

**BOARD OF TRUSTEES  
REGULAR MEETING  
JANUARY 14, 2014  
BOARD ROOM  
6:30 P.M.**

Board Members Present: Mayor David Gregg  
Mayor Pro Tem Jan Dowker  
Trustee Suzie White  
Trustee Dick Shepard  
Trustee Thomas Jones

Board Members Absent: Trustee John Bauer  
Trustee Paul Alaback

Staff Members Present: Town Administrator Mike Hart  
Town Clerk Mary Cowdin  
Engineer Stephanie Brothers  
Administrative Clerk Jory Haslett  
Interim Police Chief John Feyen  
Attorney Greg Bell  
Business Dev. Mgr. Ron Schneider

Mayor Gregg led the Pledge of Allegiance.

**Citizen Participation**

Maria Larson addressed the Board and inquired as to the status of the Town's police department.

Administrator Hart stated that the review of the Town's police department has been completed by the Larimer County Sherriff's Department (LCSD). The LCSD is currently providing a Sheriff and other police personnel to the Town.

Next Tuesday's meeting will be devoted to reviewing the report from the LCSD and looking at the options ahead for the Town's police department.

**Consent Agenda**

The consent agenda consisted of the December 10, 2013 minutes, the Bills Allowed for November 2013 and the Financial Statements for September, October and November 2013.

Mayor Pro Tem Dowker requested a typographical change on page 5 clarifying that her appointment was to the Colorado Counties joint "Special Highway Committee".

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

**Proclamation – Namaqua Daughters of American Revolution  
100<sup>th</sup> Anniversary**

Mayor Gregg read the proclamation celebrating the 100<sup>th</sup> anniversary of the Namaqua Daughters of the American Revolution and proclaimed the week of January 5<sup>th</sup> through January 11<sup>th</sup>, 2014 “Namaqua Chapter NSDAR Century of Service Week”.

Danette Geiger, representing the Namaqua DAR, thanked the Board.

**FLEX Program IGA**

Engineer Brothers presented the IGA for the FLEX Transit service from Fort Collins to Longmont, which includes a stop in Berthoud. The Town increased the 2014 contribution to \$10,000 from the \$5,000 contribution made in 2013. The contribution increase was due to grant funds running out for FLEX.

Mayor Pro Tem Dowker reported that larger communities are increasing their contributions by a much larger amount.

**Trustee Shepard moved to approve Staff’s recommendation to allow the Town Administrator to sign the IGA with the City of Fort Collins for 2014 Flex service. Trustee White seconded the motion. The motion passed unanimously.**

**Citizen Petition – Haworth Annexation**

Clerk Cowdin presented the citizen petition regarding the Haworth Annexation. Due to the language of the petition, whether the Board accepts or rejects the petition, it will go to an election in April.

Jeff Hindman, 348 Turner Avenue, stated that it was understood by their counsel that if the petition was accepted by the Board, that the Haworth annexation would be repealed and there would not be a need for an election.

Trustee Shepard stated that he supports sending the question to the voters. He noted that the Haworth the family requested annexation and the people of Berthoud deserved to vote on the issue.

Mayor Gregg stated that he felt that the issue deserved the full vote of the citizens of the Town of Berthoud.

Mayor Pro Tem Dowker stated that she remained in support of her vote to approve the annexation.

**Trustee Shepard moved to set the municipal election on April 1, 2014. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.**

### **Citizen Petition –Annexations**

Clerk Cowdin presented the citizen's petition regarding amending the land development ordinances and guidelines of the Town of Berthoud. The petition requires the Town to refer all future proposed annexations outside the December 2012 Growth Management Area (GMA) to the voters of the Town of Berthoud. A majority of "yes" votes would be required for annexation. The I-25 Master Plan Area designated as of December 31, 2012 and property owned by the Town of Berthoud for recreational, open space, or utility uses will be exempt from this requirement.

Jeff Hindman, 348 Turner Avenue, stated that in his opinion the record is not correct. He urges that the Town adopt the petition.

Eric Berg, 1001 Jefferson Drive, stated that the current GMA is sufficient for any future growth for Berthoud. He encouraged the Board to adopt the petition.

Ken Benkert, 2475 W CR 10, addressed the Board and explained the process for gathering the signatures for the petition. He is in support of the adoption of the petition.

Diana Pollack, 2604 West County Road 8 addressed the Board and asked that Board consider the petition signed by the Town's citizens.

Jenny Brown, 506 County Road 48, stated an overwhelming number people she asked to sign the petition were in support. She stated that it was her impression that people liked having a say in the direction that the Town moves.

Dave Samuels, 1587 Preserve Drive, urged the Board to support the petition.

Bob Kennard, 562 S. 9<sup>th</sup> Street, addressed the Board and stated his support of the petition.

Mayor Gregg stated that the checks and balances allowed by state statute that have been followed and the proper and fair thing would be to send this petition to an election.

Trustee White stated that she believes that the issue should go to all the citizens for a vote and that the citizens should know all the facts relating to the issue.

Trustee Shepard stated that he supports sending the petition to election.

Trustee Jones asked for clarification when an annexation would trigger an election. Administrator Hart explained that if the petition was adopted tonight or if it is approved by the voters in an election, any future annexations to the GMA would have to be approved the citizens. Mayor Pro Tem Dowker stated that she believed that the petition should go to an election,

**Trustee Shepard moved to set the petition for municipal election on April 1, 2014. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.**

#### **NWCWD Application**

Clerk Cowdin presented the application for the annually renewable perpetual water contract with NCWCD.

**Trustee Jones moved to approve Resolution 1-14 regarding the application for the annually renewable perpetual water contract with NCWCD and authorize the Town Administrator to execute the applications. Trustee Shepard seconded the motion. The motion passed unanimously.**

#### **Agenda Posting Location**

Clerk Cowdin presented agenda posting location for 2014. Staff recommends that the current location at the entrance to Town Hall remain the official posting location.

**Trustee Shepard moved to designate the bulletin board at the entrance to Town Hall as the official agenda posting location for 2014. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.**

#### **Appointments to Historic Preservation Committee**

Clerk Cowdin presented the applications for the positions available on the Historic Preservation Committee. Staff recommends that the Board appoint Richard Boston to a term ending on August 31, 2016 and Heidi Short to a term ending on August 31, 2015.

**Trustee Jones moved to appoint Heidi Short, term ending August 31, 2015, and Richard Boston, term ending August 31, 2016 to the Historic Preservation Advisory Committee. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.**

#### **Reports**

Administrator Hart stated that the NCEDC luncheon is coming up Wednesday, February 5. Mr. Landis of St. Aubyn Homes also invited Town Trustees to sit at their table. He stated that staff will follow up with an email with the details.

He reported that there is an open position for Water Plant Operator and soon there will be a new front office position available.

Trustee Shepard stated that the Chamber dinner was an excellent affair.

Trustee White also stated that the Chamber dinner was a nice event.

Mayor Pro Tem Dowker thanked Becky Justice-Hemmann for her service on the Chamber Board. She also reported on an upcoming CDOT Highway Safety Plan meeting that she plans to attend. Mayor Pro Tem Dowker also stated that the NFRMPO meeting went well last week and that the next meeting is in Berthoud on February 6<sup>th</sup> at Brookside Garden.

Administrator Hart reported on the Highway 287 meeting that was held last week regarding transportation and train horn noise.

Trustee Jones thanked Becky Justice-Hemmann and the Chamber for all the progress they have been making. He also gave a brief update on the Historical District.

Trustee Shepard reported that the Comprehensive Plan review committee met last night and made a lot of progress. The next meeting is on January 20 followed by another on January 27. There are also upcoming open house events regarding the Comprehensive Plan at the end of January.

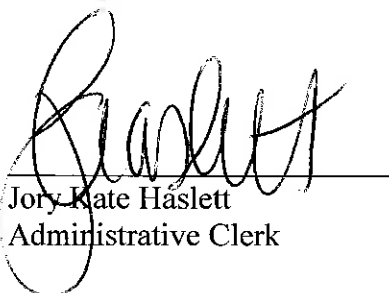
Trustee White asked when the strategic planning meeting would be held. Administrator Hart reported that it will be on February 15<sup>th</sup>.

Attorney Bell updated that there are some pending land use and development agreements.

**Trustee Shepard moved to adjourn to Executive Session for discussion of a personnel issue of an employee or multiple employees ee's consent at an open meeting and determining matters that may be subject to negotiations, strategy or instruction of negotiators, as well as to adjourn the Regular Meeting from Executive Session. Trustee White seconded the motion. The motion passed unanimously.**

Mayor Gregg adjourned the meeting to Executive Session at 7:43 PM.

There being no further business, the meeting was adjourned at 9:30 p.m.



Jory Kate Haslett  
Administrative Clerk



Mayor David Gregg