

**BOARD OF TRUSTEES  
REGULAR MEETING  
MAY 21, 2013  
BOARD ROOM  
7:00 P.M.**

Board Members Present:

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

Staff Members Present:

Town Administrator Mike Hart  
Attorney Greg Bell  
Planner Tim Katers  
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**

The Consent Agenda consisting of the April 23, 2013 Minutes and the Financial Statements for February and March 2013.

**Trustee Bauer moved to approve the Consent Agenda. Trustee Jones seconded the motion. The motion passed unanimously with Trustee Shepard abstaining as he was absent for a portion of the April 23, 2013 meeting.**

**Award Bid – Sand Shed**

Administrator Hart presented the three lowest bids for the Berthoud Sand Shed at the old wastewater treatment facility on 1<sup>st</sup> Street. The structure is only needed to keep the sand dry and to have electricity. The recommendation of the staff was to select Rocky Mountain Storage.

Trustee White asked if all contractors who participated were able to bid on the same structure. Administrator Hart explained that the bid packets contained specifications for the building size, but the materials to be used were at the discretion of the bidder.

**Trustee Shepard moved to approve Staff's recommendation to select Rocky Mountain Storage to perform the construction work for the Berthoud 2013 Sand Shed. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.**

### **Library Appointment**

Administrator Hart explained that the Library Appointment was back on the agenda because the term of the appointment was modified last time by the Board. However, the Town was later notified by the Library that there were only full term positions open.

Attorney Bell explained that such appointments are subject to the approval of all the governmental bodies that fall within the district boundaries. In the case of the Library District, confirming nominees falls to the Town Board and the County Commissioners. He also pointed out that there are statutory requirements about how vacancies are filled and that vacant terms are filled first.

Trustee Bauer stated that it was his understanding that the current appointee would be replacing a vacancy.

Administrator Hart explained that the Library Director, Sara Wright, stated that the re-appointment for this position would have been in January and the member decided not to be appointed again at that time.

Katherine Churchill, President of the Library Board, addressed the Board and explained that the Board positions started out with staggered terms and the error was in the last appointment in April. She stated that the last appointee was filling a vacancy of a term that was to end in January.

Mayor Gregg asked if it would be possible to push the appointment until the next meeting in order to gather all the information.

Trustee Bauer stated that he was concerned that there may be other appointments that were incorrectly filled.

Attorney Bell stated that one possible solution is to amend the Library by-laws to change the statutory terms.

**Trustee Bauer moved to postpone the Library Appointment to the June 11, 2013 meeting. Trustee Shepard seconded the motion. The motion passed unanimously.**

Library Appointee Candidate Mr. Dart addressed the board and stated that he would be happy to accept whatever term is available.

### **River Glen Wastewater Proposal**

Administrator Hart presented the River Glen Subdivision Wastewater Service/Maintenance Agreement.

The agreement was approved as to form at the last meeting and now the rate structure is in place. He explained that going forward the subdivision will be treated as a new development. River Glen customers will be billed at the same rate as Berthoud customers and the Town will take care of the pipes and lift station.

Julie Stapp, representing the River Glen HOA, addressed the Board and introduced the other HOA chair members. She thanked the Board and stated that they look forward to being partners with the Town.

Trustee Shepard asked for clarification regarding the 86 sewer taps in Item 2.1 of the agreement.

Administrator Hart explained that there are 68 active taps and the subdivision is pre-paying for the remainder of buildable lots. Any new customers beyond the 86 taps will enter into an agreement with the wastewater district for a new tap, with Berthoud collecting the impact fee charge.

Trustee White asked for clarification regarding the fees.

Administrator Hart explained that the Town will meter what actually flows from the subdivision. The Town will then send one bill to the HOA and the subdivision will be responsible for dividing it among residents.

**Trustee Shepard moved to approve the Agreement to Provide Residential Sewer Service with River Glen Homeowners Association and Riverside Farm Homeowners Association and to direct Mayor Gregg to execute the agreements. Trustee Bauer seconded the motion. The motion passed unanimously.**

### **Signage/Right-of-Way**

Planner Katers reviewed signage, alleys and sidewalks issues in the community.

Administrator Hart explained that issues have come up in the past about the sidewalks on Mountain and clarified that CDOT controls the highway curb to curb and the Town controls curb to building.

Planner Katers first reviewed encroachments on public sidewalks and rights-of-way.



Encroachments on Mountain Avenue sidewalks are becoming an issue. The ADA suggests a 5-6 foot distance between obstacles and there are several places where there are difficult placements of highway and business signs, as well as sandwich boards.

Other communities have enacted an encroachment permit requirement for permanent items placed in the right-of-way in order to keep clear spaces, which is the recommendation of Staff. An encroachment permit would not apply to temporary and moveable items.

Mayor Gregg explained that during the Mountain Avenue project, the Board directed Staff and code enforcement to make Mountain Avenue enforcement a low priority; however it is timely to now discuss how to move forward.

Administrator Hart reminded the Board to keep in mind the liability the Town has with the right-of-way.

Planner Katers suggested a program for business owners to come into compliance.

Attorney Bell suggested requiring an encroachment permit, with the ultimate goal of bringing the structure and the right-of-way into compliance. He stated that the overriding issue is always public safety, but the terms of a permit will be unique to each property.

Planner Katers stated that through the permitting process the Town would get an idea of what people wanted to do on Mountain Avenue.

Attorney Bell stated that the Town can make encroachment permits unique to each property or each district. However, most of Mountain Avenue was built at a time that ADA compliance was not required.

Trustee Alaback stated that it would be helpful to have communication with landowners as to what the Mountain Avenue vision looks like.

Trustee Jones agreed with Trustee Alaback and believes that working with each business affected is important.

Trustee Bauer stated that he agrees with the encroachment permit process, but reminded that it is important to be aware of existing code and then making any necessary changes.

Mayor Pro Tem Dowker also agreed with encroachment permit process and she wants an approachable and accessible downtown.

Mayor Gregg also agreed to the encroachment permit process, but believes that the temporary or moveable encroachment should follow as they need to be out of the triangle of sight on street corners.

Trustee White suggested setting a time limit for compliance and giving priority to those that present more of a safety issue.

Trustee Shepard asked for review about encroachments that are elevated off of the surface, as well as items for sale.

It was the consensus of the Board to give Staff direction to address pressing encroachment issues and to begin a dialogue with business owners.

Planner Katers next addressed off-premises signage, which is signage for a business where the business is not located.

Trustee Shepard stated that he would like to see the ordinance enforced that requires signs taken down each day at close of business and also to make sure that any signage be out of line of sight of motorists.

Trustee White stated that she understands why advertising is needed, but some of the off-premises signage has become a safety issue, as well as a distraction.

Mayor Gregg stated that he was in favor of enforcing size restrictions and keeping signage out of the sight triangle as well as enforcing the hours of the signage removal. For instance if a sign is still out, it will be picked up and a fine issued.

Trustee Shepard suggested placing a time limit on time to pick up confiscated signs.

Trustee Bauer suggested enlisting the Chamber to help enforce signage regulations. He requested that the Town investigate the legality of sign disposal and the fairness of fines before drafting any rules.

Trustee Jones stated that it is good idea for businesses off of Mountain to advertise so they can attract customers, but that sizes and locations should be specified. He suggested investigating what other towns have done with the issue.

Trustee Alaback stated that the idea of a dawn to dusk display rule is a good idea.

Mr. Dart addressed the Board with the suggestion about regulating the quality of the sign as well as requiring contact information on the sign.

Administrator Hart stated he is not sure if the Town should allow off-street signage.

Trustee White stated that business owners on Mountain Avenue should have more rights to advertising on Mountain Avenue than those businesses off of Mountain Avenue.



Trustee Bauer stated that he is comfortable not allowing off-premises advertising on Mountain Avenue.

Planner Katers stated a sight triangle rule will address most of the current issues regarding off-premises signage.

Mayor Gregg suggested a regulation with 2 parts: one with size, height requirements and one addressing off-premises signage.

Planner Katers stated that last year sign code allows off-premises real estate subdivision signs.

Trustee Shepard stated that the state has some state requirements regarding off-premises advertising.

Planner Katers next presented issues regarding Town alleys.

Mayor Gregg stated that he is in favor of cleaning up alleys per staff suggestion and there was no objection to beginning enforcement.

Trustee Bauer recommend communicating with the community and giving liberal notice of violations.

Planner Katers presented political signage issues.

Mayor Gregg asked if it was possible to have the most restrictive laws without violating any rights.

Administrator Hart stated that front yards would be acceptable for political signage, but anything in the right of way or in the tree lawn would not be allowed. The Board agreed.

Trustee White requested notice to the community regarding the rules of political signage.

### **Reports**

Administrator Hart stated that June 15<sup>th</sup> will be Board retreat and the first medical marijuana license meeting is tomorrow night at 6 PM. The next Board meeting is June 11<sup>th</sup>.

Administrator Hart stated that there have been discussions with a rural transportation group and currently Staff is working with the group. At the last meeting it was decided that BATS would not be used as part of the name of a rural transportation service and they will get their own number and dispatcher. BATS will be dispatched and run out of Town Hall with coverage during business hours and the rural service will be completely separate. Staff is trying to get the new group aligned with a Loveland rural group that is also starting. The Saints service offered the group their software program for \$1,000. There will be a formal request to the Board to give

the group \$1,000 for the software and possibly donate one of the old BATS buses for the group to trade for a new vehicle.

Administrator Hart reported that there is a School Resources officer at the school.

He further reported that Pioneer Park is getting ready for graduation and the general contractor has been getting great feedback from community.

Attorney Bell reported that he hopes to bring back at the next meeting some medical marijuana issues addressing local discretion of violations and club regulations. Chief Johnson has also asked for an ordinance to allow for discharge of weapons into an approved bullet trap.

Trustee Shepard reported that the Comprehensive Plan meetings are making progress and they hope to be done the first week of July. He also reported that the Cub Scout Pinewood Derby took place on Mother's Day.

Trustee White reported that she attended the STEM event at the third grade classrooms where Planner Katers gave a presentation of Waggoner Park and the kids chose what they wanted to do with the land.

Mayor Pro Tem Dowker reported that CDOT and Impact 64 will give a presentation soon to the NFRMPO regarding financing for transportation issues.

Trustee Bauer reported that Joan Shaffer, founder of the FRONT grassroots group that grew out of the North I-25 impact study, invited him to a meeting that he will be attending on the 12<sup>th</sup> and 13<sup>th</sup>. There is also an Interregional Connectivity Meeting June 5<sup>th</sup> the Windsor Recreation Center addressing high speed rail. Trustee Bauer reported that he attended the Berthoud Arbor Day celebration.

Trustee Alaback reported that he is helping to organize the Berthoud History Day on June 15<sup>th</sup> and a local artist was commissioned to do a painting and art exposition at the Fickel House. He also attended the Waggoner Park meeting.

Mayor Gregg reported that he helped judge the dog show at Fickel Park.

Mayor Gregg adjourned the meeting at 9:24 PM.

  
\_\_\_\_\_  
Mayor David Gregg  
\_\_\_\_\_  
Jory Kate Haslett  
Administrative Clerk