

**BOARD OF TRUSTEES
REGULAR MEETING
May 26, 2015
6:30 P.M.**

Board Members Present: Mayor Pro-Tem Jan Dowker
Trustee Chris Buckridge
Trustee Paul Alaback
Trustee Mike Henning
Trustee Suzie White

Absent: Mayor David Gregg
Trustee Jennifer Baker

Staff Members Present: Town Administrator Mike Hart
Town Clerk Mary Cowdin
Town Attorney Greg Bell
Administrative Clerk Melissa Colucco

Mayor Pro Tem Jan Dowker led the Pledge of Allegiance.

Citizen Participation

Whitney Way from City Star Brewing explained that the Hops and Harley event will be held at Fickel Park on July 11, 2015. Way felt that the requirements for a vendor's license were excessive for just a one day event. Way added that the requirements may impact getting vendors for future events and is asking the board to consider looking at this event as a public event to make the process easier.

Mayor Pro-Tem Dowker referred the subject to town staff and asked that staff connect with Way to discuss the subject further.

Administrator Hart stated that he would follow up.

Consent Agenda

Trustee Buckridge moved to approve the May 12, 2015 Meeting Minutes and the April 2015 Bills Allowed. Trustee White seconded the motion. The motion passed unanimously.

FLEX Service Agreement

Town Engineer Stephanie Brothers presented the board with a request to allow Town Administrator Hart to sign the Intergovernmental Agreement with the City of Fort Collins. The agreement allows FLEX transit to continue service from Fort Collins to Longmont with a stop in Berthoud for the year of 2015.

Mayor Pro-Tem Dowker added that the service is a benefit to the Town.

Trustee Henning moved to approve Staff's recommendation to allow the Town Administrator to sign the IGA with the City of Fort Collins for 2015 FLEX service. Trustee Alaback seconded the motion. The motion passed unanimously.

Berthoud Heritage District Amendments

Town Attorney Greg Bell introduced a request to approve an Amendment to the Berthoud-Heritage Metropolitan District Service Plan. Attorney Bell added that the amendment had been reviewed by Town Attorney Pogue and also introduced Attorney David O'Leary who is representing the applicant.

Attorney O'Leary gave a brief history explaining that in 2008 Spencer Fane formed The Berthoud-Heritage Metropolitan District numbers 1-9 Service Plan. At the time there were no specifics on property boundaries and now there are some overlays. Some of the modifications are in regard to separation of residential and commercial boundaries for the Westhaven and Bader properties and additional limitations to districts 4, 5 and 6.

Attorney Alan Pogue added that there were some limits to mill levies in Districts 4 and 5 residential with a 50 mills cap and District 7 commercial with a 35 mills cap. This amendment has everything in order and nothing of substance changed other than addition of new property and mill levy gaps, all other requirements have stayed the same.

Trustee Buckridge moved to approve Resolution 10-15 approving the first amendment to the consolidated service plan for Berthoud-Heritage Metropolitan District Numbers 1-9. Trustee Henning second the motion. The motion passed unanimously.

Berthoud Common Sale of Property

Trustee Buckridge recused from item discussion.

Nathan Klein from Loveland Commercial gave a brief history on the property known as Berthoud Commons. Klein explained there were five offers presented for the sale of this property. The offer being presented to the board is from Thompson R2-J School District. Klein highlights the amount of the offer is all cash of \$705, 000 which is \$5000 over the sale price.

Trustee Henning asked about a time frame and if the school district had to go through the same process of getting board approval on their end. Klein confirmed they have to present the offer to their board and that the contract allows 45 days.

Mayor Pro-Tem Dowker thanked Klein for his due diligence and is excited that the school district put in an offer. Mayor Pro-Tem Dowker also added that with Berthoud expanding this is a benefit for Berthoud Schools.

Trustees Alaback and White also agreed.

Trustee White moved to accept the offer by Thompson R2-J School District to acquire our surplus property. Trustee Alaback second the motion. The motion passed unanimously.

Public Hearing Hoime Development 1st and 2nd Serial Annexation

Community Development Director Albertson-Clark presented the Board with a request to approve the Hoime Development 1st and 2nd Annexation. Director Albertson-Clark added that this approval is only for the annexation. The Zoning and Concept Plan will be presented on the June 9, 2015 Board Meeting due to an error in notification. On April 14, 2015 the Board approved to hold a public hearing for the approval of the Annexation for this evening of May 26th.

The property is 4.98 acres and is surrounded by the open space. The property is adjacent to Berthoud Lake Ranchettes and on the north side of Larimer County Road 10E between Larimer County Road 17 and 1st Street. A petition is included in the packet. The only issue raised by residents with annexation was in regard to contiguity and the approval of the serial annexation addresses those concerns.

Staff finds that the proposed annexation has at least 1/6 contiguity with existing municipal limits. The property is located within the Town's Growth Management Area (GMA) and has a community of interest between this property and the Town; and is expected to be urbanized in the future. Also included in the packet was the April 23, 2015 meeting minutes showing consideration from the Planning Commission voting 6-0.

Mayor Pro-Tem Dowker opened the discussion for the public hearing at 7:20 pm. There being no one wishing to speak, the matter was brought back to the board.

Trustee Alaback asked why we are approving annexation now and not waiting to approve everything together with the Concept Plan and zoning.

Attorney Bell explained that part of the reason is that the Board is required to. When the application and notices go out for the annexation there is no flexibility on when to do that.

The applicant, Alex Hoime, added that the unanimous approval from the Planning Commission shows it is an acceptable use of the property.

Trustee Buckridge moved to approve Resolution 11-15 that the board finds that the proposed Hoime Development First Annexation has at least 1/6 contiguity with existing municipal limits; has a community of interest between this property and the Town; and is expected to be urbanized in the future. Trustee Henning second the motion. The motion passed unanimously.

Trustee Buckridge moved to approve Resolution 12-15 that the board finds that the proposed Hoime Development Second Annexation has at least 1/6 contiguity with existing municipal limits; has a community of interest between this property and the Town; and is expected to be urbanized in the future. Trustee Henning second the motion. The motion passed unanimously.

Trustee Buckridge moved to adopt Ordinance 1195 and 1196 appointing serial development to first and second annexation of property known as the Hoime Development. Trustee Henning second the motion. The motion passed unanimously.

I-25 Sub-Area Participation Agreements

Administrator Hart gives a brief history of the negotiations with Love's Travel Stops and Wilson Ranch. He explains that the interchange had not been developed before due to lack of sewer and water service. There was talk of adding a temporary plant similar to Serenity Ridge. The cost of doing that has risen. Love's and Wilson Ranch have discussed the possibility of doing a permanent plant instead of a temporary plant and participating in the cost. The Town had also been awarded a grant from DOLA. Administrator Hart adds that JVA Engineering is here to discuss the utility infrastructure necessary to provide both water and sewer service to that area.

Josh McGibbon from JVA presents the board with the I-25 Sub-Area Infrastructure Plan. McGibbon explains that the current water facility, which is Serenity Ridge, is a temporary source. That plant does need to be demolished and a new water facility built. McGibbon explained where piping will go for water and sewer, flow calculation, cost, and what areas are the responsibility of the Town, Wilson Ranch, and Love's.

Hart added that there has been existing problems with the serenity ridge plant and the Town has surpassed its ten year life span. What is being presented is a Participation Agreement that relates to the project.

Mayor Pro-Tem Dowker gave credit to Administrator Hart in regard to Love's, Wilson Ranch and leveraging the partnerships.

Attorney Bell adds that the agreements with Love's are good. Wilson Ranch is still working with their attorney. To save time staff is asking the Board to approve the agreement as long as there are no significant changes. This way if Wilson Ranch does not agree we can move forward with Loves.

Trustee Buckridge moved to approve the Love's Travel Stop Agreement and also approve the Wilson Ranch Agreement as long as there are no significant changes after their approval. Trustee White seconded the motion. The motion passed unanimously.

Reports

Administrator Hart reported that staff is working with the county on updating the Towns IGA. Del Hunter has received quotes back on upgrading the sound system which will be on the June 9th Board Meeting agenda. Administrator Hart addressed an email in regard to Roberts Lake. Staff met out by the lake looking at temporary and long term fixes. The issues are in regard to ground water which could be due to the excessive rain. The excessive rain has also caused some issues with sewer backup and a pump

failure in Campion. The Regional Elective Officials Meeting will be this Thursday night. The Streets Department is working on addressing the pothole issues but the rain has caused delays.

Attorney Bell reported he had an ongoing dialog in regard to oil and gas extraction and non-permitted wells. He also attended a Legislative update and will get a list of some of those updates to staff.

Trustee White reported that the Memorial Day Service at the cemetery was well attended and enjoyed the presentation. She asked if Sergeant Anderson could look into code enforcement on businesses pumping water into storm drains.

Trustee Buckridge reported that he received an email from a resident on mowing the greenbelt between 5th and 8th Street.

Administrator Hart stated that he will get back to Buckridge with an update.

Trustee Alaback reported that both he and Trustee Baker attended the Water Fluency Classes. The sessions were informative and included calculations on water needed for future growth, conservation and challenges. The Water Efficiency Tour is June 11th and 12th which is sponsored by the Colorado Water Education Foundation.

Mayor Pro-Tem Dowker reported on upcoming meetings and events; the Transportation Advisory Committee is Friday and Northern Front Range MPO on June 4th. Berthoud Day is June 6th and June 27th is the Farmers Market. Mayor Pro-Tem Dowker also wanted to thank DOLA for grant funding.

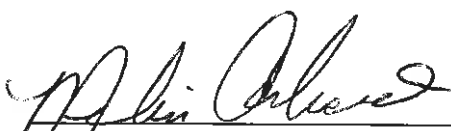
Administrator Hart added that the recent community chat was held on May 20th at 9:30 am. There was only one resident there and there were no trustees. Administrator Hart suggested relooking at the morning community chats due to low attendance.

Trustee White feels that the newsletter has been keeping the community more informed which could possibly be the reason why attendance is down. She also suggested that there should be more community information in the newsletter and the possibility of referring items such as statistics to the website.

Mayor Pro Tem Dowker adjourned the meeting at 8:30 p.m.



Mayor Pro-Tem Jan Dowker


Melissa Colucco, Clerk