

**BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 26, 2013
BOARD ROOM
7:00 P.M.**

Board Members Present: Mayor Pro Tem Jan Dowker
Trustee Dick Shepard
Trustee Paul Alaback
Trustee Thomas Jones
Trustee John Bauer
Trustee Suzie White

Board Members Absent: Mayor David Gregg

Staff Members Present: Town Administrator Mike Hart
Police Chief Glenn Johnson
Attorney Greg Bell
Attorney Bruce Fickel
Town Clerk Mary Cowdin
Administrative Clerk Jory Haslett
Economic Development Director Ron Schneider

The Mayor Pro Tem Dowker led the Pledge of Allegiance.

Citizen Participation

Dianne Pollack, 2604 West County Road 8, addressed the Board regarding the Town's comprehensive plan, specifically the western border of the Town. She asked why the plan was being reviewed when there was a fairly recent plan completed. Ms. Pollack asked that the Town slow down on any further "land grab issues". She cited the Red Haworth farm and the Town's agreement to annex the property, even though the annexation will cost more to the family than going through the county process. Ms. Pollack asked that the Town Board consider the options within Town limits that are already available for development.

Administrator Hart explained that per statute that the Town's Comprehensive Plan must be reviewed every five years and that the current process is only a review and not a new plan.

Executive Session

Trustee Shepard moved to adjourn to Executive Session for the purposes of land negotiations. Trustee Jones seconded the motion. The motion passed unanimously.

Mayor Pro Tem Dowker adjourned the meeting to executive session at 7:07 PM. Mayor Pro Tem Dowker called the meeting back to order at 7:22 PM.

Consent Agenda

Trustee Bauer moved to approve the Consent Agenda. Trustee Shepard seconded the motion. The motion passed unanimously.

Ordinance re: Amendment 64

Police Chief Johnson presented information regarding a proposed Town ordinance that will update the Municipal Code to comply with Amendment 64, which allows persons 21 years and older to possess one ounce or less of marijuana.

In Chapter 17, Article 10 of the existing Town Municipal Code, it is illegal to possess marijuana or paraphernalia. Attorney Bell has prepared a new Chapter 17, Article 10 to comply with state law. However, it will remain illegal to consume marijuana in public.

The new ordinance takes into consideration those persons with medical marijuana licenses as well regulations regarding the cultivation of cannabis.

Chief Johnson pointed out that any serious crimes in violation of the new code would be handled by the county and not the municipal court.

Trustee Bauer suggested the removal of the word "morals" from paragraph 17-10-110: Purpose as the Town should not be regulating morals.

Trustee Bauer moved to approve Emergency Ordinance 1153 Amending Chapter 17, Article 10 of the Town of Berthoud Code, Town of Berthoud, Larimer and Weld Counties, Colorado with the removal of "morals" from paragraph 17-10-110: Purpose. Trustee Alaback seconded the motion. The motion passed unanimously.

Ordinance re: Marijuana Policy Changes

Chief Johnson presented information regarding a proposed ordinance to prohibit marijuana cultivation, product manufacturing, testing or retail marijuana stores in the Town of Berthoud. Existing medical marijuana businesses would be exempt from this ordinance.

Chief Johnson explained that to allow these businesses to come into Town as soon as the state regulations are passed would create a lot additional attorney and staff hours to regulate and address. At a future point the Board can reconsider to allow the businesses after the state has passed regulations.

Ron Stuggart, of 1601 Oak, addressed the Board and asked if the Town decides to revisit the issue, if the Town Board would enact or would the citizens be able to vote.

Administrator Hart explained that it could possibly be an agenda item that the Board would discuss and evaluate with public input.

Trustee Shepard moved to approve Ordinance 1154, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities or Retail Marijuana Facilities Except Medical Marijuana Businesses and Facilities Properly Licensed and Operating Pursuant to All Applicable Federal and Local Regulations, Within the Town Boundaries of The Town of Berthoud, State of Colorado. Trustee White seconded the motion. The motion passed unanimously.

Ordinance re: Police Department Fees & Surcharges

Chief Johnson reviewed the proposed fee changes for services provided by the Berthoud Police Department.

Currently, fingerprinting and VIN checks are on demand during business hours, Monday through Friday, which attracts a lot of out-of-town people because of the convenience of walk-in hours.

Fingerprinting will increase to \$10 per person for the first card, \$5 for each additional card for residents. For non-residents the first card is \$15, additional cards at \$5 each.

VIN Inspections will increase to \$15 per vehicle for residents and \$20 per vehicle for non-residents.

Chief Johnson also proposed a bonding fee of \$45 per bond for misdemeanor, petty offence and municipal bonds.

Police reports, background checks and sex offender registration will remain the same.

Bill Gilmore, 520 8th Street, addressed the Board and stated that he was able to get most of his vehicles checked at dealerships or highway patrol free of charge.

Trustee Bauer clarified that the new fees suggested are to reimburse expenses incurred by the Town in providing those services.

Chief Johnson stated that most agencies have traffic surcharges that go along with traffic violations. The surcharges are used for different things, for instance, the state uses the funds for DNA testing and victim services.

Chief Johnson explained that the proposed surcharge amounts for Berthoud are equal to what the state patrol charges or the Board could do a flat surcharge for every traffic violation.

He stated that the surcharges would be used for investigative services, like LeadsOnline, which costs \$1,300 per year, and has helped to solve several crimes in Berthoud over the last few years.

Chief Johnson stated that the surcharges would also help fund the development of policy and procedures, a process the department is working on through Lexipol.

Surcharges would also be used for educational pieces, like warnings and summons as the cost to produce the forms is getting higher.

Ken Fast, 901 Scofield, asked the Board why not increase fines instead of increasing the surcharges. Attorney Bell explained that fines are suggested from the model traffic code and is used by judges, at their discretion, which means they could be reduced. However, the surcharges will always be the same amount.

Trustee Bauer moved to approve Ordinance 1155, Adopting Surcharges to be Assessed for Model Traffic Code Violations, Increasing Fees Charged for Services Provided by the Berthoud Police Department and Establishing a Bonding Fee, with changes proposed by Attorney Bell in Paragraph 1 of Section 1, changing “charged with” to “convicted of”. Trustee Jones seconded the motion. The motion passed unanimously.

Ordinance re: Bulk Water Rates

Clerk Cowdin presented a proposed ordinance to increase the bulk water rates per the Board's earlier direction. Attorney Zilis compiled bulk water rates for other communities and after Staff reviewed, it is suggested that the bulk water rate be increased to \$11.76 per thousand gallons. Clerk Cowdin explained that bulk water customers include developers, construction sites, railroads, and the oil and gas industry. Customers must use specific hydrants and meters assigned specifically to them and they are billed monthly. Because the bulk water includes CBT, the customers must sign declaration that the water can only be used within the Northern Water boundaries. The new rates would be effective for March usage.

Trustee Bauer moved to approve Ordinance 1156, Establishing the Fee for Bulk Water Sales. Trustee Jones seconded the motion. The motion passed unanimously.

Conversion of Temporary Water Permits

Attorney Bell explained that Temporary Use Permits for the sixty units of CBT from the Jaskowski property must be converted to annually renewable Perpetual Water Contracts, per regulations from Northern Water.

Trustee Shepard moved to approve Resolution 3-13, to apply for an Annually Renewable Perpetual Water Contract For the Right to Use Colorado Big-Thompson Project Water and for the Cancellation of Temporary Use Permits. Trustee Bauer seconded the motion. The motion passed unanimously.

Reports

Trustee Alaback participated in a region-wide study of ecology research at CSU. He has also been attending the meetings regarding the Waggener Farm development.

Trustee Bauer met with area citizens regarding BATS regarding what can be done with existing plans for the transit system. Suggestions that evolved from the meeting were sent to staff for review. He suggested that citizens and rural residents attend the meeting with Commissioner Donnelly to voice their request for a partnership with the county.

Trustee Bauer also attended the 287 corridor meeting and the North Front Range Transit study meeting.

He also attended CDOT's Interregional Consolidated Study Project Leadership Team meeting, where they discussed high speed rail between Pueblo and Fort Collins, DIA to Vail. However, the only area that allows high speed rail is the area between Fort Collins to North Denver and there is more support for a commuter rail.

Trustee Shepard thanked Trustee Alaback for his follow up on garden project at Waggener Park. He reported that Tracy Long will be speaking at Chamber Luncheon on Thursday.

Attorney Bell reported that his current focus is on the re-write of Town Municipal Code.

Mayor Pro Tem Dowker reported that the Chair of NFRMPO has decided to step down in order to run for public office. At that time she will become Chair of NFRMPO.

Economic Development Director Schneider reminded the Board that Unity In the Community takes place on Thursday.

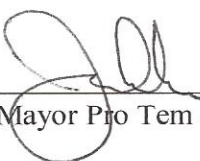
Administrative Hart reported that one of the BATS buses had an accident today, with injuries, and the bus is probably totaled.

Administrator Hart further reported that the Utility Advisory Committee and the Parks and Recreation committees have not been meeting due to the difficulty filling vacancies. He has been thinking of asking people to participate in more of an ad-hoc structure and would like to have an open session Town Hall meeting to receive input from the public.

The first meeting of the Comprehensive Plan review committee meets this week with 9 participants. The meetings are open to public and the process should take 4-5 months.

Mayor Pro Tem Dowker adjourned the meeting at 9:25 PM.



Jory Kate Haslett
Administrative Clerk

Mayor Pro Tem Jan Dowker