



**BOARD OF TRUSTEES
REGULAR MEETING MINUTES
JANUARY 23, 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 Karspeck, Trustee Dunkelberger, Trustee Laak, Christopher Kirk, Michelle Adams and Gregg Bell were present at the meeting.

3. Pledge of Allegiance

Mayor Mulvihill lead the Pledge of Allegiance.

4. Motion to Approve Agenda

Mayor Mulvihill stated that the Ash Tree Ordinance would be removed from the agenda and considered at a later time.

Trustee Hindman motioned to approve the agenda striking No. 10 and moving No. 8 ahead of No 7. Pro Tempore Buckridge seconded motion. With all in favor, THE MOTION CARRIED.

5. Citizen Participation

Amie Pilla of Berthoud referenced that the Library is facing an issue because they are running out of space in the current building. They are concerned about finding a new building because they do not want to make the building any less accessible to the public. Pill stated that the Library Board is interested in acquiring the old Public Works land should the Town decide to sell the property.

Doug Carlander of Berthoud spoke regarding the cross walk at the intersection of S 5th and Nebraska Avenue. He stated that the new homes have a walking path behind; however, the path crosses at the bottom of a hill. He stated that there is not any signage at all. Carlander stated that a lot of the people who use the path are elderly and it is becoming very busy because there are a lot of new homes.

Hindman stated that the Town Board had a tour of the Town and discussed the various crosswalks. He stated that the Board looked at different locations and the trail dead-ends to a sidewalk. Hindman stated that the staff is already be working on it.

6. 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: January 9, 2018

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.

1. Right-of-Way Dedication

Curt Freese gave an introduction and provided background information.

Pro Tempore Buckridge motioned to approve the Vantage right of way dedication of 457 square feet of right of way as described in the exhibit. Trustee Karspeck seconded the motion. With all in favor, THE MOTION CARRIED.

2. Farmer's Market Reimbursement

Jeremy Olinger, the Interim Town Administrator, gave an introduction and provided background information.

Trustee Hindman clarified that the waiver would be a reimbursement back to the Farmer's Market.

Monica Signer stated that she could answer any questions that the Board may have.

Trustee Laak stated that he felt the Farmer's Market was a great asset to the Town.

Trustee Baker stated that she agreed with Laak.

Pro Tempore Buckridge asked for clarification regarding the information that was provided by staff. Buckridge stated that perhaps the reimbursement could be tailored in such a way that the reimbursement would not exceed the benefit that the Town receives.

Olinger stated that the actual fees for the use of the park would be about \$2,600.

Laak asked how the park fees are established.

Olinger stated that there are two events that do require set up. Olinger stated that because there are over 99 people, it is higher maintenance.

Mayor Mulvihill stated that he loved the Farmer's Market. He continued to state that he was not in favor of supporting commercial ventures. He stated that he is mostly concerned that the Town will waive fees and actually be taking a loss.

Trustee Baker stated that she was in agreement and felt that the Farmer's Market is a huge asset in the community.

The Board was in agreement that the event is beneficial for families, it has a proven track record for performance and generates sales tax revenue for the Town of Berthoud.

Trustee Laak motioned to approve the request on a reimbursement basis for 2018. Trustee Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.

3. Animal at Large Regulations

Jim Anderson gave an introduction and provided background information.

Trustee Laak asked about certifying service animals.

Trustee Hindman referenced designated spaces. He asked if staff will bring back designated spaces.

Resolution to designate open spaces.

The Board was in agreement to add a resolution to the February 13, 2018 agenda regarding the designated spaces.

Mayor Mulvihill opened the public hearing.

David Sampson of Berthoud asked what the primary motivating factor for this ordinance. He stated that he watches domestic cats stalking animals, depositing waste in flower beds, and forcing him to make unsafe maneuvers to avoid the cats in the road.

Trustee Laak stated that the cats are not biting people like dogs do.

Sampson stated that it was not fair that dogs must be controlled when cats do not.

Pat Karspeck asked how is it going to affect the dogs at Turner middle school. Anderson stated that it will not be an issue because it is a fenced area.

Mayor Mulvihill closed the Public Hearing.

Trustee Laak Motioned to approve ordinance 1231, an ordinance of the Town Board, Town of Berthoud, Colorado regarding animals at large and dogs in public spaces, and striking the last three words in Section "E". Trustee Karspeck seconded the motion. With all in favor, THE MOTION CARRIED.

4. Retail Marijuana Regulations

Greg Bell, Town Attorney, gave a presentation and gave background information. He explained that the decision is whether to refer the question to the voters or to approve the retail marijuana regulations as the Board. send it to the voters or to approve it as a Board.

Becky Hemmann stated that there was an informal poll on the Surveyor and 51 out of 55 respondents wanted the Town to vote on it.

Paul Frekey stated that it should be put to a vote. Frekey asked if retail marijuana is really what the Town wants to bring into the community.

Pete Tomassi of Berthoud stated that the issue is much more than an economic issue. He stated that there are moral issues and legal issues. By way of example, he asked if it should be embraced just because it is legal.

Trustee Karspeck stated that he would prefer that the Board deal with it; however, he was fine whether it went to the ballot or not.

Trustee Hindman stated that there was a ballot initiative to ban medical and it was voted down two to one by the voters. Hindman continued to state that the voters voted two to one for the tax that would be placed upon retail marijuana.

Pro Tempore Buckridge stated that there are two big issues. He stated that to let the citizens decide is the way to go. He stated that one of the conditions in Ordinance 1184 is that if retail were to be considered it would be put before the vote of the people.

Trustee Dunkelberger stated that she felt it needed to go to the voters.

Trustee Baker agreed that it needed to go to the voters.

Mayor Mulvihill stated that it's a potential gain. He stated that the Town received over \$151k last year from the medical facilities. He stated that it was spent on a resource officer and other benefits to the community.

Trustee Laak encouraged the public to vote.

Trustee Hindman motioned direct the Town Attorney to draft an ordinance enacting a retail marijuana code for approval or rejection by the residents of the Town of Berthoud. Mayor Mulvihill seconded the motion. In a 5-2 roll call vote, THE MOTION CARRIED.

5. Library Board Appointment

Amie Pilla

Amy Pilla, the Berthoud Library CEO, gave an introduction and provided background information.

Trustee Hindman motioned to approve the reappointment of Vickie McLane to the Berthoud Community Library District Board of Trustees. Trustee Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.

6. Appointment of Election Judges

Samora

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

Trustee Hindman motioned to approve Resolution 2018-03, a resolution of the Town Board of the Town of Berthoud, Colorado, delegating the authority to appoint Election Judges to the Town Clerk pursuant to C.R.S. 31-10-401. Trustee Dunkelberger seconded the motion. With all in favor, THE MOTION CARRIED.

7. Reports

Laak stated that the Tree Board discussed the Ash Tree ordinance at their last meeting. Laak suggested that the generator on the building be tested to ensure that it is functioning properly.

Dunkelberger introduced Sam and Sydney from the Youth Advisory Board.

Dunkelberger stated that they would also like to attend the PORT committee meetings.

Trustee Karspeck stated that he would be happy to change the flags on main street or change the lights on town hall to orange.

Mulvihill stated that he met and toured a potential annexation piece.

The Board was in favor of having a resolution to place a question on the ballot regarding the Heron Lakes annexation.

Kirk stated that the signature cards on the Town's bank accounts needed to be updated to remove Olinger's name and add Kirk's name. Greg Bell, the Town Attorney, stated that he was of the opinion that the Board did not need to take any formal action in light of the fact that the Town Administrator is the CEO of the Town. The Town Board was in agreement that no formal action needed to be taken and that Kirk can proceed with updating the signature cards as he deemed to be appropriate.

8. Executive Session: Contract Negotiations

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

Hometown Liquor

Trustee Hindman motioned to authorize the Town Administrator to enter into a tax share-back agreement with the property owner for Hometown Liquors and the associated property to incent annexation, capping the share-back for fees owed to the Town and construction at \$173,000, plus general expenses for annexation of \$25,000. These funds shall be paid from 60% of sales tax received by the Town from businesses within the annexed property within the next sixty months of the effective date or when the cap amount is realized, whichever is sooner. The final form of written agreement and supporting documents shall be subject to the approval of staff. Mayor Pro Tempore Buckridge seconded the motion. With all in favor, THE MOTION CARRIED.

9. Adjourn - The meeting adjourned at 8:50 PM.

Approved this 13th day of February, 2018.

Christian R. Samora, Town Clerk

Steve Mulvihill, Mayor

