

**Town of Berthoud**

**Regular Meeting**

**February 28, 2017**

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**Board of Trustees**

**Regular Meeting**

**February 28, 2017**

**1. CALL TO ORDER**

Mayor Mulvihill called the regular February 28, 2017 Board of Trustees meeting to order at 6:30 p.m. in the Board Room.

**2. ROLL CALL**

Town Clerk Alisa Darrow called the roll, those present were: Mayor Mulvihill, Mayor Pro Tem Buckridge, Trustee Baker, Trustee Dunkelberger, Trustee Hindman, Trustee Karspeck, and Trustee Laak.

**3. PLEDGE OF ALLEGIANCE**

Mayor Mulvihill led the Pledge of Allegiance.

**4. CITIZEN PARTICIPATION**

- a. Dave Chesser – Spoke about noise issues coming from Berthoud Brewing on 8<sup>th</sup> Street. He had emailed the Board with concerns and was looking to the Board to provide some kind of relief.
- b. David Pope – Spoke as a resident living near Berthoud Brewing and asked the Board to do something about the unreasonable amount of noise coming from the bar. He stated that the only time the bar was a problem was when there was live music.

Trustee Laak acknowledged the request as one he had heard before and noted that he too could hear the noise at his home. He commented that the Board would be looking at the noise ordinance and considering adjustments that might provide relief to nearby residents.

Trustee Hindman asked Administrator Hart when the Board would be discussing the noise ordinance.

Mayor Mulvihill suggested the Board consider scheduling under reports at the end of the meeting.

- c. Milan Karspeck – Spoke about how nice the new building was and he was concerned that the open house was being held during the day on a weekday when most people were working. He also commented on the use of utility funds for the purchase of the new Town Hall, he asked if the Board had requested those funds be repaid to the utilities.

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**5. CONSENT AGENDA**

The Consent Agenda consisted of the minutes from February 14, 2017 and February 21, 2017.

**Trustee Laak moved, seconded by Trustee Dunkelberger, to approve the Consent Agenda. The motion carried 7:0.**

**6. LARIMER COUNTY COMMUNITY REPORT**

Commissioner Donnelly was introduced and presented on this item, he gave the Board an overview of the highlights in the Community Report.

Mayor Mulvihill thanked Commissioner Donnelly for holding monthly meetings in Berthoud to meet with residents.

Trustee Hindman also thanked Commissioner Donnelly and thanked him for bringing a sense of humor to public meetings and for his work with Colorado Open Lands.

**7. HABITAT FOR HUMANITY FEE WAIVER**

Community Development Director Curt Freese presented on this item.

Jan Dowker, with Habitat for Humanity, spoke about the history of the organization with the Town and thanked the Board for considering their request. She explained how the waiver allowed Habitat for Humanity to keep the homes affordable for the families who would eventually live in the houses.

Trustee Karspeck asked if Habitat for Humanity considered solar power to assist with keeping the energy usage affordable for the homeowners.

Ms. Dowker noted that energy efficient appliances and systems were installed in the homes, but solar was not part of their program to date.

Mike Cook, a member of the Board of Directors, spoke about the increased cost of about \$20,000 to build the homes if they were to install solar panels on the homes. He also pointed out that the homes received electric from Poudre Valley REA, which also limited their ability to provide solar and reduce utility bills.

Trustee Hindman asked if there would be a deed restriction on the homes to keep them affordable if the family sold the home.

Mr. Cook explained that the homeowners hold two mortgages on the home, the first one is for the price they pay for the home, the second mortgage is the difference between the first and the full value of the home. The second mortgage is forgiven by Habitat for Humanity over time, but if the homeowner were to move, that second mortgage would come due if Habitat did not

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purchase the home back from the owner. He pointed out that only one home in Berthoud was sold, in that case Habitat for Humanity did purchase the home back and bring in another deserving family.

Trustee Laak pointed out that President Jimmy Carter was a supporter of Habitat for Humanity.

Trustee Baker praised the work of Habitat for Humanity and their work in the community around affordable housing. She was impressed with the partnership with the schools to give students hands on learning around math in the real world.

Mayor Pro Tem Buckridge also expressed support for Habitat for Humanity and stated he would be supporting the request. He recalled having approved such waivers in the past and he was proud to be a part of making this happen.

Mayor Mulvihill also complimented Habitat for Humanity on their work with the community and with the youth who volunteered during the builds. He asked why this topic was being brought to the Board when there is no requirement in the ordinance to do so.

Mr. Freese pointed out that the ordinance provides for an application to the Board of Trustees to receive a waiver of fees.

Trustee Hindman moved, seconded by Trustee Dunkelberger, to waive the building and impact fees for the Berthoud Habitat for Humanity homes, located at 1740 and 1744 N. 4<sup>th</sup> Street, with the exception of tap fees related to water and wastewater utility systems. The motion carried 7:0.

**8. TREE ADVISORY COMMITTEE REPORT**

Parks and Recreation Director Jeremy Olinger introduced Committee Chair John Goreski who presented on this item and provided highlights from the Tree Advisory Committee report.

There was discussion about diversity of species in Berthoud and considering changes to the Development Code related to those requirements.

**9. EMERALD ASH BORER RESPONSE PLAN**

Parks and Recreation Director Jeremy Olinger and Town Forester Josh Embrey presented on this item.

There was discussion regarding the 2017 budget, it was made clear that budgeted funds were only available to treat trees owned by the Town and on Town property. The EAB Response Plan proposal was intended to provide a cost share program to ease the burden on homeowners and additional funding would be necessary for implementation.

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Mayor Mulvihill expressed concern regarding the large budget amount being requested and he felt the Board needed more information on what the Town would get for the money being put out before making a decision.

Trustee Laak pointed out that the return on investment is maintaining the canopy and urban forest.

Mayor Mulvihill clarified that he did not understand how many shadow plantings were involved in the proposal compared to those being treated. He wanted to have a better understanding of the long-term expenditures to maintain the program and whether there was a finite end to it or not. He was concerned about what other programs and services might suffer by funding a cost sharing program for trees that are currently the sole responsibility of the homeowner.

Trustee Hindman pointed out that the program could be funded at \$20,000 and spread it out over the next three years to lessen the budgetary impact.

Mayor Mulvihill clarified that this request was above the funds budgeted for Town owned trees.

Trustee Hindman expressed a desire to begin the program in 2017 rather than wait until the 2018 budget process.

It was clarified that the treatment period was in April and May, starting the program in 2017 would be difficult in a short timeframe.

Trustee Karspeck wondered if treatment was the right plan to manage EAB or if a five-year plan to completely replace the ash trees in Berthoud might be a better idea. He wanted to look at a healthy monitoring plan rather than jumping into an expensive management plan that may or may not be feasible long-term. He wondered why the Town wasn't waiting until there was definitive evidence that EAB had made it to Berthoud.

Mr. Embrey noted that the City of Boulder was trapping for five years before the insect was detected, by that time it was a widespread issue for the City. He had spoken with professionals in the field and there were mixed responses on whether to be proactive or reactive in relation to EAB.

Mr. Embrey commented that treatment was one part of the solution, continuing to plant a diversity of species and getting away from ash trees would have the best long-term benefits for the canopy as a whole.

Mayor Mulvihill suggested staff come back to the Board if the 2017 budgeted funds were not sufficient to begin implementation of the EAB Response Plan.

**Trustee Hindman moved, seconded by Trustee Karspeck, to approve the Emerald Ash Borer Management and Response Plan with the amendment from the Tree Advisory Committee**

regarding right-of-way trees and direction to staff to return to the Board if there is a need for additional funding. The motion carried 7:0.

**10. DISCUSSION OF COMMISSION AND COMMITTEE RESOLUTION NO. 4-11**

Administrator Hart and Attorney Bell led the discussion on this item, they also passed out Ordinance No. 1145 addressing the composition of the Planning Commission passed in 2012.

Trustee Karspeck expressed concern about a section of the resolution prohibiting members from contacting outside agencies.

The Board directed staff to remove the language prohibiting contact, but keeping in place the wording regarding not being able to negotiate on behalf of the Town.

Trustee Hindman suggested removing the Utility Advisory Board from the Resolution when it is brought back to the Board.

Attorney Bell suggested each committee be created by its own Resolution rather than continuing with the current generic Resolution.

Trustee Hindman expressed support for individual Resolutions.

There was agreement to bring back a future agenda item repealing the current Resolution and implementing individual ones for each committee going forward.

The Board focused on the creation of the PORT Implementation Committee.

Mayor Pro Tem Buckridge commented that he liked the composition of current committees and how out of town members were able to be included based on specific criteria.

Mayor Mulvihill stated that he would prefer if out of town members were not able to vote.

Trustee Karspeck did not agree with denying out of town members a vote.

Trustee Baker recalled how the committee on the Comprehensive Master Plan did not allow voting for those living out of town, but provided for their input to be heard. She wondered if changing the composition should be 5 members in-town and 2 out of town rather than the 4:3 ratios in the current Resolution.

There was majority agreement and direction to staff changing the composition to 5 in-town members and a maximum of 2 out of town members with two year terms. There would be seven members and a non-voting Board liaison assigned.

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**Trustee Hindman moved, seconded by Trustee Baker, to direct staff to draft a Resolution creating the PORT Advisory Committee and bring it back to the Board for consideration. The motion carried 7:0.**

**11. REPORTS**

Administrator Hart handed out a written management report and the Board Agenda Calendar.

Trustee Laak attended the Tree Advisory Committee meeting and one member had attended the Eastern Colorado Tree Conference in Grand Junction.

Attorney Bell reminded the Board that the appeal of the Bargain Storage matter would be coming in April. Attorney Bell explained the complexities of collecting internet sales tax, his research had shown there were not cost effective strategies to pursue those funds at this time.

Trustee Hindman expressed support for furthering sales tax collection efforts on behalf of the Town. He pointed out that local businesses were at a disadvantage by having to charge sales tax compared to online purchases.

Trustee Laak asked if the Board would address the noise complaint mentioned during Public Participation.

The Board directed staff to bring back a recommendation on updates to the Nosie Ordinance at a future study session.

Trustee Dunkelberger attended Unity in the Community last week.

Mayor Pro Tem Buckridge expressed appreciation as to how the Board handled the meeting and difficult decisions tonight.

Trustee Karspeck also attended Unity in the Community and he was impressed with the Town's table and giveaways, he enjoyed the networking opportunity.

Trustee Hindman clarified that he requested the Planning Commission packet because he doesn't go online that often and he felt that if two Trustees were receiving it, what difference would it make to send it to the Board as a whole. Trustee Hindman attended the Open Lands Advisory Committee and was excited about updates on the bison herd. He was aware of a trail connection between Loveland and Fort Collins that would make the Berthoud connection that much more important when those were completed. He was impressed with Larimer County's innovative funding of open space purchases with limited budget. He asked if the Board understood the mosquito discussion was a two-part issue with prevention and spraying being separate. He preferred to combine the two and have the whole discussion at once. He also expressed interest in moving on implementation of an open space impact fee sooner than was proposed in the staff work plan.

There was not majority support to change the approach to the mosquito prevention and spraying discussions. There was agreement for staff to expedite the open space fee if possible.

Trustee Baker attended the Planning and Zoning meeting last week and she will be attending the MPO meeting this week.

Mayor Mulvihill had no report.

**12. ADJOURN**

There being no further business to come before the Board at this time, the meeting was adjourned at 9:54 p.m.

Approved this 14<sup>th</sup> day of March, 2017.

APPROVED BY:

  
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Mayor Steve Mulvihill

ATTEST:

  
Alisa R. Darrow, Town Clerk

