

Town of Berthoud  
Special Meeting  
March 5, 2013  
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**BOARD OF TRUSTEES  
SPECIAL MEETING  
MARCH 5, 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  
Mayor David Gregg

Staff Members Present:

Town Administrator Mike Hart  
Planner Tim Katers  
Attorney Bruce Fickel  
Town Clerk Mary Cowdin  
Administrative Clerk Jory Haslett  
Economic Development Director Ron Schneider

The Mayor Gregg led the Pledge of Allegiance.

**Citizen Participation**

None.

**Consent Agenda**

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

**Land Purchase**

Administrator Hart presented the contract for Purchase of Land and Water for the purchase of 86 acres on the north side of Loveland Reservoir. The purchase price of \$1,500,000 the includes the real property and as well as 44 units of Colorado-Big Thompson water and 6 shares of Handy Ditch.

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The Town will pay \$750,000 for the real property at closing and the Seller will carry the note of \$750,000 for the water over a 15 year period at 4% interest per year. The Town will be able to use the water immediately.

The funding for the land purchase will include \$280,000 that has been set aside as density transfer fees for the purpose to acquire open space. The remaining \$470,000 will be from the 1% sales tax fund reserves that have been set aside for recreational purposes. The Town is taking ownership of the property subject to the lease of the house and the farm land.

Real estate agent Arnold Turner, of 8301 Journey Lane in Longmont, introduced Pat Cunningham, the owner of the property. Ms. Cunningham is glad that the property will be owned by the Town and that a portion of the property will be reserved for open space.

Ms. Pat Cunningham addressed the Board and gave a brief history of the property.

Trustee White thanked Ms. Cunningham and state that it is a great privilege for the Town to be able to name the open space that will be developed after her grandfather.

Attorney Fickel explained that the Purchasers per the contract are the Town of Berthoud and the Town of Berthoud Water Department as an Enterprise Fund of the Town of Berthoud. The Town water bonds prohibit the raw water enterprise fund from purchasing the water.

Attorney Fickel notified the Board he has prepared an amendment to the contract that extends the dates by two weeks. Attorney Paul Zilis will be preparing the UCC and other associated transfer documents.

Administrator Hart has been communicating with the Town's bond counsel during this process and has received positive feedback in regard to the Town's ability to purchase the property without violating the terms of the existing water bonds.

**Trustee Shepard moved to approve the contract and the contract amendment of Budget Resolution 4-1, effecting a supplemental budget request for the Town of Berthoud's land acquisition. Trustee White seconded the motion. The motion passed unanimously.**

#### **Water Cash-In-Lieu Policy**

Administrator Hart presented the proposed changes to the Development Code, which will allow the Town Administrator to determine the amount of cash-in-lieu payments for water dedication.

Trustee White had questions about the timing of payments. Mayor Gregg suggested adding "at time of payment" to Item E, after "based upon the terms of sales which are available to the Town."

**Mayor Pro Tem Dowker moved to approve Ordinance 1157, adopting changes to the manner in which the cash-in-lieu cost for Colorado Big Thompson water units is calculated as found in Chapter 30-10-105 of the Berthoud Development Code, with research into adding the language suggested. Trustee Shepard seconded the motion. The motion passed unanimously.**

#### **Farm Lease Recap**

Planner Katers presented a recap on the farm lease process. The Town worked with 11 parties during the process and there were 6 bids on 4 properties, including: Waggener, Mathews Farm, Kneivel Farm East and Kneivel Farm West.

All the properties are in the process of finalizing the contracts and the combined revenue from all the bids will total \$39,908.00.

Administrator Hart also noted that the Town will receive the lease proceeds from the "Richardson" property.

#### **Reports**

Mayor Pro Tem Dowker announced that this year is the 125<sup>th</sup> birthday of Berthoud. The Historical Society has calendars commemorating the occasion.

Trustee Bauer reported that he had a great time at Unity in the Community and he appreciated the Chamber of Commerce for their participation.

Trustee Alaback reported that there will be an open house for Our Lands Our Future tomorrow night.

Mayor Gregg stated that the Pioneer Park steering committee will be meeting on Thursday.

Trustee White reported that her granddaughter went to Unity in the Community with her and really enjoyed the event.

Trustee Shepard echoed earlier comments about Unity in the Community and stated that it was a great event. He also reported that Saturday morning the first Comprehensive Plan meeting was held.

Administrator Hart reported that earth moving equipment is on the way from California to start construction on the Heron Lakes golf course. He also reported on exciting opportunities to work with a new developer, who has bought approximately 100 lots and other properties in the Berthoud area. Administrator Hart also reported that the Comprehensive Plan meeting went great and they will be meeting every other Monday for the next 2 ½ months.

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Trustee Dowker reported that there is a NFRMPO meeting on Thursday night where the new Executive Director will discuss the upcoming year and new projects. She also reported that Friday is the Region 2 Road Tour: Colorado Blueprint and the Berthoud Association of Firefighters fundraiser at the community center will be from 11 AM to 8 PM on Saturday.

Mayor Gregg adjourned the meeting at 8:00 PM.



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Mayor David Gregg



Jory Kate Haslett  
Administrative Clerk