

**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**FEBRUARY 9, 2016**  
**6:30 P.M.**

**Board Members Present:**

Mayor David Gregg  
Trustee Jennifer Baker  
Trustee Suzie White  
Trustee Chris Buckridge  
Trustee Paul Alaback  
Trustee Dick Shepard

**Absent:**

Mayor Pro-Tem Jan Dowker

**Staff Members Present:**

Town Administrator Mike Hart  
Town Clerk/Assistant Town Administrator Alisa Darrow  
Public Works Director Stephanie Brothers  
Senior Accountant Cindy Leach  
Parks Director Jeremy Olinger  
Business Development Manager Walt Elish  
Streets Manager Scott Klemm

Mayor Gregg called the meeting to order at 6:30 p.m. and requested that in honor of the Denver Broncos Super Bowl 50 win, all Trustees respond during roll-call with "Go Broncos."

Mayor Gregg led the Pledge of Allegiance.

**Citizen Participation**

None.

**Consent Agenda**

The consent agenda consisted of the minutes from January 26, 2016.

Trustee White moved, seconded by Trustee Shepard, to approve the consent agenda. The motion passed 6:0 with Mayor Pro-Tem Dowker absent.

**Hammond Metro District Service Agreement Continued**

Attorney Greg Bell introduced Attorney Alan Pogue who gave a brief background on service plans related to Hammond Metro District.

David O'Leary, attorney for the proponents, presented the highlights of the Hammond Metro District, the location, size and boundaries. He explained that there were surrounding properties that could potentially be included in the future. He explained how metro mill levies would pay for public improvements and allow the district to bond for larger projects. He impressed the importance of the district paying its own

way. He noted that the service plan was very similar to plans previously approved by the Berthoud Board of Trustees. Mr. O'Leary reviewed the plans for a district election that may occur in May, 2016.

Trustee Shepard asked if the first election would only include the Board of Directors.

Mr. O'Leary responded that land owners would also be included and future elections would be in May of even numbered years.

Trustee White asked if it was general practice for the service plans to be vague in nature.

Mr. O'Leary commented that they are written in a broad manner so that future development would be able to move forward at a steady pace.

Trustee White asked for clarification on the section related to imminent domain.

Mr. O'Leary stated that imminent domain is always a last resort. He explained further that it was primarily related to infrastructure and needed easements. His associate clarified that this section allowed the district to only condemn property within the district when necessary and was not related to easements turned over to the Town. He also explained how the powers of the districts were limited by state statute.

Trustee White asked if privately placed debt included the developer or if it was only related to debt taken on by the district.

Mr. O'Leary's associate responded that it was only related to the district. There was also discussion about how bankruptcy could be handled by the district if needed and how it was limited to restructuring in general by Federal Bankruptcy Code.

Trustee White asked if the same disclosures to property owners regarding the special district would be given to those purchasing property in the future.

Mr. O'Leary's associate explained that there was a chance that a purchase could take place without the knowledge of the district, but noted that all documents related to the district were public record. He also explained that the mortgage documents would include information on the district, but the purchaser was responsible for reading those before signing.

Trustee Baker asked if the service plan was a contract.

Mr. O'Leary's associate explained that the document acted more like a mini charter, similar to that of a city or town. He explained further that the Intergovernmental Agreement (IGA) would act as a contract between the Town and the district, but it was not a modification of the service plan. He noted that amendments to IGA's were much simpler than a future amendment to the service plan. He pointed out that the district would not be able to create sub-districts without Town consent.

Mayor Gregg asked the Town Attorney if the powers granted to the district and the responsibilities that came with those were appropriate given not all of those items belonged to the Town.

Attorney Bell responded that those powers were granted by state statute and were not necessarily being handed over to the district. He compared those powers to those of a Home Owners' Association and pointed out that many of those would be turned back over to the Town.

Mr. O'Leary's associate pointed out that those items were limiting the powers of the district further than state statute and not necessarily expanding those responsibilities. He explained that this was the mechanism through which the Town would require that the developer provide specific infrastructure that the Town would not choose to pay for otherwise.

Trustee White noted that there were items that required Town consent while others would not.

Mr. O'Leary's associate explained that it would lessen the number of items the developer or district would have to bring back to the Board for approval in the future and made the process more efficient.

Trustee Buckridge asked what authority the Town had to request the district adhere to the same standards related to pest control that were directed by the Board.

Mr. O'Leary explained that the district would adhere to Town standards. The district would be held to Town policies.

Administrator Hart explained that the service agreement would also allow the district to spray if they were interested in going above and beyond what the Town Board directed staff to do through policy.

Attorney Bell noted that it was a cooperative operation and attempted to eliminate duplicative work by the Town and district.

Trustee Shepard asked if the Town was still able to direct the district on sizing for water and sewer lines in the district.

Administrator Hart answered affirmatively.

Trustee White asked for an explanation of the location of a future inclusion provided in the Board packet.

Mr. O'Leary pointed out that included property in districts did not have to be contiguous and explained the location of the site.

Mayor Gregg opened the item to public comment at 7:06 p.m., there being no one present, public comment was closed.

Trustee Buckridge moved, seconded by Trustee White, to pass Resolution 1-16, approving the Service Plan for the Hammond Farm Metropolitan District Nos. 1-4 and approving an IGA between the Districts and the Town and authorizing the execution of the IGA with the Districts after their formation. The motion passed 6:0 with Mayor Pro-Tem Dowker absent.

#### **Information: Snow and Ice Removal**

Administrator Hart explained that the staff recommendation be changed and requested the Board provide direction to staff to be included in the policy and the item would be brought back for adoption at a future meeting.

Trustee Baker asked if a large hail storm would be addressed in the same manner as snow.

Administrator Hart responded that it would. He explained the staffing and equipment available for storms and the limitations of the Town. He went on to note that school routes and high traffic streets were the

highest priority which lowered the priority level of residential streets. He noted that there would always be complications in snow removal and not everyone would be happy.

Trustee Baker commented that the priority of streets made sense. She asked if the businesses in downtown were working together to bring in a contractor to complete snow removal on the sidewalks.

Administrator Hart responded that Attorney Bruce Fickel was working with the downtown businesses to come together and hire a contractor that would work with the Town to provide better snow removal on downtown sidewalks.

Streets Manager Scott Klemm explained the procedure for snow removal downtown and that after businesses started to open, the snow removal crew needed to move to the next priority.

Administrator Hart commented that the Larimer County Sheriff's Office would report areas in need of additional plowing and staff would work to address those as quickly as possible.

Mr. Klemm explained the process of sanding and when it was appropriate to use those resources so they were most effective. He also explained that contractors brought in to help did not have sanding abilities.

Trustee Alaback commented that he was under the impression that making a pass on a street could create berms at the end of driveways and there wasn't a whole lot that would prevent that from happening. He also expressed approval for downtown businesses to work together to clear sidewalks downtown. He also noted that without a full-time Code Enforcement Officer it was difficult to enforce the 24 hour rule for clearing sidewalks.

Administrator Hart explained when warnings and citations would be given for failure to clear walkways. He reviewed information from the previous meeting related to changes in the municipal code related to enforcement. He explained that there was a budget item related to equipment for the Parks and Recreation Department that would be necessary for them to complete the areas delegated to them.

Mr. Klemm noted that in general cul-de-sacs were not plowed due to limitations on relocating the snow and he pointed out that there were two that were identified for plowing because of the grading of the street in the area.

Parks and Recreation Director Jeremy Olinger was available for questions related to safe routes to school and the work his crew completed following snow storms.

Trustee Alaback expressed concern about the sidewalks around Fickel Park and asked if the new equipment would help with that.

Mr. Olinger responded that his team generally cleared that area by hand because the sidewalk was very narrow.

Mayor Gregg commented that the Snow and Ice Policy was written in a balanced manner and provided information on what the Town would not be able to do and the reasons why rather than simply stating what the Town would do.

Trustee Alaback expressed appreciation to staff for addressing frequently asked questions that came in following snow storms and suggested they be listed on the website.

Trustee White suggested that emergency services be a higher priority than the parking lots specified.

Mr. Klemm responded that many of those listed were maintained by private contractors and Town Hall and the Fire Department were the two maintained by the Town.

Trustee White asked why the Town would plow under two inches.

Mr. Klemm responded that staff was primarily sanding in those storms so the low accumulations would not pack and turn into ice. He also explained that each storm was different and would be addressed accordingly. He also addressed the safety aspect and the number of hours each driver was able to work before there could be problems. He explained that drivers holding a Commercial Driver's License were governed at the state and federal levels regarding hours of driving.

Sergeant Anderson gave his impression of snow removal during the most recent snow storm and praised staff for their work. He drove the Town in his assigned vehicle, front wheel drive, without issue. He explained how blowing snow caused problems on First Street and County Road 17. He stated that he called the Streets Department for assistance and they arrived within seven minutes and sanded one of the areas where blowing snow had created sheets of ice. He asked the Board to understand that addressing each concern called in would require taking staff off their route and lower the level of service in higher priority areas.

Trustee White complimented staff on their work and expressed appreciation.

Trustee Shepard complimented staff on the evolution of the Snow and Ice Removal Policy through the years and asked residents to remember that the 24 hour requirement for sidewalks did not begin until snow was no longer falling. He was pleased with the priority listing of streets and stated that it would clarify the priorities for residents and business owners.

Trustee Alaback agreed that Berthoud was doing a great job with snow removal, he pointed to the scope of services in the document and suggested adding a bullet point about the responsibility of home and business owners to clear walkways.

Trustee Baker thanked staff for their hard work and dedication.

Mayor Gregg pointed out that the policy would be on the website and pushed out to the public once adopted.

No action was taken on this item, direction was given to staff to update the policy and bring it back for adoption.

#### **Adopt Strategic Plan**

Administrator Hart introduced Public Information Officer Claire Thomas with Slate Communications who presented on this item and provided a brief overview of the document provided in the Board packet.

Trustee Alaback pointed to the section on growing local businesses, specifically shop local campaigns, he asked if more specific information on incentives could be included to clarify what the Town was doing to attract businesses as well.

Ms. Thomas commented that incentives would be thoroughly addressed in the Economic Development Strategic Plan that would be discussed next.

Trustee Alaback noted that he was in a community recently that had a very active Council that had a vision regarding what types of businesses they wanted and where they wanted them.

Trustees White and Buckridge complimented Ms. Thomas on the process and product.

Mayor Gregg expressed concern that the housing section seemed to target a specific demographic and he wanted to emphasize diversity.

Ms. Thomas responded that she would update that section.

Mayor Gregg pointed out that the document would be a great tool for the new Board taking office in April. He emphasized the need to push the information out on the website.

Trustee Baker complimented Ms. Thomas on the Budget Overview document.

Trustee Shepard thanked Ms. Thomas on behalf of the Planning Commission.

Trustee Shepard moved, seconded by Trustee Buckridge, to adopt the Town of Berthoud Strategic Plan as amended. The motion passed 6:0 with Mayor Pro-Tem Dowker absent.

#### **Discussion: Economic Development Plan**

Business Development Manager Walt Elish presented on this item. He reviewed statistics on Berthoud, elements of the Town that makes it attractive to businesses, work the Trustees have done to bring the Town to the forefront, the work he has completed in the last year and outlined the process he would go through to develop his strategic plan. Mr. Elish provided an overview of the objectives he would use in the strategic plan and explained how he would go more in depth with measurable outcomes.

Trustee Alaback expressed concern that the uniqueness of Berthoud was not being marketed and noted that some of the marketing seemed similar to other small communities. He commented that walkable communities with a strong downtown were thriving and attracting residents that want to live there. He made suggestions on elements that should be included in the strategic plan that would market Berthoud better. He suggested that local jobs should be a priority for those living here that out commute now.

Administrator Hart suggested that marketing the workforce to attract businesses was one way to accomplish Trustee Alaback's goal on local jobs.

Trustee Baker asked why the agriculture technology category was so low and wondered if there was more the Town could do to attract those jobs.

Mr. Elish and Administrator Hart responded that it was not for lack of effort.

Trustee Alaback pointed out the central location of Berthoud in relation to several major universities.

Mr. Elish responded that most of that was addressed through marketing.

Trustee White commented that Berthoud is a place people want to live to raise kids and she felt that was an important focus for the Town.

No action was taken on this item.

#### **Resolution: 2016 Budget Appropriation**

Senior Accountant Cindy Leach presented on this item. Administrator Hart provided clarification on requested budget items as needed.

There was discussion regarding the purchase of an ATV for the Parks and Recreation Department that would assist staff with snow removal on sidewalks and trails. This item was added to the budget appropriation.

Trustee Shepard asked for more information on the pump at Waggener Farm Park.

Public Works Director Stephanie Brothers explained that one of the switches in the electrical was damaged and caused the pump to burn out.

Trustee White asked if the new pump would be locked so no unauthorized persons could access the pump.

Ms. Brothers stated that her preference would be to have it locked.

Trustee Shepard provided background information on the location of the pump and why it was not moved further west.

Trustee Shepard moved, seconded by Trustee Alaback, to adopt Resolution 5-16 approving the updated 2016 appropriations and budget items as amended. The motion passed 6:0 with Mayor Pro-Tem Dowker absent.

#### **Resolution: 2016 Fee Schedule**

Senior Accountant Cindy Leach presented on this item.

Administrator Hart provided background on the charges from consultants related to developments and the need to change that item to "as billed by consultant." He clarified that the fee schedule was part of the municipal code and needed to be adopted as a whole.

Trustee Shepard moved, seconded by Trustee Buckridge, to adopt Resolution 6-16 adopting an updated 2016 fee schedule. The motion passed 6:0 with Mayor Pro-Tem Dowker absent.

#### **Adopt Transportation Master Plan**

Public Works Director Stephanie Brothers introduced Transportation Planner John Sayer who presented on this item and updated the Board on changes since the last presentation in 2014.

Trustee White asked if the plan for Bunyan took into account that there was a school located on the street.

Mr. Sayer responded that the plan took that into account.

Administrator Hart asked if the interchange just west of I-25 was included in the plan.

Mr. Sayer stated that was a regional item, but he could add it to the plan.

Trustee Baker asked if something was going to be done about pedestrian issues at 3<sup>rd</sup> and Mountain.

Ms. Brothers responded that was a C-DOT issue and she had met with them about looking at Mountain Avenue as a whole to address pedestrian crossings.

Trustee Alaback asked if railroad crossings would be addressed in the future based on projected growth.

Mr. Sayer pointed out on the map where the Town would have to give up a crossing in order to gain another.

Trustee Alaback noted that the information on trails was inaccurate, the previous Parks, Open Space, Recreation and Trails Plan was not adopted in 2005, but was only presented in draft form.

Trustee White wondered if there would be a traffic issue at Bunyan and 17 as developments built out and a potential recreation facility was built.

Mr. Sayer responded that those things would cause the plan to change, he also stated that he was not aware of a future recreation facility. He explained that a traffic study would have to be part of the proposed facility.

Trustee Shepard expressed concern regarding truck routes through Berthoud that would have to be addressed in the future.

Trustee Buckridge moved, seconded by Trustee Baker, to adopt the Town of Berthoud Transportation Master Plan as amended. The motion passed 6:0 with Mayor Pro-Tem Dowker absent.

#### **Ordinance: Water Easement Vacation**

Public Works Director Stephanie Brothers presented on this item. Attorney Greg Bell provided clarification on why the easement was not vacated previously.

Trustee Buckridge moved, seconded by Trustee Shepard, to adopt Ordinance 1211 vacating a Town of Berthoud Water easement. The motion passed 6:0 with Mayor Pro-Tem Dowker absent.

#### **Reports**

Attorney Greg Bell reported that he would be working on an updated development review process that would allow staff greater breadth for approval and allow the Board to focus on higher level policy decisions.

Trustee Shepard reminded the Board about the PORT Plan meeting from 4-6 p.m. on Thursday, February 11, 2016.

Trustee Buckridge gave an update on the Historic Preservation Commission and their approval of items in the Strategic Plan related to Town character. He gave an update on the Lion's Club acquiring the Depot and work they were doing to restore the building. He also asked when the new website would be up.

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Del Hunter, Information Technology, explained that eighty percent (80%) of the content had been written and he was a very part-time employee. He was planning to do staff training at the end of the month, staff would be responsible for half of the content and the contracted firm would provide the other half. He explained this was a great way for those being trained to learn the new system. He was planning to roll the website out at the end of March.

**Executive Session**

None.

**Adjourn**

Mayor Gregg adjourned the meeting at 9:33 p.m.



Mayor David Gregg

**Respectfully Submitted:**



Alisa R. Darrow, Town Clerk