

**BOARD OF TRUSTEES  
REGULAR MEETING  
JULY 25, 2017  
BOARD ROOM, 6:30 P.M.**

**1. CALL TO ORDER**

Mayor Mulvihill called the regular July 25, 2017 Board of Trustees meeting to order at 6:33 p.m. in the Board Room

**2. ROLL CALL**

Kathy Webb, Administrative Assistant to the Town Clerk, called the roll. Those present were: Mayor Mulvihill, Mayor Pro Tem Buckridge, Trustee Hindman, Trustee Baker. Trustee Dunkelberger, Trustee Karspeck and Trustee Laak. were absent.

**3. PLEDGE OF ALLEGIANCE**

Mayor Mulvihill led the Pledge of Allegiance.

**4. MOTION TO APPROVE AGENDA**

No action taken.

**5. CITIZEN PARTICIPATION**

John Guthrie, 2142 Jones Place, Berthoud, Paradise Valley Homeowner's Association, (970) 344-7275:

Would like to see as much cooperation as possible between the Town and the County to include unincorporated parts of Berthoud, so issues like development concerns, and ordinances are addressed. As the area grows, he does not want to see an adversarial relationship develop between Larimer County and the Town of Berthoud where citizens who reside outside of city limits are concerned.

Trustee Hindman suggested that Mr. Guthrie reach out to Commissioner Tom Donnelly.

**6. CONSENT AGENDA**

No items.

**7. HISTORIC PRESERVATION COMMITTEE APPOINTMENT**

Community Development Director Curt Freese presented on this item.

Mayor Pro Tem Buckridge moved to appoint Ms. Amber McIver-Traywick to the Historic Preservation Advisory Committee to finish the remainder of a three-year term set to expire on September 1, 2019, seconded by Trustee Baker. Motion passes 4:0 with Trustees Laak, Dunkelberger and Karspeck absent.

The Board thanked Ms. McIver-Traywick for her enthusiasm and willingness to participate.

## **8. EXTRACTION RESOLUTION**

Community Development Director Freese presented on this item.

Trustee Hindman commented that he believed the bales were already in place. Some discussion was held among the Board and it was decided that the resolution needed to include "slight mitigation at the access point" as well as "a permanent water source for ongoing irrigation".

Trustee Hindman moved to approve Resolution 7-17, approving the conditional use permit application submitted by Extraction Oil & Gas, LLC for ten (10) new directional oil and gas wells with the following conditions:

- a. Sound mitigation at the entrance, access point.
- b. The landscape plan as submitted is implemented and properly maintained, and will provide a copy of any agreement with the surface owner verifying applicant's right to perpetually use a lawful source of non-potable water to service the landscape plan.

Seconded by Mayor Pro Tem Buckridge. Motion passes 4:0. Trustees Laak, Dunkelberger and Karspeck absent.

## **9. UTILITY RATES, FEES, AND CHARGES**

Senior Accountant Leach introduced Andrew Rheems with Raftelis Financial Consultants who presented on this item.

The presentation focused on capital recovery fees and debt recovery. This firm is a registered Municipal Advisor. Plant Investment Fees (PIFs) have an impact on what needs to be accessed to recover capital costs. Fees may have different names for plant investment fees (AKA system development charges) and are different than the one time tap fees when connecting to services.

The Town currently has a water system fee but no storm water system fees. Calculations are done by taking either a backward looking, forward looking or hybrid approach. They recommend increasing the current fees up to 15.1 %.

Discussion was held about capacity and the size of pipe, as well as impact fees being based on average household size. Trustee Hindman pointed out that there are no smaller water taps than 5/8 inch. Administrator Hart clarified the difference between potable and non-potable systems, and stated that decision is left up to the developer.

Trustee Hindman asked about multi-family units to which Engineer Brothers answered that savings to multi-family units is divided by the number of units due to the cost of the meters. Therefore, Mayor Mulvihill would like to create incentives for developers to create affordable housing options or multi-family units, for example a cost reduction for dwellings less than 1,000 square feet.

Trustee Hindman stated that he has seen rates based on meter and pipe size determined by needs of dwellings, i.e. a small, medium, large rate.

Mr. Rheems continued, his firm recommends implementing a PIF of \$0.84 per impervious square inch for storm water fee. He also commented that it is easier to set a standard fee. Based on the typical lot size of

homes in the area, according to Mr. Rheems, this would work out to be approximately \$1500.00 per lot. Further discussion was held.

Mr. Rheems concluded by reporting on CIP (Capital improvement Plan), rate studies, examining existing PIF over a multi-year period, firm recommendations, enterprise fund, and reserve targets. Much discussion was held among the Board.

John Guthrie, who spoke earlier this evening, again addressed the Board:

He raised concerns about water sources of both potable and non-potable if the population doubles in the near future. Administrator Hart directed Engineer Brothers to send Mr. Guthrie a copy of the Town Water Master Plan. Trustee Hindman explains that front range doubles every twenty years throughout history.

Mayor Pro Tem Buckridge directed questions to staff; wondered administratively if it was worth taking a look at each imperious square footage rate or if it was better to administer a set standard fee. He suggested lots with a larger square footprint pay more. Mr. Rheems responded that different communities have different systems in place and suggested the Town consider, although the determining rates are based on various footprint size, the cost of implementing and enforcing may outweigh the benefits to having a standard fee. Mayor Pro Tem Buckridge stated that he believes the administrative overhead isn't worth it and favors a standard fee for a community our size and with limited staff.

Debate was held regarding impervious surfaces. Trustee Hindman suggested implementing a small, medium, and large fee scale determined by the amount of imperious landscape features per lot to encourage residents to adopt less hardscaping.

Trustee Hindman sought clarification on the six dollars versus nine dollars fee water examples presented when discussing storm water fees. Mr. Rheems responded that the difference was projected if the Board decided to implement a PIF, and the subsequent increase to cash reserves. Debate was held.

Mayor Mulvihill stated that it felt good to know that we are operating on a cash system, although not thrilled about the proposed rate increase.

Trustee Hindman inquired how to start a new PIF fee, he prefers to direct staff look at options for size range basis or sliding scale, easier on staff using various calculations.

Trustee Hindman continued that he would also like to see permit fees would be accessed when you apply given that the applicant breaks ground within forty-five days, to discourage people from buying permits in bulk and having lots sit dormant. The Board agreed and directed staff to present options to the Board at a later date, exploring fees based on building footprint size or a sliding scale and the possibility of setting time limits on permits.

Administrator Hart and Attorney Bell weighed-in, the result being that the Board would see this item before them again as a fee resolution, probably by the end of September as the Budget Process continues to roll-out, then base the budget on what the Board approves.

A break was taken at 8:37 p.m.  
The meeting resumed at 8:45 p.m.

#### 10. PORT IMPACT FEES

Community Development Director Freese presented and spoke about the requirements of the Town Master Plan including Impact Fees; analysis looked at all parks and amenities and surrounding communities. Right now, the Town charges \$21.78 per household regardless of size for the Park and Recreation Fee as well as an additional \$800 park land dedication fee to developers per site. However, when GreenPlay did their analysis they recommended increasing the park dedication fee to one thousand five hundred dollars and an additional five hundred dollar trail/ open space fee for buying and building. Director Freese also pointed out that with each new development we are requiring some trail system, which the developer implements, but the Town is expected to maintain. Director Freese continued, the Board Packet included an analysis of surrounding communities with the inclusion of a twenty to fifteen percent reduction fee for multi-family dwellings.

Mayor Mulvihill spoke from his experience; when a developer comes in and proposes an expansion, the developer is responsible for providing a neighborhood park with minimal facilities, as defined by the Community Development Department and Town Code. The Mayor emphasized standard criteria needed as the developer is building dedicated parks throughout various parts of Town. Debate was held.

Monica Signer, 201 Hubbell Street, Berthoud, CO, addressed the board:

Ms. Signer is a member of the PORT Committee. She stated that she was unaware that the PORT Committee had been tasked with putting together a Capital Improvement Plan. So far, the Committee has compiled their top five items that they believe the Board should consider; suggested that additional guidance may be required and trusted that Director Freese and Trustee Hindman would be able to steer the Committee in the proper direction. She was also surprised to learn that there was money in the budget for professional resources. She stated that there are only a few meetings left in the year before the Committee will be presenting their ideas before the Town Board, for budget considerations, in the coming year.

Town Administrator Hart commented that the reason monies were put aside was because the Town does not employ a Park Planner and assumed the Committee would need money for Berthoud Reservoir, and offered to provide a resource at the next meeting. Ms. Signer said that she would request for the next agenda that a resource be discussed.

Further discussion was held including tasking the PORT Committee with developing a Master Plan on Waggener Farm Park. Administrator Hart also stated that The Birdsal Group is interested in helping the PORT Committee and resources might depend on what the PORT Committee deems as their top priorities.

**Trustee Hindman moved to use the proposed PORT Impact Fees as these are starter fees; directing staff to look at the cost of a study and seek advice from a consultant to assess future needs during the budget process, seconded by Mayor Pro Tem Buckridge. Motion carried 4:0 with Trustees Laak, Dunkelberger and Karspeck absent.**

#### 11. REPORTS

Administrator Hart sought clarification of what happened if we took a chance and placed traffic signage. Staff has been in contact with CDOT and it is their belief that if we place the signs without CDOTs consent, CDOT will just take the signage out. The Board directed staff to seek permission from CDOT on placing signage from

CDOT. Administrator Hart also addressed that weather may play a factor in Tuesday night's scheduled West Nile Virus spraying efforts.

Trustee Baker had no report.

Trustee Hindman spoke about the agenda for the Open Lands Advisory Board recommendations on water sharing agreement. There seems to be a misunderstanding that the county is using open space money to dry up a farm, which is not the case.

Mayor Pro Tem Buckridge announced that he is going away for the next couple of weeks but will have access to his phone and emails.

Mayor Mulvihill also had no report, but would like to discuss the old Town Development Code and have it scheduled for the Study Session in September.

Attorney Bell announced that the search firm is ready to present their top eleven candidates to the Board and will make packets available for review. Attorney Bell urged the Board to keep these findings confidential and discussed the review process. He also discussed the taxation of hemp versus marijuana and will alert the Larimer County Clerk that the Board may have a ballot issue for the November election. Hemp is not included in marijuana taxation. After some discussion, it was decided that the Board would have to adopt a resolution in the next few weeks, allowing for fees to be placed on recreational marijuana, if the Town ever adopts such a policy.

## 12. AGENDA REVIEW

## 13. ADJOURN

There being no further business to come before the Board at this time, the meeting was adjourned at 9:09 p.m.

Approved this 8<sup>th</sup> day of August, 2017.

APPROVED BY:

ATTEST:

  
Mayor Steve Mulvihill

  
Kathy Webb, Administrative Assistant

