

TOWN OF BERTHOUD  
BOARD OF TRUSTEES  
REGULAR MEETING  
JULY 29, 2008  
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The Board of Trustees of the Town of Berthoud met for a special meeting on Tuesday, July 29, 2008 in the Board Room at Town Hall. Mayor Patterson called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Mayor Tom Patterson  
Mayor Pro-Tem David Gregg  
Trustee Michael Patrick  
Trustee Glen Buckingham  
Trustee John Bauer

MEMBERS ABSENT: Trustee Jeff Hindman  
Trustee Dick Shepard

STAFF PRESENT: Town Administrator Jim White  
Interim Inspector Dan Swallow  
Deputy Town Clerk Charlene Reed

**CITIZEN PARTICIPATION**

Julie Conde asked for the Board's help in resolving an issue regarding her family plot in Greenlawn Cemetery. They have a space on the north side of the cemetery, next to an access road that the Town is using. She distributed copies of photos showing the space. Ms. Conde explained that they came to the Town two years ago regarding the condition of the grave, and new sod was put in place. Because of the ongoing condition of the grave, they have requested and received permission to exhume the body and move it in the cemetery. She noted they would prefer to leave the body where it is and have better maintenance for the space, but if that is not going to be done, they would like for the Town to move the body. There is room in their family plot to relocate the body.

Administrator White noted that an attempt was made in the past to resolve this issue, and staff was unaware that the problem has been ongoing. He will work with staff to determine a solution to this problem and report back to the Board.

**CONTINUATION OF PUBLIC HEARING RE: ENERGY CODE**

Administrator White noted that during the 2007 legislation session, House Bill 1146 was passed by lawmakers to improve the energy efficiency of Colorado's new buildings. This calls for all jurisdictions that have a commercial or residential building code to also adopt a minimum energy code standard of 2003 International Energy Conservation Code (IECC). Our Interim Building Official has recommended that we adopt the more refined 2006 IECC version, and he is present to address questions.

Inspector Swallow answered questions from the Board, explaining that this section of the code covers multi-family and commercial construction and does not apply to one and two family dwellings. We will be looking at adopting code for residential one and two family dwellings at a future date.

Mayor Patterson opened the floor for public discussion and there was none.

Board members discussed the difference between the two versions of the code and there was discussion regarding whether the cost to implement the 2006 code is greater than the cost to implement the 2003 code. Inspector Swallow responded that he was not aware of an increase in cost.

**Trustee Buckingham moved to approve the adoption of ordinance 1095 regarding the 2003 International Energy Conservation in the Town of Berthoud, Colorado with the following exceptions: 2006 will be amended to 2003 in the heading and Section 15.08.010. In Section 15.08.060, the every building will be replaced with newly constructed building(s). Section 15.08.140 will be amended to include "For new construction" prior to the first "It" and section 15.08.60 will be amended to strike now in existence. Second by Trustee Gregg. The motion passed unanimously.**

#### **RATIFICATION OF 2008 BOARD OF TRUSTEES GOALS**

Administrator White noted the Board of Trustees met July 15, 2008 in a study session to select a list of priorities for 2008-2009. He presented the priorities identified by the Board and he asked the board to ratify these goals. Following discussion, several minor revisions were requested.

**Mayor Pro-Tem Gregg moved to approve the 2008-09 Board of Trustee Priorities with the revisions identified. Second by Trustee Patrick. The motion passed unanimously.**

#### **ECONOMIC DEVELOPMENT COMMITTEE**

Administrator White noted that two economic development committees have been operational in Berthoud and staff has been directed to form a Town sanctioned group to consolidate some of these efforts. In order to establish a Town committee, the Board of Trustees must pass an ordinance, which may include the number of members, frequency of meetings, length of member terms and other committee requirements.

Administrator White summarized the proposed committee representatives.

Following discussion, Board members requested that the scope of the Committee be included in the ordinance. It was suggested that the mission statement of the Committee

be to promote business in the Town of Berthoud. It was noted that this is an advisory Committee, and there was discussion regarding whether this would be a voting membership, or if decisions would be made by consensus.

**Mayor Pro-Tem Gregg moved to direct the Town Attorney to draft an ordinance establishing the Economic Development Committee with the stipulations discussed. Second by Trustee Patrick. The motion passed unanimously.**

### **LAND USE PLAN – ORDINANCE 1090**

Attorney Fickel explained that Ordinance 1090 was approved on June 24, 2008. Following that approval, it was suggested that the Board adopt guidelines to assist in interpreting the Ordinance.

**Trustee Bauer moved to approve the guidelines for implementation of Ordinance 1090, amending Section 30-8-130 of the Town of Berthoud Development Code. Second by Trustee Buckingham.**

Mayor Patterson opened the floor for public comment

Michael Sagebaum expressed concern that the Town is paying people to move to or bring businesses to Berthoud. Mayor Patterson noted that is not the purpose of this ordinance or these guidelines.

Mr. Sagebaum suggested that if the Town does the right thing, they would not need to pay people to come here. Trustee Patrick explained that the Town has ordinances in place to require development to pay its own costs. He noted this ordinance does not allow development. If a property owner wants to annex into the Town to develop, then they are required to follow our Land Use Plan.

Mina Cox of 841 North County Road 19 expressed concern that this ordinance does not require the Board to follow the Land Use Plan. Other Towns require themselves to follow their Comprehensive Plan and Land Use Plan for all annexations and for any development they allow. She felt this ordinance should only be considered when you are dealing with other towns with aggressive policies toward development in the area.

Mr. Sagebaum noted that other communities have different rules and different tax structures. The Town of Berthoud does not have the money that Longmont and Loveland have. He felt someone must pay for development. Mayor Patterson explained that this ordinance does not deal with incentives or with spending money. When we annex a property, we are not purchasing that property. It remains the property of the landowner.

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Trustee Patrick noted this Ordinance has already been passed. The Board is considering whether to attach guidelines to make the Ordinance more restrictive and to instruct future Boards of the intent of this Board when passing this Ordinance.

Mayor Patterson noted this ordinance would only be used in a unique situation. Nancy Lamb noted the ordinance does not specify it is to be used in a unique situation or in an emergency. She felt the ordinance should be modified to indicate that in strategic situations, the ordinance can be used.

Trustee Patrick noted that the Board did not choose to use language indicating that this would only be used in unique and emergency situations. The intent was to use this ordinance for situations that have an economic impact on the Town. The ordinance does indicate that if development is to occur, then the Board and the applicant must follow normal procedure.

The Board voted and the motion passed unanimously.

With no further business before the Board, the meeting adjourned at 8:45 p.m.

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Mayor Tom Patterson

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Deputy Town Clerk Charlene Reed