

**BOARD OF TRUSTEES
REGULAR MEETING
July 12, 2016
6:30 P.M.**

Board Members Present: Mayor David Gregg
Mayor Pro-Tem Chris Buckridge
Trustee Jeff Hindman
Trustee William Karspeck
Trustee Brian Laak
Trustee Jennifer Baker
Trustee Kelly Dunkelberger

Staff Members Present: Town Administrator Mike Hart
Town Clerk Alisa Darrow
Town Attorney Greg Bell
Accounting Technician Carla Gustafson
Director of Parks and Recreation Jeremy Olinger
Police Chief Jim Anderson

Mayor Gregg led the Pledge of Allegiance.

Citizen Participation

None

Consent Agenda

The Consent Agenda consisted of the June 7, 2016 retreat meeting minutes, June 28, 2016 regular meeting minutes, May financial statement, and bills allowed.

Trustee Dunkelberger moved to approve the Consent Agenda. Trustee Baker seconded the motion. Motion passed 7:0.

Presentation – Ballot Initiative for Larimer County Mental Health Facility

Lori Stolen from Larimer County presented information on a ballot initiative to build a mental health facility in Larimer County. She stated the current services offered are not sufficient to meet the needs of the many people who have mental illnesses and or substance abuse issues. Many people who don't get the right treatment enter a cycle of repeated use of the highest cost services in our community such as emergency departments, and law enforcement or criminal justice programs, including jail. The goal is to guarantee Larimer County's capacity to meet the growing behavioral health needs of its citizens. Police Chief Jim Anderson added that the police department has

responded to many mental health related calls and believes that number could be reduced if treatment was offered beforehand. Ms. Stolen asked and the Board to endorse the initiative with a resolution when it is added to the County's ballot. The Board agreed to bring back a resolution at a future meeting once the County voted on adding the initiative to the ballot.

Town of Berthoud Water Rights

Town of Berthoud water attorney Paul Zilis from Vranach & Raisch provided a packet of information to the Board and gave a presentation explaining Colorado Water Law, Northern Colorado Water Conservancy District, history, and current status of The Town of Berthoud's Senior Water Rights, water inventory, Handy Ditch and Bureau of Reclamation Carriage Agreements. Information on the Town's Water Resource Master Plan was also provided. According to the updated Water Resource Plan an additional 2,820 taps can be served with Berthoud's current water rights with an additional 1,236 taps when the Berthoud Reservoir project is completed. Mr. Zilis reported the Town of Berthoud has an excellent water portfolio and access to two water delivery systems as well as significant water storage.

Mayor Gregg inquired about the reuse policy for the Windy Gap Project.

Mr. Zilis explained all water rights have decrees that are unique. While the Colorado Big Thompson (CBT) units are not reusable, the Windy Gap units are.

Trustee Laak asked if the cost and availability of water was attracting new development to Berthoud.

Mr. Hart replied that the stable price point is attractive to developers. The current water dedication requirements of 12,500/SFE's meets the development community needs while also generating money for the Town to expand its water rights when needed.

Trustee Laak asked if \$12,500 was the cost for water dedication for a new home in Berthoud.

Mr. Hart replied yes and in other areas of Colorado it can be much higher. That number is possible because the Town of Berthoud is in an excellent position with its water resources and at that price there is enough money to secure resources for the future. The Town continually pursues additional water resources. He indicated that more information regarding water treatment will be provided at future Board meetings.

Trustee Hindman asked how much of the Handy Ditch water is for municipal use versus agricultural use.

Mr. Zilis said the Town owns 48.05 shares of Handy and 7.5 are for municipal use. The golf course will be dedicating water to the town as it develops and one plan is to change more shares of Handy to municipal or change the use to irrigation.

Trustee Hindman asked what the time line is for pursuing that.

Mr. Zilis replied his goal is to get a case filed this year in 2016.

Mr. Hindman asked what other sources besides Handy and CBT the Town considers as new sources of water for municipal use.

Mr. Zilis said they are looking at three or four possibilities. Negotiations are in process with both Loveland and Little Thompson who have reuse water available from Windy Gap that they cannot use. Buying shares in Northern Integrated Supply Project (NISP) is a possibility in the future. Also being looked into is the possibility of pretreating Handy Ditch. A pretreatment plant would pretreat for algae before going into Berthoud Reservoir if this water were used.

Trustee Hindman asked what the cost was for an acre-foot of NISP.

Mr. Zilis replied NISP is going for \$20,000 for an acre-foot and CBT is about \$56,000 per acre foot, which is different than purchasing a unit which is 0.6 acre feet.

Mr. Hindman asked if you could buy reuse on Windy Gap even if you are up stream.

Mr. Zilis replied it would depend on if there was an exchange potential.

Mr. Hindman inquired if our resources to buy Windy Gap reuse water were limited and what the cost is.

Mr. Zilis replied there are two entities close by participating in Windy Gap that may be interested in selling some of their shares. It is about \$26,000 per unit and is reusable.

Trustee Hindman asked if we still pay the carriage agreement for Handy Ditch and whether we use it for municipal use or not, and if so, can the agreement be renegotiated.

Administrator Hart answered that it is being looked into. By the end of the year, there should be some modifications to the carriage agreement.

Trustee Hindman asked at what point is the pipeline from Carter Lake going to be too small to serve the Berthoud community.

Mr. Zilis replied it would be a long time and it could be increased by adding a pump if needed.

Trustee Hindman noted that there was \$500,000 in the budget this year for water purchases.

Administrator Hart replied \$500,000 is put in the budget every year in the event a water purchase becomes available. What has come available this year was out of the price range or the seller did not accept the offer Berthoud put on the table.

Trustee Hindman asked if it would make sense to buy more Handy and when was the last water purchase made.

Administrator Hart replied Handy is being looked into. Recent water purchases included 40 CBT and 6 Handy with the Richardson Property, 60 CBT with the Jaskowski Property, and two shares of Consolidated Home Supply.

Mayor Pro-Tem Buckridge summarized and Mr. Hart affirmed that the Town is always looking at what is available on the market.

Trustee Hindman asked if the plan for Berthoud reservoir was to have the non-holding cell portion open for recreation.

Administrator Hart replied that it would be open to non-motorized recreation and trails.

Trustee Karspeck asked if Consolidated Home Supply ran into Welch and where it went from there.

Mr. Zilis replied it ran into Lonetree and is lateral, serving property in the area.

Trustee Baker asked about conservation easements and if the Town would acquire the water rights with those.

Mr. Zilis explained the Town has not been faced with that. If irrigation is continued, the water would stay on the property.

Skate Park

At a previous meeting, the Board directed staff to obtain a bid to explore the costs of adding additional equipment at the skate park. Director of Parks and Recreation Jeremy Olinger presented a bid from American Ramp Company for \$19,172 to add taller quarter pipes to each end, which attach to current pieces and a powder coated steel riding surface.

Trustee Hindman pointed out what he thought was asked for was adding additional equipment on the north and south ends to have ramps on all four corners.

Trustee Laak mentioned talking with kids at the park who said they only use the ramps and the cement structure in the middle, not the skid.

Mr. Olinger stated he relied on the expertise of the professionals to design the additional equipment and they suggested the next step would be to add elevation to the current structures. He pointed out that he was not a skateboarder and therefore asked for the expertise of the company giving the bid, which was the same company they had previously purchased ramps from.

Trustee Hindman clarified that he offered to donate the shade structure for the skate park before the end of the year. He also mentioned it would be engineered, permitted and installed by a licensed contractor.

Trustee Hindman moved to direct staff to explore the viability of adding north and south ramps and come back with pricing. Trustee Karspeck seconded. Motion passed 7:0.

Appoint Municipal Judge

Attorney Bell explained that John Easley has served as Berthoud's municipal judge for many years. State Statute and Berthoud Code provide for reappointment every two years. Judge Easley has discussed his plans to retire at the end of this year and his willingness to assist with the transition to help smooth the way for a replacement, examining a change to Court of Record, and providing continuity on the Medical Marijuana and Liquor Licensing Board. On that basis re-appointment is recommended with acceptance of the year-end resignation date.

Trustee Laak moved to approve the reappointment of John Easley as Municipal Judge for the Town of Berthoud and acceptance of his resignation effective December 31, 2016 in order to provide time for transitioning a successor. Trustee Buckridge seconded. Motion passed 7:0.

Reports

Trustee Brian Laak reported going to the Farmer Market at Fickel Park and observed that it is a nice social seen and the library had an informative booth. He also met Town Forester Josh Embrey at the cemetery and watched the Swingle Tree Company treat trees for the Emerald Ash Borer. He remarked that he was impressed with their professionalism. Mr. Laak also mentioned the Historic Preservation Advisory Committee is looking for new members.

Trustee Dunkelberger walked through the Heritage Ridge Development and was impressed with how fast it is coming along. She also went to the mayoral speeches and was impressed with the candidates as well as the amount of people that showed up.

Trustee Karspeck apologized for missing the I-25 Project meeting due to inaccurate directions. He did make it to the NFRMPO meeting and commented that Trustee Baker did a good job.

Trustee Buckridge reported the Historic Preservation Advisory Meeting was the previous night. They are actively recruiting for several new members. Information will be posted in the paper, Town's website, social media, and channel 16. They are also working on ways to get more interest in the residential historic home listings.

Trustee Baker reported going to the MPO meeting in Severance and will be attending the Planning and Zoning meeting on Thursday.

Trustee Hindman requested staff to look into the new developments near Adams Bank to verify they meet the Dark Sky Ordinance. He would also like staff to address the weeds at various locations in Town. He pointed out that he would like more detail on the coding for Bills Allowed.

Administrator Hart advised the information will be posted on the Town's website.

Mr. Hindman also requested the sign code not be enforced for the election and the Board revisit the code at a later date.

Administrator Hart replied that during elections is when the Town receives complaints.


Police Chief Jim Anderson mentioned sending out an email to all candidates requesting them to check that their signs are properly placed behind the sidewalk. Also mentioned, was enforcement of the sign code is reactive to complaints received.

The Board discussed the issue and agreed the sign code should continue to be enforced on a reactive complaint bases.

Attorney Bell mentioned he is working on several development and land use agreements. He also attended the CML conference and received information on potential designs for street lighting that he would like to share with Trustee Hindman. Mr. Bell also is working on reviewing and cleaning up development and planning code items with Community Development Director Curt Freese.

Administrator Hart mentioned ballots for the Aug 9, 2016 election would be mailed out next week. Parks and Recreation staff have been working with the Tree Board and will be on the agenda in August to present information and a plan in regarding the EAB. Mr. Hart also mentioned that due to elections the boardroom would not be available on August 9, 2016. The Board agreed to meet on August 16 and 23rd, 2016. He also noted Brian Laak needs to be officially appointed to the Historic Preservation Committee and the Tree Board also has openings.

Mayor Gregg adjourned the meeting at 9:07 pm.


Mayor David Gregg
Carla Gustafson
Accounting Technician