October 4, 2018.

Mr. Wagner updated the board on the agreement between Windsor and the Fort Collins Loveland Water District. There have been delays with the FCLWD board and adding the item to their agenda.

2. Board

Town Board Liaison Bennett discussed the Town Board's most recent strategic planning meeting regarding current and future growth and a potential new water treatment plant.

Chairman Bielawski provided information on the Northern Water tours that are still remaining for this year.

Chairman Bielawski discussed the current bylaws regarding meeting times. The current bylaws state the Board meets monthly and needs to be updated to bi-monthly. The Board decided to keep the current meeting time of 6:30 am.

Chairman Bielawski asked about current water conservation efforts. Ms. Porter stated that due to staffing issues there hasn't been much done for water conservation in 2018, but staff is looking at different options for 2019. Mr. Thornhill said that ultimately water conservation will be a part of his job.

**F. ADJOURN**

**Board Member Zimbelman moved to adjourn the meeting at 7:58 am; Board Vice-Chairman Medina seconded the motion. Motion carried unanimously.**

Submitted by:



Erin Porter, Utility Billing Clerk

**AMENDED BYLAWS**  
**For The Town of Windsor**  
**Water and Sewer Board**

**Article I**  
**Introduction**

- A. The *Windsor Municipal Code* authorizes the Water and Sewer Board to adopt amended bylaws for the transaction of business.
- B. The within Amended Bylaws have been adopted by the Town of Windsor Water and Sewer Board and all previously adopted bylaws are deemed repealed.
- C. Pursuant to the *Windsor Municipal Code*, this Commission shall be known as the *Town of Windsor Water and Sewer Board*, hereinafter referred to as "Windsor Water and Sewer Board" or "the Board."

**Article II**  
**Membership and Officers**

- A. The Windsor Water and Sewer Board shall be composed of members appointed by the Town Board of the Town of Windsor in accordance with the *Windsor Municipal Code*.
- B. The Board shall elect a chairman, vice chairman, and secretary.
  - 1. The chairman shall preside at all regular and special meetings of the Board and shall decide all points of procedure.
  - 2. The vice chairman shall assume the duties and responsibilities of the chairman in the chairman's absence.
  - 3. The secretary shall keep, or cause to be kept, all records of the Board, and shall transmit all appropriate records to the Town Clerk to become part of the official Town Record.
  - 4. Board officers shall serve for a term of one (1) year and shall be elected annually at the first meeting of the Board in each calendar year.

5. Officer vacancies shall be filled at the next regular meeting of the Board by election of the members. Officers elected to fill vacancies shall serve until the next regular election of officers.
6. In accordance with the terms and conditions outlined in Article IV, Alternate Members, of these bylaws, alternate members may be appointed to serve on the Board.

### **Article III Meetings**

- A. The chairman shall prepare, or cause to be prepared, an agenda for every regular or special meeting of the Board.
- B. The Board shall meet bimonthly on the second Wednesday of even-numbered months ~~a date~~ and at a time and location designated by the chairman. These regular meetings may be postponed or rescheduled upon a vote by the Board. In the event there is not any business scheduled to come before the Board, the Director of Engineering or his or her Designee may cancel the respective meeting and shall in a timely manner provide written notice to the members of the meeting cancellation.
- C. The secretary shall prepare, or cause to be prepared and posted, a notice of each regular or special meeting of the Board. Such notice shall contain the meeting agenda.
- D. Special meetings may be called by the chairman at the request of two (2) members, provided that notice of same, including a listing of all items to be considered (agenda), is transmitted to each member of the Board or delivered to his or her residence at least forty-eight (48) hours prior to the time set for such meeting, and further provided that announcement of a special meeting, or any other meeting at which all members of the Board are present, shall be sufficient notice of such meeting. Formal action taken at a special meeting called in accordance herewith shall be considered as though it were taken in a regular meeting for those, and only those, matters referred to in the agenda contained in the notice of the meeting.
- E. All meetings of the Board shall be open to the public.
- F. Before official and formal action may be taken on any matter at any meeting of the Board, a quorum shall be present and in session. A quorum is defined for purposes of these Bylaws as any four (4) members appointed pursuant to the Windsor Municipal Code. The vice chairman shall preside in the absence of the chairman. Where both the chairman and vice chairman are absent, members present shall by majority vote select a member to preside over the meeting.

- G. The chairman may from time to time call for work session meetings for the purpose of receiving information, hearing presentations, and discussing information, provided that no formal or informal action is taken.
- H. All voting shall be by roll-call vote.
- I. The members of the Board shall be bound by Article V of the Town of Windsor Home Rule Charter, also known as the Town's Ethics Code. A copy of the Town's Ethics Code is attached hereto as the Appendix. Copies of the Town's Ethics Code, and any subsequent amendments thereto, shall be distributed to all current and future members of the Board.
- J. The order of business for all meetings shall be the order as it appears on the agenda except that the chairman may, under special circumstances, rearrange the order of business unless otherwise directed by a majority of the members there present and in session.
- K. The secretary shall keep, or cause to be kept, minutes and keep the same recorded to date, showing all important facts pertaining to each meeting and hearing, the vote of each regular member upon each matter, or those absent or failing to vote, and such other details as the Board or its chairman shall direct. The minutes of each meeting shall be approved by the Board at its next meeting.
- L. The secretary shall prepare, or cause to be prepared, the transmittal of official and formal actions of the Board to the Town Manager's office for scheduling before the Windsor Town Board.

#### **Article IV Alternate Members**

- A. **Authorization.** The appointment of alternate members to the Board is authorized and governed by Section 2-1-70 of the *Windsor Municipal Code*, and all subsequent amendments thereto.
- B. **Attendance.** Alternate members shall attend all meetings and/or work sessions except as otherwise specified by the Chair. Alternate members shall receive notification of all meetings and/or work sessions in the same manner as the regular members of the Board are notified.
- C. **Preparation.** Alternate members shall be provided all materials provided to regular members in anticipation of meetings and/or work sessions. Alternate members shall review all such materials, and shall be prepared to participate at all meetings and/or work sessions.
- D. **Quorums, Vacancies and Recusals.** Alternate members shall be seated as voting members for the following purposes: (1) to achieve a quorum in accordance with Section III. F. above;

or (2) having achieved a quorum, one or more regular members are not in attendance at a meeting; or (3) in the event a regular member for any reason (including recusal) is unable to participate in the discussion and voting relative to an official and formal action.

- E. **Voting.** Provided that all requirements for achieving a quorum and the additional criteria described in Section D., Quorums, Vacancies and Recusals, above are met, alternate members shall be accorded a vote upon any matter requiring action by the Board. In the event a conflict arises as to whether a regular member or an alternate member is to be seated, the regular member in attendance shall be seated and the alternate member shall not be accorded a vote.

### **Article V Committees**

- A. There shall be no standing committees of the Board.
- B. With the consent of the Board, the chairman may appoint *ad hoc* committees of the Board for special study or review.

### **Article VI Amendments**

These Amended Bylaws may be amended by majority vote of a quorum of members present and in session at any regular meeting, provided that notice in writing has been given to each member at least ten (10) days prior to such meeting, or provided that such amendment was read at the last regular meeting of the Board.

THE WITHIN AMENDED BYLAWS WERE APPROPRIATELY ADOPTED BY THE TOWN OF WINDSOR WATER AND SEWER BOARD BY MAJORITY VOTE ON THE 10TH DAY OF OCTOBER, 2018.

TOWN OF WINDSOR WATER AND SEWER BOARD

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary

## APPENDIX

### ARTICLE V OF THE TOWN OF WINDSOR HOME RULE CHARTER

#### Code of Ethics

##### 5.1 Purpose

The purpose of this code is to establish guidelines for the ethical standards of conduct for Town officials, public body members and employees. Public servants and volunteers are expected to act in the best interest of the Town. Town officials, public body members and employees are expected to disclose any personal, financial or other interests in matters affecting the Town that come before them for action. Town officials, public body members and employees are expected to recuse themselves from decision making if they have a conflict of interest or even the appearance of one. Town officials, public body members and employees are expected to be independent, impartial, and responsible to their fellow townspeople in their actions. Official decisions and policies will be made following proper channels of town government. Public offices or volunteer positions in our Town will not be used for personal gain. It is important that the public has confidence in the integrity of its government and that town officials, public body members, volunteers and employees have an opportunity to protect their personal reputation. This code establishes a process by which one may obtain guidance regarding potential ethical issues and it establishes a course of action for resolving disputes in a manner that is fair to all of the parties involved.

##### 5.2 Standards

A. The following requirements shall constitute reasonable standards and guidelines for the ethical conduct of elected or appointed officials, public body members, and employees.

B. No elected or appointed official, public body member, or employee who has the power or duty to perform, or has any influence over, an official action related to a contract, shall:

1. Have or acquire an interest in a contract between a business entity and the Town, unless the Town's procedures applicable to the solicitation and acceptance of such contract are followed and unless the elected or appointed official, public body member, or employee has complied with the provisions of Article 5.3;
2. Have an interest in any business entity, which is a party to the contract with the Town, unless the elected or appointed official, public body member, or employee has complied with the provisions of Article 5.3;

3. Represent or appear before the Town Board, any public body, or any other elected or appointed official, public body member, or employee, on behalf of any business entity which is a party to the contract with the Town;

4. Have solicited or accepted present or future employment with any business entity which is a party to a contract with the Town, if the offer or acceptance of such employment is related to or results from any official action performed by the elected or appointed official, public body member, or employee with regard to the contract; or

5. Solicit, accept, or be granted a present or future gift, favor, discount, items of perishable or nonpermanent value, service or thing of value from or for any person involved in the contract. Nothing in this paragraph shall prohibit any elected or appointed official, public body member, or employee from accepting an occasional non-pecuniary gift of an amount to be determined by ordinance, or from accepting an award, publicly presented, in recognition of public service. However, no elected or appointed official, public body member, or employee shall accept a non-pecuniary gift of any value if the gift is or may be in any way associated with a contract that is or may be one for which the elected or appointed official, public body member, or employee has the power or duty to perform an official action.

C. No elected or appointed official, public body member, or employee shall influence or attempt to influence the compensation, benefits, or other terms and conditions of Town office or Town employment applicable to a relative of the elected or appointed official, public body member, or employee.

D. No relative of an elected or appointed official, public body member, or employee shall be hired as a full time, permanent employee unless the Town's personnel procedures applicable to such employment have been followed.

E. No elected or appointed official, public body member, or employee shall use for personal or private gain, or for any other personal or private purposes, any information which is not available to the public and which is obtained by reason of his or her position with the Town, or disclose any such information except as required by law or for Town purposes.

F. No employee shall engage in or accept any employment or service, other than employment by the Town, if such employment or service reasonably would tend to impair the employee's independence of judgment in the performance of the employee's duties. This restriction shall not be construed to prohibit any other restrictions or prohibitions on outside employment applicable to an employee.

G. Neither the Town Manager, nor any employee who is the head of a Town department, shall be appointed to serve as a voting member of a public body, but this does not preclude town staff from serving in an advisory capacity.

H. No elected or appointed official, public body member, or employee shall request or direct the use of any Town resources for personal or private gain, including work time, except in the same manner and under the same circumstances applicable to any other person. No special consideration, treatment, or advantage beyond that which is available to every other person in similar circumstances or need shall be granted unless such use will substantially benefit the Town.

I. No elected or appointed official, public body member, or employee shall, at any time within two (2) years after termination from the Town:

1. Appear on behalf of the elected or appointed official's, public body member's, or employee's interest, or on behalf of the interest of any other person, before the Town Board, any public body, or department of the Town, in relation to any matter concerning which the elected or appointed official, public body member, or employee performed an official act; or

2. Represent the interest of the elected or appointed official, public body member, or employee, or of any other person, in any other matter before the Town Board, any public body, or department of the Town, without disclosing to the Town the elected or appointed official's, public body member's, or employee's prior relationship to the Town and present relationship to the interest.

J. Except as provided in Subsection K, no elected or appointed official, public body member, or employee shall appear before the Town Board or any public body on behalf of any business entity.

K. A member of a public body may appear on behalf of a business entity before the Town Board or before a public body other than the public body of which he or she is a member, so long as the appearance does not concern any matter that has or may come before the public body of which he or she is a member.

L. Nothing in the Code of Ethics shall preclude an elected or appointed official, public body member, or employee from appearing before the Town Board, any public body, or any other elected or appointed official, public body member, or employee on behalf of any person which is not a business entity, so long as the appearance does not concern the elected or appointed official's, public body member's, or employee's interest.

M. No elected or appointed official or public body member shall offer or promise to give his or her vote or influence in favor of or against any proposed official action in consideration or upon condition that any other elected or appointed official, public body member, will promise or assent to give his or her vote or influence in favor of or against any other proposed official action.

N. No elected or appointed official shall become a full-time employee of the Town at any time during the term of office, or for two (2) years after leaving office.

O. No elected or appointed official shall acquire or seek to acquire any real estate or interest therein if the elected or appointed official knows, or reasonably should know, that the Town Board is evaluating, proposing, or pursuing the acquisition of such real estate or interest therein. The elected or appointed official's knowledge shall be presumed. The prohibitions of this subsection shall continue to apply until after the Town Board has abandoned any effort to acquire such real estate or interest therein, and such abandonment has been reflected in the minutes or other record of a Town Board meeting.

### 5.3 A Duty to Disclose

An official, public body member or employee of the Town of Windsor shall not participate in the conduct of business on behalf of the Town or enter into discussion or deliberation of any matter without first, publicly and on the record, stating all possible conflicts of interest that may exist between themselves and their family members, and the principals or the issue under consideration.

### 5.4 No Misuse of Confidential Information

No official, public body member or employee of the Town of Windsor shall use any confidential information acquired by virtue of that individual's official position for personal benefit, or for the benefit of any other person or business. This does not apply to information, which is readily available to the general public. In addition, no official, public body member or employee of the Town of Windsor shall violate the privacy of others by discussing information confidentially acquired in the course of official duties.

### 5.5 Exclusions

The provisions of this Code of Ethics shall not be interpreted so as to bar:

A. Any official, public body member or employee who is a resident of the Town of Windsor from fully participating in any Town Meeting;

B. Acceptance of donations for the expressed purpose of financing a political campaign, provided such contributions are reported in accordance with all local, state and federal laws that pertain to such donations;

C. Participation in a matter that relates to a person or business from which an official, public body member or employee has merely purchased goods or services, if the individual in question has no other conflict of interest relating to that person or business;

D. Police officers, fire fighters, and other emergency personnel from acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of their departments.

## 5.6 Enforcement

A. The provisions of Articles 5.2 through 5.5 shall be enforced as follows:

1. The Town Attorney shall have the primary responsibility for administration of said provisions.

2. Any person who believes that an elected or appointed official, public body member, or employee has violated any of said provisions and wishes to initiate proceedings on such alleged violations shall file a written complaint with the Town Attorney. The complaint shall state in detail the facts of the alleged violation, shall specify the section or sections of the Code of Ethics alleged to have been violated, and shall contain a sworn or verified statement signed by the complainant and stating under penalty of perjury that the information in the complaint is true and accurate, and that the complaint is filed in good faith and not out of malice or any other improper motive or purpose. Any complaint that does not contain such a signed statement shall be returned forthwith to the complainant without action.

3. If the complaint is made against an officer or public body member, within ten (10) days after receipt of the complaint the Town Attorney shall forward a copy of the complaint to the elected or appointed official or public body member against whom the complaint is made, and to an advisory judge referred to in Article 5.7. The Town Attorney shall request the advisory judge to appoint a qualified disinterested attorney to serve as special prosecutor. If, within ten (10) days after the request, the advisory judge has not appointed a special prosecutor, the Town's Municipal Judge shall appoint a qualified disinterested attorney to serve as special prosecutor. The reasonable expenses and fees of an advisory judge making such an appointment and of the attorney serving as special prosecutor shall be paid by the Town. The attorney recommended or appointed pursuant to this paragraph shall serve as

special

prosecutor for purposes of investigation and action on the complaint, and shall take such actions concerning the complaint as are consistent with the Code of Ethics, the Colorado municipal court rules of procedure, and the prosecutor's ethical responsibilities. Before completing the investigation, the special prosecutor shall provide the elected or appointed official or public body member against whom the complaint is made an opportunity to provide information concerning the complaint.

4. If the complaint is against an employee, the Town Attorney shall investigate the complaint and shall take such actions concerning the complaint as are consistent with the Code of Ethics, the Colorado municipal court rules of procedure, and the prosecutor's ethical responsibilities. Within ten (10) days after receipt of the complaint the Town Attorney shall forward a copy of the complaint to the employee against whom the complaint is made and, before completing the investigation, shall provide the employee an opportunity to provide information concerning the complaint.

B. A person commits false reporting of a complaint under this Article if:

1. The person makes a complaint of a violation under Articles 5.2 through 5.5 or knowingly causes the transmission of a complaint to the Town Attorney of such a violation when the person knows that the violation did not occur; or

2. The person makes a complaint or knowingly causes the transmission of a complaint to the Town Attorney pretending to furnish information relating to a violation of Articles 5.2 through 5.5 when the person knows that he or she has no such information or knows that the information is false.

C. A person who is convicted of false reporting of a complaint under this article shall be punished as provided in Article 16.5 of this Charter.

## 5.7 Advisory Opinions

A. The Municipal Judge shall maintain the consent of one (1) or more judges of municipalities other than the Town, to provide advisory opinions with respect to the applicability of Articles 5.2 through 5.6. The names of such advisory judges shall be provided to the Town Board, the Town Manager, and the Town Attorney. The reasonable expenses and fees of an advisory judge providing such an opinion shall be paid by the Town.

B. If any officer, public body member, or employee is uncertain as to the applicability of Articles 5.2 through 5.6 to a particular situation, or as to the definition of terms used in said Articles, the officer, public body member, or employee may apply in writing to the Town

Board, Mayor, or Town Manager for an opinion from an advisory judge pursuant to these Articles, and the Town Board, Mayor, or Town Manager may submit an application to the advisory judge for procurement of an opinion. Any officer or public body member may apply directly to an advisory judge for an opinion. The application shall state in detail the applicable facts and the Article or Articles of the Code of Ethics concerning which the opinion is requested.

C. Any person who requests and acts in accordance with an advisory opinion issued pursuant to this Article shall not be subject to any penalties for such action under the Code of Ethics, unless material facts were omitted or misstated in the request for the advisory opinion.

D. An opinion rendered by an advisory judge pursuant to these Articles shall be disclosed to the public by posting, unless the advisory judge who issued the opinion determines it in the best interest of the Town to delay such posting, in which case the opinion shall be posted as soon as the judge determines that the best interest of the Town will no longer be harmed by public disclosure of the opinion.

#### 5.8 Violations- Injunction

The Town Prosecutor shall have the power and the duty, where a violation of the provisions of the Code of Ethics is threatened or has occurred, to bring a civil action or proceeding at law or in equity for a judgment enjoining any violation of the provisions of the Code of Ethics. Any member of the community shall have the opportunity to submit, in good faith, a sworn statement of any suspected violation of the Charter to the Town Attorney.

#### 5.9 Violations- Voiding of Contract

Any contract that was the subject of any official action of the Town in which there was or is an interest prohibited by the Code of Ethics shall be voidable at the option of the Town, if legally permitted. Where the Town Attorney determines that the public interest may best be served by not voiding such contract, it may be enforced and an action or proceeding may be brought against any elected or appointed official, public body member, or employee in violation of the provisions of the Code of Ethics for damages in an amount not to exceed twice the damages suffered by the Town or twice the profit or gain realized by the elected or appointed official, public body member, or employee, whichever is greater.

#### 5.10 Distribution

The Town Clerk shall cause any forms required for compliance with the Code of Ethics, to be distributed to each elected or appointed official, public body member, and employee of the Town

within twenty (20) days after the adoption of the ordinance, and to each elected or appointed official, public body member, and employee elected, appointed, or hired thereafter, before entering into any duties with the Town, and to each candidate for elective office at the time the candidate obtains a nomination petition. In addition, the Town Clerk shall cause a copy of any amendment to the Code of Ethics to be distributed to each elected or appointed official, public body member, and employee of the Town within twenty (20) days after the enactment of the amendment.



## MEMORANDUM

**Date:** September 18, 2018  
**To:** Mayor and Town Board  
**From:** John Thornhill, Water Resources Manager  
**Re:** Resolution No. 2018–89 in Support for the Northern Integrated Supply Project Preferred Alternative as Described in the Final Environmental Impact Statement  
**Item #:** B.4.a

### Background / Discussion

The Army Corp of Engineers released the Final Environmental Impact Statement (FEIS) for the Northern Integrated Water Supply Project (NISP) on July 20, 2018. The FEIS explores alternatives for providing a reliable water supply for Windsor and 14 other municipalities and/or water districts. The public comment period for the FEIS is scheduled to end October 4<sup>th</sup>.

The FEIS documents the impacts of not only the projects preferred alternative, NISP, but the impacts of three other potential reservoir projects. Also, the implications of a no action alternative are studied as well. The preferred alternative includes the construction of Glade Reservoir northwest of Fort Collins and Galeton Reservoir northeast of Greeley. Five pump stations and 85 miles of pipeline will convey water to participating communities as well as the agricultural community in the Cache la Poudre Basin. The operation of the project would include minimum guaranteed stream flows through downtown Fort Collins, bypass of peak flows in most years, improvements to stream channel and riparian areas and the establishment of a recreation complex at Glade reservoir. The project will yield 40,000 acre-feet of water, of which, 3,300 acre-feet of water will be attributed to the Town of Windsor.

The Town of Windsor is a vibrant, small-town community that values the quality of life for its current and future residents while growing in an environmentally responsible and sustainable way. NISP will not only provide much needed water supply for the Town but will also support our agricultural community which is vital to the Town and regional economies. The FEIS no-action alternative would be detrimental to the agricultural community through increase dry-ups of farmland in the area.

### Financial Impact

The current estimated cost for NISP is \$1.12 billion dollars. The Town of Windsor's anticipated portion of the project is \$95.2 million.

### Relationship to Strategic Plan

Thoughtful Framework and Supportive Infrastructure

**Recommendation**

Recommend approval of the Resolution providing public comment in support of the Northern Integrated Supply Project Preferred Alternative as Described in the Final Environmental Impact Statement.

TOWN OF WINDSOR

RESOLUTION NO. 2018-89

A RESOLUTION IN SUPPORT FOR THE NORTHERN INTEGRATED SUPPLY PROJECT PREFERRED ALTERNATIVE AS DESCRIBED IN THE FINAL ENVIRONMENTAL IMPACT STATEMENT

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

WHEREAS, the Town is and has been a participant in the Northern Integrated Supply Project (“NISP”) since its inception; and

WHEREAS, the Town believes that NISP will provide a vital water supply and storage right needed to serve the Town’s future water demands in a manner consistent with the public interest and in harmony with Windsor’s agricultural heritage; and

WHEREAS, the Army Corps of Engineers has released its Final Environmental Impact State (“FEIS”), and is accepting comment with respect thereto; and

WHEREAS, the Town Board wishes to endorse the *Preferred Alternative* as described in the FEIS, and offer this Resolution as the Town’s comments on the FEIS.

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

1. The Town of Windsor supports the Northern Integrated Supply Project.
2. The Town of Windsor urges the Army Corps of Engineers to pursue the Preferred Alternative set forth in the Final Environmental Impact Statement.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 24<sup>th</sup> day of September, 2018.

TOWN OF WINDSOR, COLORADO

By: Kristie Melendez  
Kristie Melendez, Mayor

ATTEST:

K Eucker  
Krystal Eucker, Town Clerk



[Seal]



## MEMORANDUM

**Date:** August 29, 2018  
**To:** Shane Hale, Town Manager  
**From:** John Thornhill, Water Resources Manager  
**Re:** Raw Water Cash-in-lieu of Dedication

### Background / Discussion

Section 13-2-80 in the Windsor Municipal Code, states that all premises requesting original water service from the Town shall furnish water rights without cost to the Town. That section also states that such water rights shall be transferred to the Town in accordance with the applicable subdivision or site development improvements agreement and, in the case of cash paid in lieu of required raw water dedication, at the time that the request for building permit approval is presented to the Town.

Windsor sets cash-in-lieu based on the current price of acquiring Colorado Big Thompson (CBT) water units. CBT water is unique in having a long-established and transparent water market and is currently the only treatable water supply Windsor uses for potable water deliveries making it the ideal source for setting a market based cash-in-lieu fee.

The current cash-in-lieu rate is \$40,500 per acre-feet and is based on a CBT unit price of \$28,350 ( $\$40,500 = \$28,350 \div 0.7$ ). That rate was established May 1<sup>st</sup>, 2018.

### Financial Impact

Since the CBT market is rapidly changing, it is imperative to keep up to date with recent financial transactions and not enter into a situation where we are receiving too little cash-in-lieu and putting the town in to a financial deficit when purchasing water on the open market.

### Relationship to Strategic Plan

Thoughtful Framework and Supportive Infrastructure

### Recommendation

Staff recommends updating the cash-in-lieu on a quarterly basis after reviewing the most recent transactions in the market. If CBT prices start escalating rapidly, CIL will be set on a monthly basis. The Town reserves the right to make adjustments to pricing anytime. Sales data will be provided by Front Range Land and Water Consulting, LLC and staff review of the Northern Water Board list of CBT transfers/transactions which are presented on a monthly basis.

The following table illustrates the most recent CBT transactions.

Month	Buyer	Seller	Units Purchased	Price per Unit	Total Cost
Apr-18	Developer	Irrigator	3	\$ 28,000.00	\$ 84,000.00
Apr-18	Fort Collins Loveland Water District	Irrigator	33	\$ 27,300.00	\$ 900,900.00
Apr-18	Little Thompson Water District	Irrigator	6	\$ 27,000.00	\$ 162,000.00
Apr-18	Little Thompson Water District	Irrigator	5	\$ 28,000.00	\$ 140,000.00
Apr-18	Leprino	Irrigator	80	\$ 29,250.00	\$ 2,340,000.00
Apr-18	Thompson R2-J School District	NCWCD Terminated Units (Auction)	50	\$ 30,101.00	\$ 1,505,050.00
Apr-18	Irrigator	NCWCD Terminated Units (Auction)	2	\$ 29,500.00	\$ 59,000.00
Apr-18	Morgan County Quality Water District	NCWCD Terminated Units (Auction)	23	\$ 29,253.00	\$ 672,819.00
May-18	North Weld County Water District	Irrigator	80	\$ 28,500.00	\$ 2,280,000.00
May-18	Developer	South Suburban Ditch Company	4	\$ 30,000.00	\$ 120,000.00
May-18	Fort Collins Loveland Water District	South Suburban Ditch Company	4	\$ 30,000.00	\$ 120,000.00
May-18	Town of Platteville	Irrigator	4	\$ 30,000.00	\$ 120,000.00
May-18	Left Hand Water District	Irrigator	20	\$ 28,500.00	\$ 570,000.00
May-18	Irrigator	Commercial User	2	\$ 29,000.00	\$ 58,000.00
May-18	Little Thompson Water District	Irrigator	8	\$ 28,000.00	\$ 224,000.00
May-18	Town of Windsor	Irrigator	15	\$ 28,300.00	\$ 424,500.00
Jun-18	Developer	Irrigator	9	\$ 29,000.00	\$ 261,000.00
Jun-18	North Carter Lake Water District	Irrigator	3	\$ 32,000.00	\$ 96,000.00
Jun-18	Developer	Irrigator	1	\$ 30,000.00	\$ 30,000.00
Jun-18	Developer	Irrigator	1	\$ 31,000.00	\$ 31,000.00
Jun-18	North Weld County Water District	Irrigator	16	\$ 28,500.00	\$ 456,000.00
Jun-18	Little Thompson Water District	Irrigator	2	\$ 28,500.00	\$ 57,000.00
Jun-18	Developer	Industrial User	15	\$ 29,000.00	\$ 435,000.00
Jun-18	Tri-State Generation and Transmission	Irrigator	34	\$ 31,000.00	\$ 1,054,000.00
			420		\$ 12,200,269.00

Cost/Unit \$ 29,048.26  
 Cost/AF @ .70 AF/unit \$ 41,497.51

Starting October 1st, cash-in-lieu will increase to \$29,050 per CBT unit which equates to \$41,500 per acre-foot based on the most recent quarterly sales data. Staff will notify developers via email and the Town website of the current cash-in-lieu fee. All building permit applications submitted after September 30th will be required to pay the new cash-in-lieu.

The Town of Windsor limits cash-in-lieu to no more than 50% of the total raw water requirement. In other words, a single-family home with a non-potable water system for irrigation must dedicate at least 0.145 acre-feet and then pay cash-in-lieu for the remaining 0.145 acre-feet. The table below illustrates existing versus proposed cash-in-lieu costs for single family homes if the developer chooses to dedicate only 50% of the raw water. Developers always have the option of dedicating 100% of the raw water requirement and not paying any cash-in-lieu.

DEDICATION REQUIREMENT FOR:	EXISTING CASH-IN-LIEU	PROPOSED CASH-IN-LIEU
SINGLE-FAMILY HOME W/ NON-POTABLE WATER SUPPLY FOR IRRIGATION (0.145 AF)	\$5,873	\$6,018
SINGLE-FAMILY HOME W/O NON-POTABLE WATER SUPPLY FOR IRRIGATION (0.29 AF)	\$11,745	\$12,035

