



**BOARD OF TRUSTEES
REGULAR MEETING MINUTES
JANUARY 9, 2018
BOARD ROOM, 6:30 P.M.**

1. Call to Order

Mayor Mulvihill called the meeting to order.

2. Roll Call

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

3. Pledge of Allegiance

Mayor Mulvihill lead in the pledge of allegiance.

Anderson introduced a new member of the Larimer County Sheriff's Berthoud Squad, James Westerfield. The Town Board welcomed the new patrol officer.

4. Motion to Approve Agenda

Mayor Mulvihill suggested that the Energy Conservation Code be placed before the Dark Sky Ordinance. In addition, the land purchase discussion should be eliminated.

Trustee Laak motioned to approve the agenda as amended. Trustee Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.

5. Consent Agenda

All matters listed under Item 6, Consent Agenda, are considered to be routine by the Town Board and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.

- A. Minutes: December 12, 2017
- B. Financials for November 2017
- C. Bills Allowed for November 2017

Trustee Dunkelberger motioned to combine and approve the items on the Consent Agenda. Trustee Baker seconded the motion. With all in favor, THE MOTION CARRIED.

6. CDOT I-25 Presentation

Brothers

Scott Rees with Colorado Department of Transportation present information and answered questions regarding the expansion of I25 from Johnstown to Fort Collins. The project is scheduled to be completed by 2021.

7. Designated Official Posting Places

Christian

Christian Samora, Town Clerk, gave an introduction and provided background information.

Mayor Mulvihill asked about posting notices at the library in addition to Town Hall and the website.

Samora explained that it is important that the designated posting places be within complete control of the Town Staff. Posting notices in an area that is not under complete control of the Town could potentially result in meetings having to be cancelled if a notice was inadvertently removed.

Pro Tempore Buckridge motioned to approve Resolution 2018-01, a resolution of the Town Board, Town of Berthoud, Colorado designating the official posting places of public notices for the Town Board meetings and other Town Business. Trustee Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.

8. Youth Advisory Board Appointment

Dunkelberger

Trustee Dunkelberger gave an introduction and provided background information.

Mayor Mulvihill and Trustee Baker were impressed with the applications that were presented.

Trustee Laak motioned to appoint Sydney Holden & Maggie Langer to regular positions and Louis Torres IV to an alternate position on the Youth Advisory Commission. Pro-Tempore Buckridge seconded the motion. With all in favor, THE MOTION CARRIED.

9. Tree Advisory Board Appointment

Embrey

Josh Embrey, the Town of Berthoud Forester, recommended the approval of the appointment of Bob Schneider to the Berthoud Tree Board. Embrey explained that Schneider has extensive background in all fields relative to the Tree Board.

Trustee Hindman Motioned to appoint Bob Schneider to a regular position on the Berthoud Tree Board. Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.

10. Adoption of 2015 International Energy Conservation Code

Freese

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

Mayor Mulvihill asked if the builders were invited to participate in the panel. Freese stated that they were invited, but there was not any participation.

Freese stated that it was a \$3,000-\$5,000 increase for each home and probably one additional day of testing.

Robby Schwartz with Energy Logic stated that the duct testing was already required. He continued to state that the whole-home airtightness test became mandatory in 2012.

Trustee Karspeck thanked Energy Logic and felt it was great to see everyone come together.

Trustee Hindman thanked Schwartz and Energy Logic for their time. He stated that the one thing that was heard is added cost. Trustee Hindman asked what the savings is. Schwartz stated that it was about a fifteen percent increase in efficiency.

Schwartz stated that the savings comes from using the energy in the home more effectively.

Mayor Mulvihill opened the public hearing.

There was no comment.

Mayor Mulvihill closed the public hearing.

Trustee Laak felt it was magnificent work done by the committee.

Pro Tempore Buckridge thanked everyone involved in the effort. He stated that it is good potential long term return on the investment. Buckridge stated that the issue he has is what the Town Board's responsibility is. He stated that he did not feel adopting the code accomplished what the Town Board is tasked to do.

Trustee Karspeck stated that everyone has a unique perspective. He stated that their needs be some standard. He stated that it is progress.

Trustee Baker stated that she felt it was a good thing for the community. Baker stated that it's good to do and especially

Trustee Hindman stated that \$5k is a high estimate regarding the additional cost. He stated that the market is what is setting the price of a home in Berthoud. He stated that it is consumer protection law. He stated that most of the subcontractors wouldn't know what is in the 2006 code. The new code brings the standard up. Trustee Hindman stated that the average homebuyer is ignorant as to how to properly seal a home.

Trustee Hindman Motioned to approve Ordinance 1231, an ordinance of the Town Board of the Town of Berthoud, amending Chapter 11, Section 4, of the Municipal Code of the Town of Berthoud, for the purposes of repealing the 2006 International Energy Conservation Code (IECC) and adopting the 2015 International Energy Conservation Code, with amendments. Karspeck seconded the motion. In a 6-1 roll call vote, THE MOTION CARRIED. Buckridge had the dissenting vote.

11. Dark Sky Regulations

Freese

Freese gave an introduction and provided background information.

John Redwood

Pro Tempore Buckridge asked if the language could be standardized using lumens. Redwood stated foot-candles are used to measure the amount of light that is on the ground.

Mayor Mulvihill opened the public hearing.

Bill Gilmore stated that the ordinance is very complicated and will give someone the authority to shut lights off. He agreed that builders and subdivisions should be required to use it. He stated that he understood it was a big deal in the mountain towns and felt it was not the same in Berthoud. He asked that the Board pay attention to what they are voting for.

Mayor Mulvihill closed the public hearing.

Trustee Karspeck stated that he was glad it all worked out.

Mayor Mulvihill stated that his biggest concern is that there is so much that is subjective. He stated that it's good to have the regulations and it may be difficult to enforce. Mayor Mulvihill stated that Fort Collins omitted landscape lighting. Boulder allowed fifteen years for compliance for existing residences to come into compliance.

Pro Tempore Buckridge stated that he liked the detail. He felt maybe it would be possible to have a two-page code that can cover mostly everything. He stated that the shielded and cutoff lighting language would solve most of the problem.

Laak stated that he felt everyone was on board with preserving the night skies. He stated that if it were to be simplified, it should be as comprehensive as possible.

Discussion continued.

Hindman Motioned to approve Ordinance 1230, an ordinance of the Town Board of the Town of Berthoud, amending Chapter 30, Section 118 of the Development Code of the Town of Berthoud, for the purposes pf repealing the current Dark Sky requirements and adopting amended Dark Sky regulation consistent with the Model Lighting Code to include a summary page of regulations and adding signs under #10 regarding landscape lighting. Karspeck seconded the motion. With all in favor, THE MOTION CARRIED.

12. Arbor Ridge Annexation Substantial Compliance

Freese

Freese gave an introduction and provided background information. Freese explained that the conceptual plan will be reviewed at the same time of the rescheduled hearing.

Hindman motioned to approve Resolution 2018-02, a resolution of the Town Board of the Town of Berthoud, Colorado, finding the petition for Annexation submitted by the Johnson Farm to be in substantial compliance with Colorado Revised Statutes 31-12-107 and setting a hearing on February 13th, 2018 pursuant to Colorado Revised Statute 31-12-108. Karspeck seconded the motion. With all in favor, THE MOTION CARRIED.

13. Agenda Review

Jeremy Olinger, the Town Administrator, reviewed upcoming issues with the Town Board and made appropriate adjustments to the upcoming schedule.

14. Reports

Bell stated that the federal marijuana regulations will spill out regarding government programs.

Trustee Hindman stated that the PORT committee started out with a bang. Olinger, Freese and the new parks manager were at the meeting. There was consensus for a soft walking trail at Wagner Park and possibly connections to Heron Lakes and other developments as well as evaluating potentials sites for a dog park.

Trustee Hindman also reported that an RFP is out for the park planning consultant.

Trustee Baker stated that the first MPO meeting of the year was in Berthoud. Most of the discussion at the meeting was regarding the upcoming I25 expansion.

Mayor Mulvihill asked that a resolution be added to an upcoming agenda to change the compensation of elected officials. Mayor Mulvihill suggested that the amount be \$12k annually for the Mayor and \$6k annually for the trustees. The Board Agreed to have staff create a comparison of other communities.

Trustee Karspeck attended the regional elected official dinner. He stated that the group discussed mental health and waste shed issue.

Trustee Dunkelberger reported that the Youth Advisory Committee did not meet in the week preceding.

Trustee Laak stated that he agreed with Hindman regarding how well the last PORT Committee Meeting went.

15. Executive Session: Contract Negotiations

Mayor Mulvihill motioned that the Town Board enter into executive session pursuant to C.R.S. 24-6-402(4)(a) and C.R.S. 24-6-402(4)(e) for the purpose of discussing contract matters related to a land acquisition proposal and an economic development proposal and to adjourn the meeting immediately after the executive session. Trustee Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.

16. Adjourn

ATTEST:

Christian R. Samora Town Clerk

Approved this 23rd Day of January, 2018

Steve Mulvihill Town of Berthoud Mayor

