

TOWN OF BERTHOUD  
BOARD OF TRUSTEES  
REGULAR MEETING  
MAY 27, 2008  
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The Board of Trustees of the Town of Berthoud met for a regular meeting on Tuesday, May 27, 2008 in the Board Room at Town Hall. Mayor Patterson called the meeting to order at 7:02 p.m.

MEMBERS PESENT: Mayor Tom Patterson  
Mayor Pro-Tem David Gregg  
Trustee Michael Patrick  
Trustee Glen Buckingham  
Trustee John Bauer  
Trustee Jeff Hindman  
Trustee Dick Shepard

STAFF PRESENT: Town Administrator Jim White  
Town Clerk Mary Cowdin  
Planning Director Robert Anderson  
BATS Director Eric Boyd  
Parks and Recreation Director Jeremy Olinger  
Town Attorney Bruce Fickel  
Deputy Town Clerk Charlene Reed

**PLEDGE OF ALLEGIANCE**

Mayor Patterson led the pledge of allegiance.

**CITIZEN PARTICIPATION**

There were no topics presented from the audience.

**CONSENT AGENDA**

The consent agenda consisted of the minutes of the regular meeting from May 13, 2008, the bills allowed from May 2008, the financial statement from April 2008 and a liquor license renewal for the Wayside Inn.

**Trustee Buckingham moved to approve the consent agenda as submitted. Second by Mayor Pro-Tem Gregg. Trustee Patrick abstained on the liquor license renewal and all other members voted for approval.**

**REPORTS**

Trustee Buckingham announced that a Historic Preservation Commission meeting will be held at Town Hall on Wednesday, May 28, 2008 at 7:00 p.m. and all residents are welcome to attend.

Trustee Hindman reported that there is a regional transportation forum scheduled for Thursday in Greeley. The purpose of this meeting is to begin to look at transportation options for Northern Colorado. He encouraged members of the Board and the public to attend the meeting.

Administrator White reported that he, Chief Johnson and Sergeant Ryel worked with the Fire Department to coordinate efforts to be prepared if a tornado were to hit Berthoud. He noted we have offered our assistance to our neighbor towns in dealing with issues from the storm that passed through last week.

Administrator White reported that representatives of Ken Salazar's staff will be present on Thursday, May 29, 2008 at 4:00 p.m. for a meeting. Members of the public are invited to attend.

Administrator White announced that Berthoud Day is scheduled for June 7, 2008. We will be providing information regarding the scheduled events in future board packets.

Administrator White noted that bid documents were due today for the Mountain Avenue project. We received seven bids and will be bringing them to the Board following review.

Planner Anderson distributed a CD containing the 2007 comp plan and the newly revised Development Code for the Board. It also has a map showing the preferred land use plan and our most recent project map.

**CONTINUATION OF PUBLIC HEARING – DEVELOPMENT  
CODE AMENDMENT – LAND USE PLAN**

Mayor Patterson noted staff has requested that this public hearing be continued to a future meeting to allow time for further discussion and work on this topic.

**Trustee Hindman moved to continue the public hearing for the development code amendment change regarding the land use plan to the meeting on June 24, 2008. Second by Trustee Buckingham. The motion passed unanimously.**

**SET PUBLIC HEARING – LEWIS ANNEXATION**

Planner Anderson noted the Town has completed purchase of 65.0+/- acres of the Lewis Farm surrounding the Wastewater Treatment facility. Staff is recommending that we set a public hearing to annex and rezone this property to bring it into the Town's boundaries. **Trustee Bauer moved to set the Public Hearing date for the Lewis Annexation and Rezone to July 8, 2008. Second by Trustee Shepard. The motion passed unanimously.**

**SET PUBLIC HEARING – SOMMERS REZONE**

Planner Anderson noted that Mark and Jeannine Sommars have submitted an application for rezoning approximately 9.01 from T (Transitional) to PUD (Planned Unit Development). The property is located at 533 ECR 8 (Highway 56)

**Trustee Bauer moved to accept the application for Rezoning and set a public hearing date for June 10, 2008. Second by Trustee Buckingham. The motion passed unanimously.**

**PUBLIC HEARING – ORDINANCE RE REZONING  
PRIOR WASTEWATER TREATMENT PLANT SITE**

Berthoud Area Transportation (BATS) Director Boyd asked for Board approval to have the zoning changed at the Town's old wastewater treatment plant on South First Street from T (Transitional) to M-2 (Manufacturing 2) to allow the building of a bus storage facility. The Federal Transportation Administration (FTA) is requiring this change before we can to forward with the review for this project.

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

**Trustee Hindman moved to approve Ordinance 1087, rezoning the former wastewater treatment plant site from T (Transitional) to M-2 (Manufacturing 2) as an emergency ordinance to be effective immediately. Second by Trustee Buckingham. The motion passed unanimously.**

**SIGNAGE**

Administrator White reported that a follow-up meeting was held on April 22, 2008 regarding changes in the rules regarding signage. Information provided in the packet included a letter from the Town Attorney and recommendations from the Chamber of Commerce. He noted the changes were made as a temporary solution, and staff is requesting specific direction regarding a more permanent solution to this problem.

Mayor Patterson noted our options are to continue with the temporary change that was put in place at the prior meeting or to make a permanent change to the sign code. Administrator White noted staff is concerned about the number and type of signs that we can have, and some of the content of some of the signs. He also felt there should be a designated area, since we have suspended enforcement for the entire town and not just adjacent to Mountain Avenue.

Attorney Fickel noted the concern with suspending the code is the possibility of a noticeable increase in the number of signs and the appearance of some of the signs. He noted one option is used by Breckenridge, where signs are allowed, but are part of flower containers, providing a more aesthetic way to advertise. He noted if the Board makes changes, then there are a lot of decisions that need to be made. He suggested that the area where the sign code is suspended be amended to allow for one block on either side of Mountain Avenue.

**Trustee Patrick moved to direct staff to suspend enforcement of the sidewalk sign provisions of the sign code until such time as phase one of the Mountain Avenue project is completed or until instructed by the Board of Trustees to enforce the provisions for all retail and commercial businesses only. Second by Trustee Buckingham. The motion passed unanimously.**

Administrator White noted the CDOT representative who was to have attended this meeting to discuss what is allowed regarding signage at 287 and Highway 56, and at I-25 and Highway 56 was unable to attend. Board members felt it would be beneficial to have this person attend a future study session to explain what is allowed at the Town's gateways. Administrator White agreed to pursue this for a future meeting.

### **2008 MOSQUITO CONTROL PLAN**

Parks and Recreation Director Olinger noted we have worked with Soper Pest Control to larvicide and adulticide the Town for the past seven years in respect to providing West Nile preventions. The Town has budgeted \$4,500 for insect control for 2008. Per the direction of the previous Board, staff has discontinued all fogging/spraying until further notice. Staff will be meeting with the contractor to devise other viable prevention options. We are working with Larimer County to plan traps to collect data to determine what types/species of mosquitoes are in Berthoud and if we determine we have a problem in this area, we will be bringing this back to the Board for direction.

Director Olinger noted we have had a high count of the mosquitoes that have the potential for West Nile because of the amount of water we have in Berthoud. It was noted of those mosquitoes, the actual count of infected mosquitoes was low. We have information available to distribute to the residents of Berthoud and already have the information on our website. We will continue to encourage our residents to be aware of the risk from mosquitoes causing West Nile.

### **BMX PROPOSAL AND UPDATE**

P. J. Di Pentino addressed the Board, asking for support for a BMX track for Berthoud. He explained that they have formed a Board of Directors to establish the track, and have secured private financing for half of the money needed. They have filed for nonprofit status, and hope this track will be a benefit to the children of Berthoud. He noted they also hope that this will have a positive effect on the businesses of Berthoud by bringing people into Town for events at the track.

**Mayor Patterson moved to accept the terms of the ABA/BMX Affiliation and Sanction Agreement which allows the assignment of its lease to the Berthoud BMX Association. Second by Trustee Hindman. The motion passed unanimously.**

**Mayor Patterson moved that upon provision to the Town of documentation of adequate insurance naming the Town as an additional insured, the Berthoud BMX Association may have temporary access to a portion of the Town's property located North of the Town's recreation facility for the operation of a BMX Track. Possession of this property will be finalized by a written lease to be presented to this Board at its meeting on June 10, 2008. In the interim, possession shall be subject to the guidelines established by the Town Administrator. Second by Trustee Bauer. The motion passed unanimously.**

Trustees Hindman and Shepard suggested that staff look to determine whether the Town has funds available in the budget, as either a loan or a grant to help get this project going.

#### **PROPOSAL RE: CREDIT CARD PAYMENTS**

Town Clerk Cowdin noted staff has received numerous requests from customers to be allowed to use credit cards for utility bill payments. Home State Bank has prepared a proposal to allow us to enter into a Merchant Agreement and accept payments on-line. The cost to the Town to provide this service is \$30.00. The bank will be charging the customers a convenience fee of \$2.50 per transactions to use this option. She noted we will not have the ability to accept credit cards in the front office, but plan to set up a computer in the area to allow people to go online and make their payments from our office. She noted we plan to start with utility payments, and then offer this for other purposes once it is up and in operation.

It was noted that it is not common to have to pay a convenience fee to use a credit card. Town Clerk Cowdin agreed, but pointed out that the fees must be paid and the Town cannot absorb the cost. If people want the convenience of using a credit card to pay these bills, then they will have to pay the fee. She pointed out that the fee is less than the late charge we charge for those people who do not pay on time.

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**Trustee Buckingham moved to approve a \$30.00 monthly service fee to the Town and a \$2.50 convenience charge per transaction to be paid by the customer using the credit card. Second by Trustee Shepard. The motion passed unanimously.**

Trustee Gregg announced that Boy Scout Troop 6 will host their annual pancake breakfast on Saturday, June 7, before the Berthoud Day parade. He noted this is their primary fundraiser for the year, and he encouraged everyone to attend.

Trustee Hindman noted he would like to see an economic development committee formed and going and he asked that this be added to the next available study session for discussion. He noted he does not want to take away from the efforts of the existing committees, but he would like to see a Board supported committee formed. The business leaders of Berthoud feel strongly that the Town needs an Economic Development Coordinator and we need to find a way to fund that position.

Administrator White noted the Berthoud Economic Development Committee is already in place, and there was a second committee formed to select candidates for the election. The Town already has representation on the Berthoud Economic Development Committee and was specifically excluded from the second committee. He felt that members of the existing committees should be invited to the meeting to provide information regarding what has been done already.

Following further discussion, Board members agreed to start the meeting early on June 10<sup>th</sup>, and include a study session prior to the meeting for the purpose of discussing the possibility of enhancing the Town's efforts for Economic Development. The meeting will start at 6:00 p.m.

With no further business before the Board, the meeting adjourned at 9:00 p.m.

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Mayor Tom Patterson

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Deputy Town Clerk Charlene Reed