

Town of Berthoud

Regular Meeting

October 27, 2015

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**BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 27, 2015
BOARD ROOM
6:30 P.M.**

Board Members Present: Mayor David Gregg
Trustee Jennifer Baker
Trustee Suzie White
Trustee Chris Buckridge
Trustee Paul Alaback

Board Members Absent: Mayor Pro-Tem Jan Dowker

Staff Members Present: Town Administrator Mike Hart
Town Attorney Greg Bell
Town Clerk Mary Cowdin
Town Clerk/Assistant Town Administrator Alisa Darrow
Senior Accountant Cindy Leach
Business Development Manager Walt Elish
Parks And Recreation Director Jeremy Olinger
Community Development Director Curt Freese
Public Works Director Stephanie Brothers
Town Water Attorney Paul Zilis
Deputy Town Clerk Tamiko Brewster
Deputy Hobson

Mayor Gregg led the Pledge of Allegiance.

Citizen Participation

Rodney Rutt, 5477 County Rd 44, Johnstown

He had questions regarding the new Wastewater Treatment Plant as his land butts up against it. He would like to know when we decided to move the plant from its original spot and whether or not there were public meetings regarding the location. He thought from his conversation with Mr. White several years ago that it should be farther north than what it is now. Administrator Hart stated that it has been in the same spot since it was acquired 10 years ago or more. He asked whom he needed to get in touch with regarding issues with this property, including an

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easement for the ditch. Attorney Bell stated that Public Works is the place to start.

Administrator Hart gave Mr. Rutt his telephone number and instructed Mr. Rutt to call him directly if he did not hear from Engineer Brothers.

Consent Agenda

Trustee White would like the minutes to reflect that the detention pond at Gateway Park was what she was referring to, she felt it was not clear in the draft minutes that the developer was being asked to look at the detention pond in Gateway Park as an example of the many uses for the pond.

Trustee Alaback would like it reflected that he specifically talked about the detention pond as a recreation site, he wanted to encourage the developer to consider this. He also stated that under reports it stated he said information on trails is huge but what he said was that connecting to the Loveland trail system would be huge.

Trustee White moved to approve the Consent Agenda consisting of the October 13, 2015 minutes with changes noted above, September 2015 Bills Allowed and September 2015 Financial Statement. Trustee Buckridge seconded the motion. The motion passed unanimously.

Trustee Buckridge moved that the Board adjourn to Executive Session for negotiations. Trustee Alaback seconded the motion. The motion passed unanimously. The meeting was adjourned to Executive Session at 6:39 p.m.

The Regular Meeting reconvened at 7:02 p.m.

Loveland/Larimer County Open Space Project

Administrator Hart introduced Brian Hayes with the City of Loveland and explained the history of the partnership with Loveland, Larimer County and GOCO for acquiring open lands in the Heron Lakes Development. There was a slide show on the Ryan Gulch area investment by Loveland, Berthoud and Larimer County. The City of Loveland would like a partnership with Berthoud, Loveland and Larimer County on this 188-acre property. He went over specifics of the deal they want to close in January 2016, including preserved acres, conservation easements and trails that would be involved. The 2014 Master Plan Map shows where the trail would be, it would connect with the Thompson trail system in Loveland. Mr. Hayes described what was contained on the map. They are looking into getting a grant to assist in the purchase of the

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property. He also had pictures of the property from various angles and explained that it has many uses.

Trustee Buckridge asked what 'fee simple purchase' meant. Mr. Hayes explained that a conservation easement or trail easements could limit development. A fee simple purchase means the owner of the property could build the trail where they want and retains full ownership.

Mr. Hayes explained there is a house on one of the parcels that would be bought as well; he was unsure of what would happen to it but stated that would be decided through the master plan. Administrator Hart said an environmental learning center was a possibility. The property sits high and due to easements, there will be little housing developed around it, so the view will remain.

Trustee Alaback wondered if more easements or property would be required to make the connection to the Loveland trail system. Mr. Hayes said that the simple answer is no, that they just need to get across County Road 14 then can connect to Loveland. They wrote into the Fancher easement a plan for the trail and they do need to cross the ditch.

Trustee White asked what 'partnering' meant, specifically if it meant funding and about the City of Loveland being the owner. Mr. Hayes explained about having too many owners and how that can create problems and complications when trying to move forward or make changes to conservation easements. It is a management decision made by all partners involved and would simplify decision-making.

Mayor Gregg asked what the number was that they were looking for as far as a percentage of the purchase price. Mr. Hayes said it would be less than 5-10%. GOCO will be asked for a higher percentage at approximately 33%. Loveland can afford to pay it in full and Larimer County may choose to participate. Administrator Hart stated that we have had funds set aside for the last three years for the trail system and these funds could be used to participate in this purchase and then would be replenished.

Trustee Alaback is on the Open Space Board for the County and said the property is incredibly important, and has the potential to be a giant return investment for Berthoud. He feels it could be a major attraction to this area and could create recreational possibilities for Berthoud. We have the land and should take advantage of it. Administrator Hart says it will be enhanced by and is in line with the regional recreational goals; it could also link to Jaskowski and Heron Lakes.

Mayor Gregg pointed out that Berthoud is already invested in that area and has three subdivisions that would be close to the property. Trustee Alaback thinks it would be a good

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selling point for developers in that area. Administrator Hart said we could have a discussion regarding the numbers. GOCO had agreed to start funding retroactively if the funding comes in later. Mr. Hayes explained that time is of the essence to get this property closed, but they would not need commitment from Berthoud until December. Administrator Hart stated that staff would put \$100,000 in the budget for a placeholder, but less could be used based on Board recommendations. He pointed out that the Budget will be presented on November 10th.

Trustee Buckridge moved that staff continue discussions with regional partners on this project. Trustee Baker seconded the motion. The motion passed unanimously.

Revisions to Development Code/Water Dedication

Administrator Hart introduced the item and said it was a report of the changes suggested in July.

Paul Zilis, Town Water Attorney, presented information regarding follow-up to what was discussed in July. He talked about the changes suggested by Deanne Fredrickson. The goal was to make sure the water dedication policy is clear to everyone. He presented the water dedication ordinance in whole and the specific pages of the code that were changed. He showed a presentation on the categories for irrigation. We have two new categories, Natural Areas and Open Waters, which do not require irrigation. Native seed areas are included and have a reduced water irrigation amount. Irrigation is required for all open space and parks except for natural areas, open waters and impervious surfaces. Native seed areas could be irrigated with an open ditch if appropriate, which is a big benefit for those with ditch shares. Mayor Gregg talked about how that could make use of junior water shares that are not allowed for municipal use. It is still subject by ordinance to approval of the source. There was a problem with the SFE for larger lots in town. The Town came up with higher SFE requirements for bigger lots and considered that not all of that will be sod and would be subject to discretion of staff. They also looked at duplexes and made changes as well. Accessory dwellings were addressed as part of a single family home.

Trustee Baker asked for clarification about natural areas that are free of disturbance. Attorney Zilis said they took that verbiage out, as there are areas that are disturbed and then put back to the previous condition. Trustee Buckridge said the definition also addresses the need to be free of weeds and in good condition.

Mayor Gregg commented on terminology on table units and pointed out that it is inconsistent in the way it reads in unit vs. building whether it is a single family, duplex or multi family. Attorney Zilis said this could be addressed in the next round of revisions; we would get it as consistent as possible and then would have revisions later in the next round.

Trustee White asked about what a natural area had to be. She wanted to know if wetlands are natural areas and must be all four of the items listed, parts a, b c and d. Attorney Zilis said their initial thought was that if the Corp of Engineers delineated an area as wetlands then that is the definition. His partner, an expert on 404 Permits and Wetlands, said that the Corp does not delineate it as wetlands, but states whether it is jurisdictional or non-jurisdictional. A consultant could determine if it is a wetland under the Corps handbook or manual. A Natural Area has to meet a, b, c, and d, would have a conservation easement, and the developer would pay the fees to determine if it is wetlands.

Administrator Hart said that when we decide to accept various sources of water, other than CBT or native water, we go through a process to determine the quality, as some sources of water have drier yields and would not be a good option. We would be able to reconsider some of those sources for a specific amount of time as native areas can go brown for a period.

Mayor Gregg stated he appreciated the short turnaround time in addressing the direction from the previous meeting. Trustee Alaback appreciated how it had been cleaned up, as there was a lot of concern with definitions in the prior version.

Trustee Buckridge moved to adopt Ordinance 1205 as presented. Trustee Alaback seconded the motion. Mayor Gregg clarified this amends the Development Code chapters 30-1, 30-2 and 30-10 to incorporate instruction from the Board. The motion passed unanimously.

Public Hearing 2016 Budget

Mayor Gregg opened the public hearing on the budget at 7:39 pm.

Administrator Hart explained that we needed to look at the fee schedule before approving the budget. The public hearing would need to be continued to November 10th.

Trustee Alaback moved to continue the Budget Hearing until November 10th. Trustee Baker seconded the motion. The motion passed unanimously.

2016 Fee Schedule

Senior Accountant Leach presented the 2016 Fee Schedule.

Mayor Gregg asked about the cost recovery analysis and what process was gone through as it is difficult to understand when you look at the numbers. Administrator Hart explained that each department did their own cost analysis as to what was spent on specific departmental tasks. Staff

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looked at the cost for people and equipment needed for a cemetery service. Community Development Director Freese determined how many hours his staff spent on the Planning Department items and whether they had to pay the inspector or others. Parks & Recreation Director Olinger spent time determining what all is involved with events held at a park, such as putting up the fencing and taking it down. Administrator Hart explained that the cost had not been looked at in years. We do keep track of these things through cost centers on the time cards to figure out how time is spent by the employees. Staff had some concerns about time spent and how much it actually cost. Actual costs are probably higher than costs reflected in the schedule. He cautioned that there are going to be people asking to waive the fees for various reasons and the Board needs to consider that possibility before approving the change in fees.

Mayor Gregg appreciated the explanation and the time spent in looking into these fees. Administrator Hart reinforced that the Town wanted to make sure that development pays its own way so taxpayers are not paying for it.

Trustee White asked about why building permit fees for fences and footings and foundations are the same. Director Freese explained that they are simple inspections, and we are trying to keep it fair and low. Fees had not been raised since the mid 90's. The charges were based on the scale of the project. We are lowest or tied for the lowest in the region as far as fees.

Trustee White also asked about cemetery fees, specifically for infants, being raised. Town Clerk Cowdin explained the fee was brought in line with the fee for cremains as it took approximately the same labor. Trustee White feels we should give parents of little ones a break and it could be made up somewhere else. She asked if it had to be made up in the cemetery funds or if it could be made up in another area. Trustee Baker wanted to know if we could tier the infant spaces. It was explained that this was related to the Opening/Closing fee and not the plot fee, which is tiered. The Board needs to make a decision and that is what staff would do. Trustee Alaback thinks it would be a good gesture to do in these cases. The Board decided to keep the fee at \$200.00.

The Board approved the fees and the resolution adopting the fee schedule will be part of the budget approval.

Appointment to the Liquor Licensing/Marijuana Authority

Town Clerk Cowdin talked about the transitioning of Town Clerks. As part of that process, the Board needed to appoint Alisa Darrow to the Liquor Licensing/Marijuana Licensing Authority. Trustee White asked about a citizen participant. It was explained that the Town had never had one.

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Trustee Buckridge moved to appoint Alisa Darrow as staff representative to Liquor Licensing/Medical Marijuana Licensing Authority. Trustee Alaback seconded the motion. The motion passed unanimously.

Reports

Administrator Hart said that Mayor Pro-Tem Dowker has been the representative on the CML policy committee for three years and he was the backup, now Trustee White is the representative. Town Clerk/Assistant Town Administrator Darrow will be the backup for Trustee White going forward. The November 10th meeting will start at 6:00 p.m. and has a lot on the agenda. There will also be a meeting again on November 17th, and the last meeting of the year will be on December 8th. Utilities have had an ongoing battle keeping staff for the Water and Wastewater Departments. We have to have an ORC for the plants and that person has to have the appropriate licensing. We have a new operator for the Water Department, but he does not have the licensing for the Wastewater Department. The Town had advertised and offered for the position(s) several times and cannot find qualified help. The Town has been paying a contractor, Ramey, to staff the Wastewater Department. Staff will be bringing to the Board a contract to hire an outside entity to run the Wastewater plant and the current employees will assist the Water Department. We will have a contract at the November 10th meeting. There will be several changes coming and the net cost will be very marginal for what we would have paid in salaries and for the contractor. Administrator Hart said the Chamber thanked the Town for support of Oktoberfest.

Town Clerk Cowdin said the new A/V equipment should be installed between the November 17th and December 8th meetings. The new website should be up and going soon as well.

Town Clerk/Assistant Town Administrator Darrow stated they would have a report regarding the hazard mitigation after the county adopted it, probably in January or February.

Attorney Bell said we have been working on trying to standardize the development agreement and we are close. They have been doing contract review with Engineer Brothers. There was a meeting with Comcast to discuss a franchise agreement with the Town. The Town regulates cable, but not high-speed broadband. There was reasonable conversation and discussion for making things available. Attorney Bell told them we would take Northglenn's agreement and cross out what does not apply to the Town. He noted the Town cannot regulate exclusivity and therefore cannot make any promises to developers along those lines. Attorney Bell mentioned that the contract for the A/V Equipment had been rewritten to incorporate the RFP and have some warranties included. He was wondering what stage it was at and staff informed him it had been signed. He said that time had been spent talking with the fire district as they want

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agreements with the Town as far as the annexations on the north end. He informed them that the Town's stance is that we are not involved with that and they would need to work it out with the Loveland District.

Trustee White said that at the policy meeting CML did not want to support fire districts charging a fee for new developments. Two thirds of the towns did not want them to support this as well. She will send the information for the December 3rd meeting as she would like the Board's thoughts and ideas for how to vote. She will send it out about a week before the meeting.

Mayor Gregg stated he attended the Regional Elected Officials quarterly meeting. There was a suggestion made that they have more regular meetings with just Loveland and Ft Collins and occasionally invite the rest. He does not think this will happen.

Trustee Baker had no report.

Trustee Buckridge had no report.

Trustee Alaback attended the open space meeting where they talked about the proposal presented at the meeting tonight. He mentioned that there would be a ceremony on Sunday to reintroduce bison to Soapstone Prairie. They have chartered six busses to take people to see the bison. There was discussion at the Tree Board meeting about the emerald ash borer that is still chewing away. Boulder has decided to stop monitoring and is just assuming that it is everywhere. They have not found them moving in our direction yet and the quarantine is still in place. Administrator Hart thinks it would be good to put in the budget for a nursery, he thought Trustee Alaback could take the suggestion back to the Tree Board. Trustee Alaback is concerned that if there is a bunch of applicants for the vacated trustee position, this could create a problem at the next meeting. The meeting would be done differently if there were a problem. He wants to make sure it is a good use of the Board and candidates time. If there are a large number of applicants, it will take more time and would be schedule for a different night. He wanted to know what the process would be and if there is standardized questions and procedures to make sure it is fair. Administrator Hart said it would be a similar process to how Mayor Pro-Tem Dowker was selected. Candidates would be sequestered until their opportunity to answer the questions.

Thursday is the Weld County Dinner; everyone will meet at 6:30 and carpool. Chris, Mike and Suzie will be going. Jen might be able to fill Jan's spot.

Trustee White wanted to talk about considering standardized developer guidelines for detention areas. Administrator Hart stated that staff hopes this would be addressed when Parks & Recreation has a master plan addressing detention ponds. Trustee Baker said it boils down to

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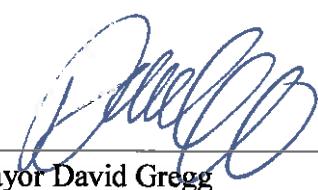
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what is usable and what is recreational. They are looking again at the storm drainage master plan aiming for a regional area and not in individual developments.

Meeting adjourned at 8:22 p.m.



Mayor David Gregg



Tamiko Brewster

Deputy Town Clerk