



MEETING OF THE TOWN BOARD

Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, September 11, 2018 6:30 p.m.

- I. **REGULAR MEETING CALLED TO ORDER** – Mayor William Karspeck Called into session 6:30 p.m.
- II. **PLEDGE OF ALLEGIANCE** – Mayor William Karspeck
- III. **ROLL CALL** – Mayor Karspeck, Mayor Pro Tem Hindman, Trustee Alaback Trustee Tomassi. Trustee Hardy, and Trustee Laak were present. Trustee Dower was not present.
- IV. **MOMENT OF SILENCE FOR SEPTEMBER 11, 2001**-Mayor William Karspeck
- V. **CITIZEN PARTICIPATION** –

Joe Herzanek at 1543 Alpine Avenue came back to speak about Panhandling. He stated that he understood ACLU has gotten involved. He would like us to follow Utah example. That panhandling is also a safety issue. Utah doesn't allow street corners or in the medians of the road whether it is raised, paved or grass. He stated as he mentioned earlier it is not a good thing for the homeless and transit community that he has worked with for over a couple of decades. He has seen what works and does not work. He stated he would be happy to send information and research.

Attorney Greg Bell addressed Mr. Herzanek and Board and stated that CML Colorado Municipal League has hired an attorney to create a new panhandling ordinance it will be a model ordinance in line with all current federal cases. We are going to pick up that and present it at the time they complete it.

VI. **SCHEDULED ITEMS**

1. **Consent Agenda**
 - a) Approval of September 11, 2018 Agenda
 - b) Approval of Minutes: August 28, 2018
 - c) PrairieStar Metro District IGA
 - d) Heron Lakes Gatehouse IGA
 - e) Amendment to SWSP Agreement
 - f) July 2018 Monthly Financials
 - g) July 2018 Bills Paid

Trustee Laak Motioned to combine and approve the items on the Consent Agenda. Trustee Tomassi Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.

2. **Impact Fees for Small Home Cottage Development (This was moved ahead from the original agenda layout.)**

Town Administrator Chris Kirk stated that in response to a request from a local builder, and the Town Board, Town Staff engaged a consulting firm Raftelis Financial Consultants, Inc. to assist the Town in evaluating impact fees for small homes. The appropriateness of our impact fees as they relate to small home development. That is a new trend here in our community. The smaller homes products fit totally a different niche in the market specifically that they are more attainable financially and likely to have a lesser impact on our infrastructure than a traditional single-family home.

Raftelis presented their analysis. The speakers were Andrew Rheem along with Dwayne Guthrie. They gave an example of current example in the town of Berthoud of a small home development. Mission Homes is developing property within multiple developments. They have 4 house types with small outdoor areas. The methodology behind their approach is to collect local demographic data to assess the relative impact of smaller homes for each fee category, to use US Census Bureau and ITE (Institute of Transportation Engineers. The impact fee categories are roads, park land, park improvements, public facilities, water, wastewater and storm water.

David Gregg came up to speak about his Mission Homes and that they were able to hold prices at introductory for the second

release. He also stated that the actions taken tonight he believes other municipalities will copy.

Mayor Pro Tem Hindman directed staff to bring back to the board the flip side of the impact fees. (The impact of larger homes.)

Trustee Tomassi Motioned to direct staff to bring back credits and resolution adopting impact fees for small houses. Mayor Pro Tem Hindman Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.

3. Development Code Update, 1st Reading

Ordinance 1252 amending various chapters in Berthoud Development Code.

Curt Freese introduced the changes to the board. The code changes proposed are the result of Town Board recommendations, corrections or clarification. The changes included revisions to public noticing standards, tree diversity, residential design standards, encroachments into setbacks and concept plans.

The Board as an entirety directed staff to bring back the ordinance with the following recommendations...

- Check the buffer standards for Peakview
- Have a better definition of functional open space
- Involve the Tree Board in the process,
- Bring back a non-binding concept plan
- Detention ponds using native grasses

4. Regulations Regarding Smoking in Public Places, 2nd Reading

Ordinance 1249 to address the use of smoking tobacco and electronic smoking devices in public spaces.

SGT. Anderson gave a brief introduction as this was read in the last board meeting on August 28, 2018. He gave new information that the news media had released on the new ways youth are using the e-vapes and how they are disguised as ordinary items that we use every day.

Jan Moraczewski from Larimer County Health and environment came up and spoke on statistics regarding health, safety and welfare. She pointed out that Vape Aerosol contains more than just water they contain chemicals. They also have more nicotine in them than cigarettes.

Mayor Pro Tem Hindman Motioned to adopt Ordinance 1249, an ordinance of the Town Board, Town of Berthoud, amending the Berthoud Municipal Code to address the use of smoking tobacco and electronic smoking devices in public places; with the suggested amendments 17.5-10.3 Number 22 to state Public Buildings, Public Parks, Public Trails and City Owned Facilities. Change the word "Council" to "Board". Trustee Hardy Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.

VII. ELECTED OFFICIAL REPORTS (Came before executive session to allow board to adjourn from executive session.)

Trustee Laak reported that the Youth Advisory Committee met.

Mayor Karspeck reported that there are 44 homeless students in Berthoud's schools. The North I-25 groundbreaking was in Johnstown and was for the additional lane going in from Fort Collins to Johnstown. There will be an interfaith group meeting regarding youth engagement. Tree nursery is underway, and the Tree Board toured multiple properties to discuss location.

Trustee Alaback reported that he went to the Red Mountain Open Space Dark Sky event, that had great attendance. He also talked to people about the steps Berthoud has taken with the Dark Sky Ordinance.

Trustee Tomassi reported that he would like to start a Rotary Club in Berthoud to stimulate volunteering, community involvement. He stated they bring money with them and have access to grants that would be beneficial to the Town of Berthoud.

Greg Bell reported that he will bring back Ordinance regarding panhandling. As he discussed earlier in Citizen Participation.

Town Administrator Kirk reported that he went to the LOVE's Opening. He also stated Amy at the Library will be hosting a ballot education night, not all the details are sorted out yet.

VIII. EXECUTIVE SESSION

Trustee Tomassi Motioned to move into Executive Session Pursuant to: C.R.S. § 24-6-402(4)(e)(I) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators, and the following details are provided: Detention Basin Lease at Berthoud Commons. Mayor Pro Tem Hindman Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.

IX. ADJOURN AT 9:44 P.M. FROM THE EXECUTIVE SESSION


Town Clerk or Deputy Town Clerk




Mayor William Karspeck