

**BOARD OF TRUSTEES
REGULAR MEETING
September 23, 2014
BOARD ROOM
6:30 P.M.**

Board Members Present: Mayor David Gregg
Mayor Pro Tem Jan Dowker
Trustee Chris Buckridge
Trustee Jennifer Baker
Trustee Suzie White
Trustee Paul Alaback
Trustee Mike Henning

Staff Members Present: Town Administrator Mike Hart
Administrative/Court Clerk Melissa Colucco
Town Engineer Stephanie Brothers
Chief Jim Anderson

Mayor Gregg Led the Pledge of Allegiance.

Citizen Participation

None.

Consent Agenda

The consent agenda consisted of the minutes of September 9, 2014.

Mayor Pro Tem Dowker moved to approve the Consent Agenda. Trustee Henning seconded the motion. The motion passed unanimously.

Administrator Hart introduces Walt Elish. Mr. Elish is the new Business Development Manager. Hart explains that with his experience and contacts Walt is a perfect fit to move us forward.

Mr. Elish briefly discussed some items that he is already working on and how excited he is to be part of Berthoud.

Award Bid-Street Improvement Project 2014

Mayor Gregg introduced Stephanie Brothers to go over Award Bid for 2014 Berthoud Paving.

Stephanie Brothers presented the board with four bid proposals from contractors for the 2014 Pavement Maintenance project. This project will include a majority of work along Welch Street from 10th to 3rd as well as Bunyan Avenue from 4th Street to East side of 10th Street. Town staff is recommending the project go to Coulson Excavating due to a competitive bid of \$266,200.00, availability within time frame and better response to the needs of a smaller community and school traffic.

Trustee Buckridge moved to approve that the 2014 Pavement Project be awarded to Coulson Excavating. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.

Water Policy

Administrator Hart presents a proposal for an ordinance in regard to a Water Policy and new development.

Administrator Hart explains that Berthoud has been working with Colorado Big Thompson Project (CBT). Although an excellent resource for Berthoud, the supply is dwindling and growing demands are rising. The prices have more than tripled. Due to these issues surrounding CBT the town has researched other options to insure we remain consistent and assist with town development.

Administrator Hart introduces Paul Zilis the water attorney for the Town of Berthoud.

Paul Zilis explains how the Town and Development Team have been working hard to come up with a water policy that will protect the town but still allow quality development. Mr. Zilis also added that since December CBT has gone up another 32%. That is a cost of \$18800 to \$25000 a unit. Mr. Zilis explains that there are not enough CBT units to go around and that is why there is an increase in cost.

Mr. Zilis presents the board with a presentation comparing the current water dedication with other potential water sources. Sources compared were CBT Units, Windy Gap Units, NISP and Handy Ditch shares.

Administrator Hart adds that this ordinance is to raise the funds for cash in lieu. The price landed on is \$12,500. This amount meets in the middle of the compared sources discussed. This ordinance gives us permission to buy as needed as well as leveraging our surplus for cash needed as development grows.

Mr. Zilis discussed that the prices range from \$6,667 to \$16,667. NISP would be the least expensive. Windy Gap sits in the middle of cost and CBT is the most expensive. This is where we came to the proposed price of \$12,500.

Mr. Zilis adds that one of the biggest changes is if a developer comes in and has a project of 50 SFE or more they can pay up front at the \$12,500 pricing. If a developer is purchasing permit by permit they will be at the higher CBT price.

Mayor Gregg opens the discussion to public commentary.

Milan Karspeck 706 8th Street Berthoud: Mr. Karspeck asked what the long term vision to get some of these non-portable projects completed as well as cheaper sources of water for home supply. Mr. Karspeck also mentioned that we still have a need to get water for the golf course.

Paul Zilis responds that the idea is to get away from CBT. As far as ditch shares this ordinance keeps it very open that if someone wants home supply from a different source we can look at it.

Administrator Hart added that some of our ditch water can be used for irrigation and used for the golf course. Long term is to get enough ditch water when the time comes so we can displace some of that water for potable use.

Jeff Hindman 348 Turner Avenue Berthoud: Mr. Hindman commented that he remembers when the only policy was cash in lieu. The flaw was that inflation in prices caused a loss of buying power. Some of the questions Mr. Hindman presented were in regard to what the adjustment period on locking in the fees and how often they get adjusted. What is the status of the Handy water the town was proceeding to change the use on. What other communities have changed to all cash in lieu?

Mayor Gregg responded with giving Erie as an example of a community that used bulk purchases. They ended up coming out ahead because they were able to do the permits as they came in.

Paul Zilis agrees with Mr. Hindman at looking at \$12500 on an annual basis. The difference with this process than previous cash in lieu is that we are buying in stages of 50 SFE to keep ahead. A lot of communities are getting away from CBT.

Administrator Hart responded that we did complete the transfer in regard to the Handy water that was in progress.

John Turner 6379 Crooked Stick Drive Windsor: Mr. Turner commented on the timing on non-potable for landscaping and recommend if recording a large plat to have an associated common area per phase. The best for the builder's side is to have water dedication prior to building permit. Mr. Turner mentioned that he thinks a water bank is a terrific recommendation. Mr. Turner also suggests that the town has a landscape architect determine how much non-potable water should be used. Have the town review the landscape architect make a recommendation instead of the town trying to guess on the numbers.

Jim Birdsall 826 4th St Berthoud: Mr. Birdsall commented that because the CBT pricing is so high it is discouraging for development. I work with clients that are anxious and positive about project. Some critique on the policy was in regard to the non-potable and potable usage toward irrigation of open space and feels that the 36 inches of irrigative water per acre is excessive. Mr. Birdsall suggests allowing

case by case in regard to irrigation. Mr. Birdsall also added that he liked John Turners idea of a landscape architect and in addition he suggested an irrigation specialist as well. We will see better builders attracted to this policy since they do not need to go out and find that CBT water.

Scott Sarbaugh 1320 Pearl Street: Mr. Sarbaugh gives history of working on the Prairie Star Development and the number one issue was having water. It took a year to get the development agreement due to the hardship of the water. That obstacle can be removed with this ordinance. This will open up better known development. Agree with Mayor Gregg on pushing timing issue with the bank.

Mayor Gregg motioned to approve the Water Policy Ordinance 1183 with the following provisions;

Section 7H Shift timing for cash in lieu slightly to allow from recommendation to another source of collateral we have.

In Section 8A review the quantities as outlined in this section and demand analysis alternative to the fixed numbers for irrigation quantities.

Determine a ceiling on the lot sizes considered eligible, what happens when lot sizes fall outside of that ceiling.

Trustee Henning seconded the motion. The motion passed unanimously.

Reports

Administrator Hart reported that Northern Colorado Economic Development Corporation is still reorganizing. The Johnstown friendly disconnect meeting went well. The IGA was official as of last Thursday September 18, 2014. Hart also reported that the format for the newsletter is changing.

Mayor Pro Tem Dowker reports on upcoming meetings. The 287 Corridor Coalition meeting will be Thursday September 24, 2014. The discussion will be on using overlay maps of 287 from Longmont to Fort Collins. The Berthoud Planning and Zoning event is on Thursday evening. Next week there is a meeting for Larimer County side of North Front Range MPO in regard to I25 funding issues and possible flood funding.

Trustee Baker reported that the Community Chat is still a work in progress but was a good kick off. The recent meeting for oil and gas surveying was fairly informative. There will be a bigger meeting held on October 30, 2014. Trustee Baker also stated she will be attending the October 2 CML.

Trustee Buckridge reported that with the recent oil and gas meeting there was some frustration in getting questions answered and that there were no microphones. They did take down all the questions and are prepared to answer them on the October 30th meeting. Trustee Buckridge gave a reminder of the Hayride through historic downtown on October 18, 2014 from 1pm to 3pm and would be meeting at Fickle Park.

Trustee Alaback reported that the County Open City Sport will tour the Boulder County Agriculture program tomorrow afternoon. The tour is to learn how their programs work. The Tree Board meeting was last week and we were revising the forest management plan for Berthoud. Another discussion was around the anticipation for the new website and how to provide better information. Trustee Alaback mentioned that he also attended the oil and gas meeting and wanted to add that The Town of Berthoud may play an important role in keeping the community informed in regard to the drilling. There are certain areas that there is no required notification for the residents.

Trustee White reported that the channel that broadcast our meetings needs to be updated.

Mayor Gregg Adjourned the meeting at 8:48 pm.



Mayor David Gregg



Melissa Colucco
Administrative Court Clerk