



MEETING MINUTES OF THE TOWN BOARD

Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, February 13, 2018 6:30 p.m.

I. REGULAR MEETING CALLED TO ORDER

The meeting was called to order by Mayor Steve Mulvihill.

II. PLEDGE OF ALLEGIANCE

Mayor Steve Mulvihill led the pledge of allegiance.

III. ROLL CALL – Mayor Steve Mulvihill

Christian Samora, Town Clerk, called the roll call. Mayor Mulvihill, Pro Tempore Buckridge, Trustee Baker, Trustee Karspeck, Trustee Dunkelberger, Trustee Laak, Christopher Kirk, Michelle Adams and Gregg Bell were present at the meeting.

IV. SCHEDULED ITEMS

1. Consent Agenda (Christian Samora)

- a) Approval of Agenda
- b) Approval of Minutes: January 23, 2018 & January 30, 2018
- c) Approval of Bills Allowed: December 2017
- d) Historical Society Water & Tree Care Reimbursement

Trustee Laak stated that at the January 23, 2018 meeting, there was a reference of criteria to sponsor the Farmer's Market regarding the three items. The Board was in favor of adding the information into the minutes.

Pro-Tempore Buckridge motioned to combine and approve the items on the Consent Agenda. Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.

2. 2018 Supplemental Budget Appropriation & Public Hearing (Cindy Leach)

Resolution 2018-7 to affect a supplemental appropriation of funds for the 2018 Budget Year

Cindy Leach, the Finance Director, gave an introduction and provided background information.

Trustee Dunkelberger motioned to approve Resolution 2018-7, a resolution of the Town Board, Town of Berthoud, Colorado to affect a supplemental appropriation of funds for the 2018 Budget Year. Karspeck seconded the motion. With all in favor, THE MOTION CARRIED.

3. Passport Fee Increase (Cindy Leach)

Resolution 2018-8 adopting an increase in passport fees effecting the 2018 Fee Schedule for the Town of Berthoud as provided in the Berthoud Municipal Code

Leach gave an introduction and provided background information.

Trustee Laak stated that he remembered how much it helps the general fund to have the passport income.

Trustee Karspeck motioned to approve Resolution 2018-8, a resolution of the Town Board, Town of Berthoud, adopting an increase in passport fees effecting the 2018 Fee Schedule for the Town of Berthoud as provided in the Berthoud Municipal Code. Trustee Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.

4. Mountain Avenue Crossing Guard Update

(Jim Anderson)

Jim Anderson, with the Larimer County Sheriff's Office, stated that he would be providing an update to the Board regarding the crossing guard program. Anderson stated that they lost the crossing guard that had been doing the work on Mountain Avenue. There is an agreement between the Town and the School District to reimburse the school for the cost of the crossing guard.

Trustee Hindman asked about volunteers. Anderson stated that the school district does not allow volunteers for liability reasons.

Trustee Baker referenced that grants that may be available to fund the program.
Trustee Hindman asked if the grant could be used for salaries.

Anderson stated that the grant would be to fund the actual routes.

Pro-Tempore Buckridge stated that he thought it would be fair to pay the volunteer that the town had for hours worked in January 2018.

Kirk stated that it could be done as a 1099 as if Short were a contractor.

Trustee Hindman motioned to direct the Town Administrator to look into the issue and take appropriate action. Pro-Tempore Buckridge seconded the motion. With all in favor, THE MOTION CARRIED.

5. Designated Spaces for Animals to be Off-Leash

(Jim Anderson)

Resolution 2018-9 designating areas to allow dogs to run off-leash pursuant to Section 18.5-1 of the Berthoud Municipal Code

Anderson gave an introduction and provided background information.

Trustee Laak motioned to approve Resolution 2018-9, a resolution of the Town Board, Town of Berthoud, designating the areas as presented to allow dogs to run off-leash pursuant to Section 18.5-1 of the Berthoud Municipal Code. Trustee Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.

6. Lightfoot LLC Annexation Substantial Compliance

(Curt Freese)

Resolution 2018-10 finding the petition for annexation submitted by Lightfoot, LLC to be in substantial compliance with CRS § 31-12-107 and setting a hearing pursuant to CRS § 31-12-108

Curt Freese, Community Development Director, gave an introduction and provided background information.

Trustee Hindman motioned to approve Resolution 2018-10, a resolution of the Town Board, Town of Berthoud, finding the petition for annexation submitted by Lightfoot, LLC to be in substantial compliance with CRS § 31-12-107 and setting a hearing pursuant to CRS § 31-12-108 on March 27, 2018. Pro-Tempore Buckridge seconded the motion. With all in favor, THE MOTION CARRIED.

1. Johnson Farm Finding of Fact, Annexation, Zoning and Conceptual Plan

(Curt Freese)

Freese gave an introduction and provided background information.

Hindman asked how the density is calculated. Freese stated that that it is the overall density for the entire project, including the open spaces.

Baker asked if there is usability of the detention pond. The developer stated that the code was followed regarding how each open space to be used. He stated that the pond on the north side has a slope that would allow it to be used as open space.

The developer gave a presentation to illustrate the various elements of the conceptual plan.

Baker asked if both of the retention ponds would be usable park space. They would both work for open space because the slope is in compliance with the requirements of the code.

Baker asked about the line of sight. He stated that the main entries is where the focus is made, but they would look for opportunities to maintain the line of sight in the development.

Mulvihill stated that he would like to see the plan after the changes are done.

Hindman asked if there was consideration given to connecting the middle street to both the east and west. Freese stated that it would be feasible. Freese stated that if there are three connections to the east, they may be too close to each other.

Hindman asked what the definition of estate lots. Freese stated that it would fall under R-1 zoning.

Hindman asked what the buffer requirement is to maintain an attractive streetscape. Freese stated that there are not many requirements, but there is usually a requirement for a buffer space.

Bell stated that the property would need to be zoned within 60 days.

Mayor Mulvihill opened the public hearing.

Charlene Brown, who resides at 1321 CR 4-E, stated she owns the SW parcel. She recommended that the annexation be approved because there would be no way to get water across the property.

Alex Johnson stated that some of the concerns have already been addressed. He stated that the farm has been in the family for a long time. He stated that when they learned of the sale, they asked to work out the easement situation for the water. He stated that the owners felt the easement would cause some problems. Johnson stated that there is also the right to farm and felt that the neighboring properties would always be sympathetic. Johnson stated that the Dry Creek Lateral has been an easement for over a hundred years. He preferred to see the holding pond as something that is grassed. Johnson stated that the fencing would be a great idea. He stated that he would like to see a fence like the one at Lakeside Terrace on the south side of Loveland.

Art Johnson stated that Bill wanted a fifteen-foot easement, but an easement is a permanent thing. He stated that they put in the contract that Alex would work with Bill for the pipe. He clarified that the ditch that runs through the property is private.

Sam Hatton stated that his parents own a home in Peak View.

Pete Tomassi of Berthoud stated that his concern is that there is significant traffic that backs up at the intersection of Spartan and CR 17 and there may need to be ungraded infrastructure in the future. He stated that they need to keep the existing residents in mind. He stated that the Board should give thoughtful consideration to the R2 Zoning district.

Mayor Mulvihill closed the hearing.

Trustee Hindman motioned to approve Resolution 2018-11, a resolution of the Town Board, Town of Berthoud, setting fourth findings of fact and determinations regarding the eligibility for the annexation of the Johnson Farm pursuant to CRS § 31-12-114(10). Trustee Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.

Trustee Hindman motioned to approve Ordinance 1233, an ordinance of the Town Board, Town of Berthoud, Colorado annexing property known as the Johnson Farm Annexation to the Town of Berthoud. Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.

Trustee Hindman stated that he felt it should be annexed as R1 and changes can be made later. Hindman stated that to zone it R2 would give it a vested right.

Bell stated that the applicant could bring back a different proposal.

Trustee Karspeck would have liked to see R-2 within the development.

Mayor Mulvihill stated that he did not agree with making the whole thing R-2.

Baker stated that she was leaning toward giving them the 60 days.

Pro-Tempore Buckridge motioned to approve Ordinance 1234, an ordinance of the Town Board, Town of Berthoud, Colorado establishing zoning of the property known as the Johnson Farm Annexation. Trustee Dunkelberger seconded the motion.

Mayor Mulvihill motioned to approve the conceptual plan for the property known as the Johnson Farm Annexation with the following conditions:

- 1) Require a larger buffer area (with respective fencing/wall) along LCR 17/Berthoud Parkway, with a trail along said buffer area.
- 2) Recommend the consideration of an R-2 or similar use along the LCR 17 (Berthoud Parkway) lots.
- 3) Provide an irrigation easement to the property to the South to accommodate underground irrigation lines.
- 4) That the applicant considers the view corridor when designing the layout, and that the applicant consider sidewalks or pedestrian walkways to integrate with the regional trails.
- 5) Straightening the east/west streets to allow for future connectivity.
- 6) Sidewalks on each side of all streets and the addition of tree lawns would be preferable.
- 7) An analysis of the T intersections within the development.

Trustee Hindman seconded the motion. With all in favor, THE MOTION CARRIED.

2. Housing Authority Hearing

(Greg Bell)

Christopher Kirk, the Town Administrator gave an introduction and provided information. He stated that the Board is required to hold a public hearing regarding a housing authority for specific reasons in statute.

Baker asked about the public hearing and asked if it could be left open to allow people to submit comments online. Kirk stated that any comments received by staff will take into consideration regarding the recommendation.

Mayor Mulvihill opened the public hearing.

Chad Orthink stated that he has a lot of expertise in the use of federal funds. He stated that he is not aware of any unsafe or unsanitary housing that would require a housing authority. He stated that funding them can be very difficult at times. He stated that there are grants, but grants are not a long-term solution to funding a housing authority.

Patrick Dillon of Berthoud at 227 N 2nd Street #25 stated that the statutory requirements were a measure that was

passed many decades ago and it was a tool to get funds. Dillon stated that he spoke to Sam Betters in December and Betters stated that the requirement is an expression of the board. He stated that a housing authority is a tool that can be used. He stated that he would hate to take it literally, but felt it should be an expression.

V. Elected Official Reports

1. Town Board – Jeff Hindman, Jennifer Baker, Chris Buckridge, William Karspeck, Kelly Dunkelberger, and Brian Laak
2. Mayor – Steve Mulvihill

Dunkelberger stated that the Youth Advisory Commission, along with Thompson Teams United, met with On The Rise, which is a social media program.

Laak stated that he was watching the videos of the meetings and the staff will be posting the study sessions on the video archive. He stated that staff will be working to add a table of contents for the videos.

Hindman stated that two members of the Port Committee and staff interviewed a potential consultant.

Mulvihill stated that the ROTC Group was interested in building and dedicating a veteran's park and volunteered to maintain the veteran's graves.

Bell referenced the Court of Record and stated it will be coming back to a future meeting.

Bell also stated that a year ago a company wanted to lease the oil & gas rights under the cemetery and will also be an item coming before the Board for consideration.

VI. ADJOURN

The meeting adjourned at 9:32 P.M.

Approved this 27th day of February, 2018.

Christian R. Samora, Town Clerk

Steve Mulvihill, Town Clerk

[SEAL]