

**BOARD OF TRUSTEES  
REGULAR MEETING  
JULY 23, 2013  
BOARD ROOM  
7:00 P.M.**

Board Members Present:

Mayor Pro Tem Jan Dowker  
Trustee Thomas Jones arrived at 7:07 PM  
Trustee John Bauer arrived at 7:05PM  
Trustee Suzie White  
Mayor David Gregg  
Trustee Dick Shepard  
Trustee Paul Alaback

Board Members Absent:

Mayor David Gregg

Staff Members Present:

Town Administrator Mike Hart  
Attorney Greg Bell  
Planner Tim Katers  
Engineer Stephanie Brothers  
Town Clerk Mary Cowdin  
Administrative Clerk Jory Haslett  
Business Development Manager Ron Schneider

Mayor Pro Tem Dowker led the Pledge of Allegiance.

**Citizen Participation**

Allen Crider, of 915 Kansas Avenue, addressed the Board regarding an issue with Hillsdale Park, which is located directly behind his home. There is a flood easement between park and property that not being taken care of properly. To date, there are many plants which have grown in the flood channel and Mr. Crider has asked the parks department to address the issue. He believes that the plants need to be removed and also that the cement channel, that is now buried by soil, could be an issue if there is a heavy rain. He would like the plant material to be cleaned up and the easement restored to a flood channel.

Mayor Pro Tem Dowker asked Town Staff will follow up on the flood easement issue at Hillsdale Park.

Becky Justice-Hemmann, Berthoud Area Chamber of Commerce President, of 440 Mountain Ave, introduced the new Chamber of Commerce Director Deanne Mulvihill.

### **Consent Agenda**

The Consent Agenda consisted of the July 9, 2013 Minutes, the June 2013 Bills Allowed and the May 2013 Financial Statement.

Trustee White asked a question regarding payments to Katers & Associates in June. Clerk Cowdin stated that the payment in May was the final payment to Katers & Associates before Planner Katers became a full-time employee of the Town.

Trustee White also questioned two payments made to Ron Schnieder in June. Clerk Cowdin stated that one of the payments in June was for services performed in May.

Trustee White also asked about costs related to elevator inspections. Administrator Hart explained that the Town contracts for the inspections and the businesses with elevators then reimburse the Town.

Trustee White asked about payments made to the Larimer County Clerk and Recorder. Clerk Cowdin stated that the costs were related to Planning Department.

Trustee White asked about payments listed as sewer incidents. Clerk Cowdin explained that, if the incident is a Town issue, the Town pays for small sewer incidents so affected residents do not have to file insurance claims.

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

### **Supplemental Budget Resolution**

Engineer Brothers presented a Supplemental Budget Request from the Water Department for the design of a water pressure booster station in order to serve the pressure requirements for the new developments in the northwest area of Town. Also included in the request is the construction of temporary water fill station to service building activity in the northwest area of Town.

Administrator Hart stated that it is important to complete both projects in order to honor water requirements for construction.

**Trustee Shepard moved to approve Resolution 7-13 for a Supplemental Budget Appropriation for the Water Capital in the amount of \$55,000. Trustee Bauer seconded the motion. The motion passed unanimously.**

### **Presentation on Historic Residential District**

Planner Katers presented the Draft Design Guidelines for the Historical Residential District to the Board. Following his presentation, Planner Katers introduced Ian Tinney, Chairman of the Berthoud Historical Preservation Advisory Committee (HPAC).

Mr. Tinney presented an overview of the proposed Berthoud Residential Historical District and reviewed the process required develop a Residential Historic District. The program will be opt-in for property owners within the district boundaries.

The HPAC will first poll property owners within the district boundaries and then complete a vernacular or windshield survey on 90% of the district properties. The remaining 10% of the properties to be surveyed will be completed by a professional surveyor. There will also be public meetings held regarding the proposed district.

Trustee Bauer asked if there is a required percentage that will have to opt-in in order to create the district. Mr. Tinney explained that to be recognized by the state, participation has to be 100%, but that the local and national participation requirement is 51%.

Trustee Bauer asked about the budget required for the study and creation of the district. Planner Katers stated that there is \$1,000 in the budget for the support of the HPAC, some of which has been used to send members to a state conference. However, they may be able to freshen up the Fickel Park survey that was completed in the past, which will make it a fairly inexpensive project. The HPAC might need some funds next year.

Planner Katers stated that the next step in the process is to talk to the public to see who might be interested in a historical district. The guidelines are fairly well formed.

Joe Coons, of 1045 7<sup>th</sup> Street Place, commented that in his opinion, it would be prudent to have structures 75 years or older qualify for the historic district.

Administrator Hart stated that the Berthoud community takes a lot of pride in the history of Berthoud, which compliments the Comprehensive Plan. However, he wants to be careful of over regulation and to ensure that the Town does not add a layer of regulation. He asked if new owners of a participating property will be held to the historic guidelines. Planner Katers stated that the designation and guidelines will transfer from owner to owner of the structure. However, if the structure is destroyed, the designation is terminated at that time.

Trustee Bauer asked who would be the appeal board in the instance that an opted-in structure is not able to follow the guidelines. Planner Katers stated that the structure owner could appeal to the Planning and Zoning Board.



Planner Katers summarized the direction of the Board regarding the formation of the district as the HPAC continues moving forward with the district and will come back to the Board with an update and any further questions answered.

Trustee White suggested that the HPAC be specific in guidelines about the permanence of opting-in a structure and any disclosure requirements to new buyers of a participating structure.

### **Proposed Ordinance re: Vendors**

Clerk Cowdin presented a list of the comments received from the Board regarding the proposed ordinance regarding vendors.

Staff requested an emergency ordinance so that it can go into effect before September.

Trustee Alaback stated that he was concerned about over-regulation and does not want it to be too burdensome for food vendors. He was specifically concerned with the language regarding abutting privately owned businesses. Attorney Bell stated that abutting would be interpreted to mean direct contact with a business.

Trustee White requested clarification regarding food push carts versus mobile food trucks and the associated parking restrictions. Attorney Bell explained that push carts can operate on sidewalk and any vehicles that were used to tow them to the location would have to be parked elsewhere.

Trustee Alaback asked that the Board consider a review of the ordinance this winter after gathering input from vendors and businesses.

**Trustee Bauer moved to adopt Ordinance 1161, an ordinance amending Section 13 of the Berthoud Municipal Code to include business licenses for vendors in the Town of Berthoud as an emergency ordinance. Trustee Shepard seconded the motion. The motion passed unanimously.**

### **Discussion of Municipal Code Revisions**

Clerk Cowdin presented Chapters 8-10 of the Municipal Code revisions.

Attorney Bell stated that the Code will be proofed for grammatical errors.

### **Request for Audit Extension**

Clerk Cowdin presented the request for an audit extension for 60 days. The extension will not affect the budget process.

**Trustee Bauer moved to authorize Mayor Pro Tem Dowker to sign the State of Colorado Request for Extension of Time to File Audit for the 2012 audit. Trustee Shepard seconded the motion. The motion passed unanimously.**

### Reports

Trustee Alaback attended an event by the Shambala Mountain Center regarding integrated programs to connect people with the land and restoration activities. He also reported that the High Plains Environmental Center is bringing a national speaker in September 17<sup>th</sup>.

Trustee White reported that Saturday is Colorado Cares Service Day and there are several Berthoud projects in which to participate. She also requested an agenda item to discuss consulting fees. Administrator Hart stated that a good time to discuss consulting fees would be during the budget process. Trustee White would also like a report on economic development from Economic Development Director Schneider.

Trustee Shepard encouraged Board members to meet with the new Chamber Executive Director.

Becky Justice-Hemmann stated that the Chamber applied to keep the Workforce Center intern for another 16 weeks, which frees up the Executive Director to work on Chamber membership.

Attorney Bell reported that he has been working with Xcel and revising the Municipal Code.

Administrator Hart reported that he had hoped to plan for meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays through the end of the year. However, as things get busy it may be necessary to include some study sessions. He also reported that there is a new officer in the police department and there is an upcoming CML meeting regarding transportation and the support of a gas tax increase.

Mayor Pro Tem Dowker reported that there is a regional meeting at the Rialto on Thursday, which is hosted by Berthoud. She further reported that the NFRMPO is moving forward on a lot of different plans. The MPO assisted communities in CDOT Region 4 with paperwork for ramp funding requests, which all moved forward to the next phase. She also noted that Commissioner Donnelly will be at the Lighthouse Café tomorrow morning at 8:30.

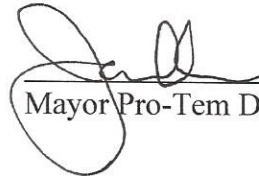
Becky Justice-Hemmann reminded the Board of the upcoming Farmer's Market and Thursday on the Town.

Clerk Cowdin reported that the licensing board public hearing was held for Herb's Medicinals and the license was approved conditioned upon one fingerprint check and one document that must be returned to the Town. There was also a liquor license renewal and special event license issued for a Wildfire event.

Administrator Hart stated that there was a citizen request regarding spraying for mosquitoes in the Town and that he responded that the Town addresses mosquitoes in other ways.

Town of Berthoud  
Regular Meeting  
July 23, 2013  
Page 6 of 6

Mayor Pro Tem Dowker adjourned the meeting at 8:52 PM.



---

Mayor Pro-Tem Dowker



---

Jory Kate Haslett  
Administrative Clerk