



MEETING MINUTES OF THE TOWN BOARD

Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, May 22, 2018 6:30 p.m.

- I. **REGULAR MEETING CALLED TO ORDER** – Mayor William Karspeck
- II. **PLEDGE OF ALLEGIANCE** – Mayor William Karspeck
- III. **ROLL CALL** – Mayor William Karspeck

Accounting Technician Carla Gustafson called roll and the following officials were present: Mayor Will Karspeck, Mayor Pro-Tem Jeff Hindman, Trustee Brian Laak, Trustee Pete Tomassi, Trustee Tim Hardy, Trustee Maureen Dower, Town Administrator Chris Kirk, Town Attorney Mathew Gould.

Absent: Trustee Paul Alaback.

- IV. **CITIZEN PARTICIPATION** – *3-minute time limit. Citizen participation is for items not on the agenda and for agenda items that are not scheduled public hearings.*

John Guthrie of Berthoud asked the Board to look into the Berthoud Main Street Program. Mr. Guthrie offered to pay the salary for a Main Street Director for the first three years if the Town would continue to pay the salary after that time. The Board requested an email with detailed information from Mr. Guthrie.

Laurie Schwarz owner of Green Tree Medicinal located on 2nd Street in Berthoud would like the medical marijuana code revised so they can sell what they grow outside of Berthoud.

David Gregg, former Mayor of Berthoud would like the Board to consider making affordable housing one of their priorities.

V. SCHEDULED ITEMS

1. **Consent Agenda** (Christian Samora)
Consent Agenda items 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) Approval of Agenda
 - b) Approval of Minutes: May 8, 2018

Mayor Pro-Tem Hindman requested to be referred to as Mayor Pro-Tem and his remarks in Reports be clarified that he distributed flyers already mailed to citizens regarding the opt out program by EDCI.

Trustee Hardy motioned to combine and approve the items on the Consent Agenda. Trustee Dower seconded the motion. With Trustee Alaback absent, THE MOTION CARRIED.

2. **Rose Farm Metro District Service Plan** (Curt Freese)
Resolution 2018-18 approving a service plan for the Rose Farm Acres Metropolitan District

Community Development Director Curt Freese presented the item and introduce Matt Ruhland from Collins Cockrel & Cole who gave a presentation explaining the Service Plan being submitted for the Rose Farm Acres Metropolitan

District.

The Board asked questions for a better understanding of the issue.

Attorney Alan Pogue explained the need for a Mero District and answered questions from the Board.

Mayor Karspeck closed the public hearing.

Town Administrator suggested adding general information regarding Mill Levy and Metropolitan Districts and on the Towns website.

Mayor Karspeck moved to reopen and continue the Public Hearing on June 12th, 2018. Trustee Tomassi seconded the motion. With Trustee Alaback absent, THE MOTION CARRIED.

3. Heron Lakes Marina Club Annexation Finding of Fact (Curt Freese)

Resolution 2018-19 setting forth findings of fact and determinations regarding the eligibility for annexation of the Heron Lakes Marina Club Annexation

Curt Freese presented the item and provided background information and maps of the proposed property annexation.

Jim Birdsdale spoke and answered questions from the Board.

Mayor Karspeck opened the item for a public hearing.

Jeremy Ginther who lives just west of the property voiced his concern for proper zoning for cohesiveness to the area surrounding the project.

David Millner who resides on W County Road 14 voiced concern about the proposed development in the area and how it will impact residents in the nearby county.

Anita Ballinger also residing on W County Road 14 voiced concerns about the affect construction will have on animal habitats and traffic in the area.

Mayor Karspeck closed the public hearing.

Mayor Pro-Tem Hindman moved to approve Resolution 2018-19, a resolution of the, Town Board, Town of Berthoud, setting forth findings of fact and determinations regarding the eligibility for annexation of the Heron Lakes Marina Club Annexation pursuant to C.R.S 31-12-114(10). Trustee Tomassi seconded the motion. THE MOTION CARRIED 5:1. Laak had the dissenting vote.

4. Heron Lakes Marina Club Annexation (Curt Freese)

Ordinance 1244 annexing property known as the Heron Lakes Lake Club Annexation to the Town of Berthoud, Colorado

Mayor Pro-Tem Hindman moved to approve Ordinance 1244, an ordinance annexing a property known as the Heron Lakes Lake Club Annexation to the Town of Berthoud. Trustee Tomassi seconded the motion. THE MOTION CARRIED 5:1. Laak had the dissenting vote.

5. Heron Lakes Marina Club Annexation Zoning (Curt Freese)

Ordinance 1245 to establish zoning of the property known as the Heron Lakes Lake Club Annexation, newly annexed to the Town of Berthoud

Mayor Pro-Tem Hindman moved to approve Ordinance 1245, an ordinance to establish zoning of the property known as the Heron Lakes Lake Club Annexation, newly annexed into the Town of Berthoud, with the conditions that any future multi-family/residential or construction over 2 stories come back for approval. Trustee Tomassi seconded the motion. THE MOTION CARRIED 5:1. Laak had the dissenting vote.

6. **Kotska Annexation Substantial Compliance** (Curt Freese)
Resolution 2018-20 finding the Kotska Annexation Petition to be in substantial compliance with CRS § 31-12-107 and setting a hearing date pursuant to CRS 31-12-108

Community Development Director Curt Freese presented the item and introduce Mary J Kotska who answered questions from the Board.

Mayor Pro-Tem Hindman moved to approve Resolution 2018-20 finding the Kotska Annexation Petition to be in substantial compliance with CRS § 31-12-107 and setting a public hearing date for July 10, 2018 pursuant to CRS § 31-12-108. Trustee Tomassi seconded the motion. With all in favor, THE MOTION CARRIED.

7. **Retail Marijuana Regulations, 2nd Reading** (Chris Kirk)
First of Ordinances 1242 adopting retail marijuana authorizations and regulations as part of the Berthoud Municipal Code

Town Administrator Chris Kirk presented, addressing both items 7 and 8 together He explained the ordinances and answered questions from the Board.

Trustee Hindman asked about the cultivation and sales issue brought up earlier during Citizen Participation and was informed that could be brought up at a later date as a separate issue.

Trustee Laak moved to approve Ordinance 1242 adopting retail marijuana authorizations and regulations as part of the Berthoud Municipal Code. Mayor Pro-Tem seconded the motion. THE MOTION CARRIED 5:1. Trustee Tomassi had the dissenting vote.

8. **Retail Marijuana Excise Tax, 2nd Reading** (Chris Kirk)
First of Ordinances 1243 imposing an excise tax in the form of a transaction fee on the retail sale of marijuana products pursuant to voter approval of such taxes at the November 7, 2017 General Election and providing specific purposes for revenue generated

Trustee Hardy moved to approve Ordinance 1243 imposing an excise tax in the form of transaction fees on the retail sale of marijuana products pursuant to voter approval of such taxes at the November 7, 2018 General Election and providing specific purposes for revenue generated. Trustee Dower seconded the motion. THE MOTION CARRIED 5:1. Trustee Tomassi had the dissenting vote.

9. **Recreation Plan/Recreation Center November Ballot Question** (Chris Kirk)

Chris Kirk presented and answered questions from the Board. He asked for direction from the Board for staff to conduct a master plan for Town Park Improvements, including a recreation center and aquatics facility and to study a possible ballot measure to fund those park capital improvements.

Mayor Pro-Tem Hindman moved to direct staff to conduct master planning for Town Park improvements, including a recreation center and aquatics facility and study a possible ballot measure to fund park capital improvements. Trustee Laak seconded the motion. THE MOTION CARRIED 5:1. Mayor Karspeck had the dissenting vote.

10. **Board Priority Ranking** (Chris Kirk)

Mayor Karspeck proposed with all in favor, to address the issue in a special study session on Tuesday June 5th at 6:30.

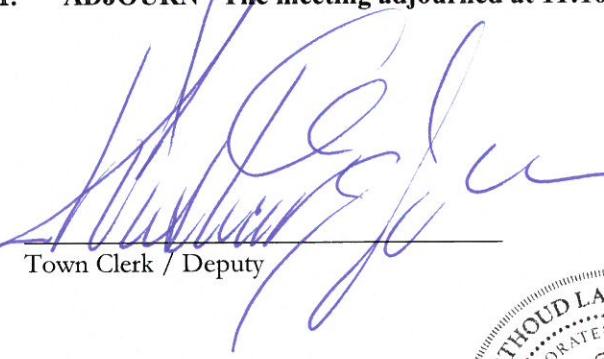
VI. ELECTED OFFICIAL REPORTS

1. Trustee Tomassi reported the Historical Society is working on standardizing plaques and creating maps for walking trials.
2. Mayor Pro-Tem Hindman had a follow up on the development code issue requesting staff to look into the legal requirements to change the distance notification requirements.
3. Town Administrator Chris Kirk advised the development code issue will come back to the Board in June. David Gregg and the affordable housing issue along with

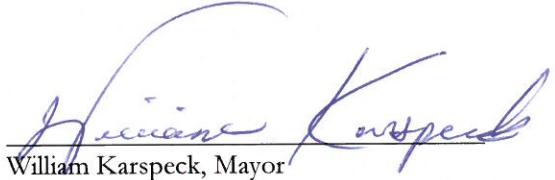
general information regarding possible tiering impact fees for those developments will come back on June 5th, 2018.

4. Mayor Karspeck reported he and Town Administrator Chris Kirk will be meeting with Jerry Horack from Fort Collins regarding I25 funding. He is also scheduled to do a bike tour of the Poudre river with the Colorado Water Conservation Board. Mark French from the Historic Society is requesting a liquor license fee reduction and one time posting for multiple events. It was decided and agreed by all Board members to address the issue on June 5th. Mayor Karspeck also mentioned the need to prioritize the Towns sidewalks and infrastructure.

VII. **ADJOURN** The meeting adjourned at 11:10 P.M.



Town Clerk / Deputy



William Karspeck, Mayor

