

**BOARD OF TRUSTEES
SPECIAL MEETING
SEPTEMBER 24, 2013
BOARD ROOM
6:30 P.M.**

Board Members Present:

Mayor David Gregg
Mayor Pro Tem Jan Dowker
Trustee John Bauer
Trustee Suzie White
Trustee Dick Shepard
Trustee Thomas Jones
Trustee John Bauer

Board Members Absent:

Trustee Paul Alaback

Staff Members Present:

Town Administrator Mike Hart
Town Planner Tim Katers
Accountant Faith Smith
Attorney Greg Bell
Attorney Paul Zilis
Town Clerk Mary Cowdin
Economic Development Director Ron Schneider
Administrative Clerk Jory Haslett

Mayor Gregg led the Pledge of Allegiance.

Citizen Participation

None.

Consent Agenda

The consent agenda consisted of the September 10, 2013 minutes and the Bills Allowed for August 2013.

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

Flood Updates

Engineer Brothers reported on the meetings with FEMA regarding funding for damages incurred as a result of the flooding. The State of Colorado has approved funds for debris removal and

temporary road repair. However, it has been difficult to obtain rental excavating equipment, but staff was able to contract with an excavator, who is now helping with the debris removal.

FEMA teams are doing Preliminary Damage Assessments (PDA) and currently inspecting the area to determine whether further funding for repairs is necessary. A FEMA team will be in the Berthoud area tomorrow making assessments.

Right-of-Way Waiver: 540 6th Street

Planner Katers presented the Right-of-Way Waiver Request from Jim and Lynn Roper at 540 6th Street to allow the construction of a screened porch. Currently, some of the older parts of Town have 80-foot setbacks as the area was intended to support commercial uses.

As there are no plans to expand or widen Massachusetts Avenue in the future and it is currently wide enough to support future traffic, staff supports the waiver request.

Jim Roper, of 540 6th Street, addressed the Board and explained that the porch would not affect most of trees at the property and will be minimally visible from Massachusetts Avenue.

Trustee Bauer moved to approve a waiver to Section 30-3-105 of the Development Code to allow a permanent feature at 540 6th Street to be located within the setback and right-of-way of Massachusetts Avenue based upon the following criteria:

- 1. The waiver shall not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property,**
- 2. The waiver is the minimum waiver of applicable Code provision that will afford relief and is the least modification possible of the Code provisions which are in question, and**
- 3. That such practical difficulties or unnecessary hardship have not been created by the applicant.**

Trustee Shepard seconded the motion. The motion passed unanimously.

Resolution re: Disaster Declaration

Attorney Bell presented the Resolution regarding the Disaster Declaration. Although it is unclear whether it is necessary for municipalities to declare that "disaster conditions" exist in order to qualify for assistance if the counties have already passed an Emergency Declaration, CML advised that a declaration from the Town would not be a detriment any efforts to obtain funding.

Trustee Shepard moved to approve Resolution 12-13 re: Declaration of Disaster Conditions. Trustee Jones seconded the motion. The motion passed unanimously.

Mayor Gregg adjourned the meeting for a brief recess at 7:57 PM. He adjourned the meeting at 7:01 PM.

Public Hearing: Haworth Annexation, Zoning, & Comprehensive Plan Amendment

Mayor Gregg opened the Public Hearing at 7:01 PM and explained that due to the flooding two weeks ago, the Planning Commission that was scheduled to hear the Haworth application was canceled. The Planning Commission meeting has been re-noticed for Monday, October 7, 2013 at 7 PM.

The Trustees do not have the Planning and Zoning Commission's recommendations regarding the Haworth applicant and staff is requesting that the Board of Trustees Public Hearing on the Haworth application be continued until October 22, 2013.

Mayor Pro Tem Dowker moved to continue the Public Hearing on the Haworth Estates First and Second Annexations to October 22, 2013 at 7:00 PM. Trustee Bauer seconded the motion. The motion passed unanimously.

Water Resource Plan

Administrator Hart introduced the Water Resource Master Plan, which is a plan for potable and non-potable water resources. The Town contracted with Leonard Rice, and together with Paul Zilis, the Town's water attorney, they have developed a plan that outlines the Town's current resources, along with current and future uses predicted for each resource.

Jordan Dimick, with Leonard Rice, gave a brief overview of the study and reported that they found that the Town's current water supply is sufficient for today's needs, but will not be sufficient for future growth.

Administrator Hart explained that the current surplus of water rights that the Town owns contains a good mix of water sources and could also be used for future surplus needs, which could also generate income through leasing.

Mr. Dimick stated that the Town does own several non-potable systems, which reduces the need for treatable water. He also briefly reviewed the Town's service area and Growth Management Area as well as the Town's current water supply sources.

Mr. Dimick reviewed the future water supply needs of the Town and stated that future supplies may not yield as well during drought; therefore they suggest that the Town consider purchasing existing storage capacity in local reservoirs and adopt a minimum storage policy of 10% of annual water demand.

Mr. Dimick presented several conclusions from the study as well as recommendations.

Trustee Bauer asked if the Town should revisit the acceptance of Lake Loveland Ditch and Reservoir Company and research that water source specifically; it might be a good storage resource in the future. Paul Zilis, the Town Water Attorney, explained that they are trying to get more information about Lake Loveland Ditch and Reservoir Company and will pass that information on to the Board.

Mayor Pro Tem Dowker asked if costs for dredging Berthoud Reservoir were factored into the costs when evaluating new storage construction. Administrator Hart stated that it might be best usable for other uses in the future. Mr. Zilis stated that the Town has a lot of options for storage.

Mayor Gregg asked if the Town has archival water billing data. Administrator Hart stated that the Town retains two years of records. Town Clerk Cowdin stated that the software system has been changed to retain 5 years of history.

Mayor Gregg asked if there consumptive use per single family dwelling had been calculated. Mr. Dimick stated with all factors considered the average is 0.456 acre-feet per tap.

Review Portions of the 2014 Budget

Accountant Smith presented the Water Fund Budget. The Water Fund consists of Raw Water/Source of Supply, Operations and Maintenance and Capital/Restricted.

First Accountant Smith reviewed Raw Water Revenue, followed by Raw Water Expenditures.

Next, Accountant Smith reviewed Water Operations & Maintenance Revenue and Expenditures. Expenditures include salaries, administrative/operations, maintenance and repairs, professional services, supplies and capital.

Trustee Bauer asked about the grant replacing the fluoride system. Administrator Hart stated that adding fluoride to the Town's water supply is an item that can be revisited by the Board.

Lastly, Accountant Smith reviewed Water Capital Revenue and Expenditures.

Reports

Mayor Pro Tem Dowker reported on the I-25 Coalition and their request for an appointment of a liaison from the Town.

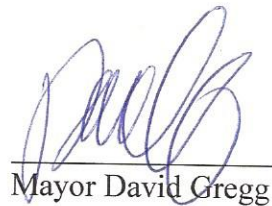
Mayor Pro Tem Dowker moved to appoint Trustee Bauer as the liaison to the I-25 Coalition and Mayor Pro Tem Dowker as alternate. Trustee Shepard seconded the motion. The motion passed unanimously.

Trustee White reported that an emergency email system, similar to the Town of Lyons, would be useful. Town Clerk Cowdin reported that something similar was requested for the website RFP.

Trustee Shepard reported that the Chamber golf tournament was moved to October 11 and Octoberfest is October 5.

Administrator Hart reported on the progress of sale of the 8 Town owned acres. There have been several parties that have expressed interest. He reported that Xcel met again with Attorney Bell and they have submitted other easement proposals, which staff is currently reviewing. He also reported that the target date for reopening the water plant is mid-October. The money appropriated for road projects at the last meeting will probably be used to re-open Town roads until there is reimbursement from FEMA.

Mayor Gregg adjourned the meeting at 9:16 PM.



Mayor David Gregg

Jory Kate Haslett
Administrative Clerk