

**BOARD OF TRUSTEES
REGULAR MEETING
MARCH 25, 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
Trustee Paul Alaback

Board Members Absent: Trustee John Bauer

Staff Members Present: Town Administrator Mike Hart
Town Clerk Mary Cowdin
Town Attorney Greg Bell
Planner Tim Katers
Administrative Clerk Jory Haslett

Mayor Pro Tem Dowker led the Pledge of Allegiance.

Citizen Participation

None.

Consent Agenda

The Consent Agenda consisted of the Minutes from March 11 and March 18, 2014 and the Bills Allowed for February 2014.

Trustee Shepard asked that the March 18, 2014 minutes be edited to read “b. Approval of an amendment to the IGA with Little Thompson Water District, or otherwise agreed *to in writing with* Little Thompson Water District.” Mayor Pro Tem Dowker requested two typographical changes to the March 11, 2014 minutes.

Mayor Pro Tem Dowker moved to approve the Consent Agenda with the edits to the March 11 and March 18, 2014 minutes requested by Trustee Shepard and Mayor Pro Tem Dowker. Trustee Shepard seconded the motion. The motion passed unanimously.

Amendment to Wilson Ranch Development Agreement

Attorney Bell presented the amendment to the Wilson Ranch Development Agreement. The amendment changes the public improvements expenditure to from \$5,000,000 in a 10 year time period to \$10,000,000 in a 20 year period. It also modifies the provision to remove the billboard from 10 to 20 years.

Mayor Gregg opened the public hearing at 6:37 PM. There was no public comment. Mayor Gregg closed the public hearing at 6:38 PM.

Trustee Alaback asked if the agreement was currently in alignment with the Town's Development Code. Mayor Gregg stated that the applicant submitted a code specific to the development. Administrator Hart stated that the issue tonight will not open the existing Development Agreement to changes.

Trustee Shepard moved to approve Ordinance 1177 modifying the Wilson Ranch Annexation and Development Agreement. Trustee White seconded the motion. The motion passed unanimously.

Agreement re: Larimer County Sheriff's Office

Attorney Bell presented the Operating Agreement with Larimer County Sheriff's Office (LCSO).

Trustee White stated that the Board is making the decision tonight based upon what is in the best interests of the Town and provide the best public safety possible.

Mayor Pro Tem Dowker thanked the LCSO for their assistance to the Town during a difficult time.

Dana Foley of 877 Welch Avenue addressed the Board and requested that the Board not approve the contract until several issues can be addressed, including; creating a civil service commission, requiring Board approval for any increase in fees, an outline of the parameters of mutual aid provision, and ensuring that all appropriate and required insurance is in place. He also recommends eliminating the specified hours of coverage. He would also like more specific language regarding the School Resource Officer (SRO).

Captain Coleman stated that all mutual aid agreements are pretty open agreements that span across agencies in the area and that an officer would only leave Berthoud in the instance of a public emergency.

Captain Coleman also stated that LCSO has full liability for any officer acting as a LCSO officer, including workman's comp insurance. He explained that there will always be patrol officers from other districts in and out of the Town at all hours. He also noted that LCSO has a nationally certified SRO on staff with plans for several more.

Captain Coleman gave an update on the hiring progress for new officers.

Trustee Alaback asked if the Town decided to create a police commission that it might not need to be a part of this agreement, but he thinks the idea has a lot of merit. Trustee Shepard stated that a citizens committee could be very useful to the Town.

Trustee White pointed out that the contract allows for flexible scheduling in order to avoid a pattern of enforcement.

Mr. Foley addressed the Board and stated that a public safety commission would function similarly to a planning commission.

Trustee Shepard asked that additional costs for special events not be incurred by the Town. Administrator Hart stated that they are working on volunteer staffing for special events and some of the costs might be the responsibility of the event. Sgt. Feyen stated that they having those discussions with Reserve Officers and Explorer volunteers. Utilizing volunteers would allow the Town's officers to be on regular patrol and respond to emergencies.

Administrator Hart stated that there have been a lot of good ideas as a result of the partnership with LCSO. He also stated that the renovations to accommodate the LCSO are estimated to be around \$5,000.

Mayor Pro Tem Dowker moved to approve Resolution 2-14 authorizing and directing the Town Administrator to enter into a contract with the Board of County Commissioners of the County of Larimer and the Larimer County Sheriff for the provision of municipal law enforcement services with the condition of striking any references to set times of services. Trustee White seconded the motion. The motion passed unanimously.

Captain Magano stated the next steps would be to present the contract to the Larimer County Commissioners on the 31st with formal approval following.

Mayor Gregg directed Staff to schedule a study session to discuss the formation of a public safety commission. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.

Gateway Park Development Agreement Amendment

Planner Katers presented the Addendum to the Gateway Park Development Agreement. The change requested is that utilities be completed and fully functioning prior to the release of any Certificate of Occupancy. Their prior agreement required the utilities be completed and fully functioning prior to the release of any building permits.

Mayor Gregg noted that this Addendum relates only to "dry-utilities".

Trustee Shepard moved to approve Addendum F of the Gateway Park Development Agreement dated July 23, 2002. Trustee Jones seconded the motion. The motion passed unanimously.

Habitat for Humanity Fee Waiver Request

Planner Katers presented the waiver request from Habitat for Humanity for the latest Habitat home located at 1720 N. 4th Street. The last request for waivers was in 2012, when the Town Board waived all fees except the water tap fee of \$5,500 and a wastewater tap fee of \$6,255.

Mike Cook addressed the Board on behalf of Habitat for Humanity and gave a brief history of Habitat for Humanity in Berthoud.

Administrator Hart stated that the Town isn't allowed to waive all fees due to bond constraints. Planner Katers stated that the Town would have to replace any waived fees for water and wastewater utilities, which would create an expense for the Town.

Trustee Jones moved to approve a motion to waive all fees for the Berthoud Habitat for Humanity home at 1720 N. 4th Street except for \$11,755.00 in fees related to the water and wastewater utility systems. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.

Reports

Administrator Hart reported that he will be out of town for the next 10 days, but he will be available by telephone. He noted that April 8th will be the next meeting, where at the end of the meeting the new Trustees will be inducted and appointments made.

Administrator Hart also stated that a revised contract with the Berthoud BMX organization is being drafted by Town counsel.

Attorney Bell stated that at the next meeting he will present a resolution regarding personnel policies and an ordinance rescinding the old Municipal Code and adopting the new one.

Trustee White stated that the new SRO gave three tickets today.

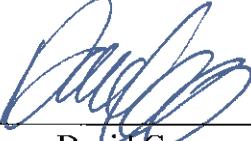
Mayor Gregg reported on the Alex Sabados Day of Kindness that was held on Sunday.

Mayor Pro Tem Dowker spoke to the state transportation committee on behalf of CML regarding transportation funding for communities under \$10,000. She also reported on upcoming transportation and NFRMPO meetings and the Alex Sabados Day of Kindness.

Trustee Alaback reported on the redevelopment of Berthoud's Farmer's Market. He also asked about the tires on First Street and the associated mosquito issue.

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Mayor Gregg adjourned the meeting at 7:58 PM.



Mayor David Gregg



Jory Kate Haslett
Administrative Clerk