

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 28, 2008
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The Board of Trustees of the Town of Berthoud met for a regular meeting on Tuesday, October 28, 2008. Mayor Tom 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
Trustee Jeff Hindman
Trustee Dick Shepard

STAFF PRESENT: Town Administrator Jim White
Town Clerk Mary Cowdin
Chief Glenn Johnson
Town Attorney Bruce Fickel
Deputy Town Clerk Charlene Reed

PLEDGE OF ALLEGIANCE

Mayor Patterson led the pledge of allegiance.

CITIZEN PARTICIPATION

John Goreski of 604 E. County Road 10, who is the Chairman of Tree Board explained that the Tree Board is planting 20 new trees in tree grates along Mountain Avenue and he asked that the Board approve the placement of two more trees in front of the Maggi Building. He asked that the existing oak trees be moved to the park and that two new trees be planted in line with the rest of the trees on the block. He noted he asked the Public Works Director to make this change, and was turned down. Public Works Director Huerta noted staff was directed by the Town Board not to make changes in the sidewalk in front of the Maggi Building as part of this project. He noted we are willing to make this change, but will incur further costs on the contract to do so. Board members felt this would be appropriate and recommended that Public Works go forward with the change request if the cost would be less than \$1,000. If the cost is more than \$1,000, they asked the Public Works Director to bring the information back to the Board.

Barth Story of 930 Bunyan Avenue expressed concern regarding the speed of traffic on Bunyan Avenue. He asked that speed limit signs be put along the street and patrols be increased. He also suggested parking an unoccupied patrol car on the street to discourage speeding.

Mr. Story did not feel that people have clear reasons to buy homes in Berthoud. He suggested incentives for buyers to encourage people to move to Berthoud and gave

several examples of programs that could be used. He felt this would jumpstart Berthoud's development and bring in more residents to help offset the cost of Berthoud's water and sewer.

REPORTS

Trustee Shepard reported that he attended the Library Board meeting on Thursday. The Library had received over 1,300 ballots, and it appears we will have an excellent voter turnout for the Library election.

Trustee Hindman reported that he attended the Larimer County Open Lands Advisory Board meeting. The topic of the meeting regarded what will be allowed on county owned conservation easements.

Trustee Hindman also noted that he and Administrator White attended the annual luncheon for the Northern Colorado Economic Development Corporation. The topic of the meeting was anticipated growth in Northern Colorado. Trustee Hindman also noted he attended the meeting on Friday of the Southwest Weld Economic Group with several others representing Berthoud.

Trustee Buckingham reported on the celebration of the Berthoud Downtown Commercial Historic District last Friday. Board members requested information regarding the appeal process and asked for information regarding their role in the appeal. Administrator White will request information from the attorney we have hired to handle this matter. Trustee Patrick asked Administrator White to inquire about the process for this appeal. He noted that at some level, there is a defined scope to what is contemplated by the appeal and he felt it is important that we understand the scope before this goes forward.

Administrator White noted that we will be having visitors from the International Institute of Education on November 3. This group will consist of women from the middle east who are interested in elections.

Administrator White announced that the next meeting of the Berthoud Economic Resource Team is scheduled for Monday, November 3, 2008 at 5:30 p.m.

CONSENT AGENDA

The consent agenda consisted of the minutes of the regular meeting held October 14, 2008, the bills allowed for October 2008, and the financial statement for September 2008.

Trustee Buckingham moved to approve the consent agenda as submitted. Second by Trustee Bauer. The motion passed unanimously.

SET PUBLIC HEARING – 2009 BUDGET & RELATED ORDINANCES

Town Clerk Cowdin explained that the finance committee continues to meet weekly to review the 2009 budget. The final version of the budget will be presented on November 18, 2008 for adoption. Statutes require several ordinances to be adopted with the budget. The titles for the proposed ordinances are as follows:

- 1) An ordinance authorizing the expenditure of funds in excess of the 2008 budget.
- 2) An ordinance appropriating sums of money to various funds in the amounts and for the purposes as set forth below, for the Town of Berthoud Colorado, for the 2009 budget year.
- 3) An ordinance adopting the budget for the Town of Berthoud Colorado, for the fiscal year beginning January 1, 2009 and ending on the last day of December 2009, estimating the amount of money necessary to be raised by tax levy based on the said budget to be adopted. Estimating the amount of money to be derived from other revenue sources and setting forth the total estimated expenditures for each fund.
- 4) An ordinance levying the taxes for the year 2009 to defray the costs of municipal governments of Berthoud, Colorado, for the fiscal year beginning January 1, 2009 and ending December 31, 2009.

Trustee Hindman moved to set a public hearing for the adoption of the 2009 budget and related ordinances for November 18, 2008. Second by Trustee Shepard. The motion passed unanimously.

SET PUBLIC HEARING – WATER & WASTEWATER RATES

Administrator White presented a copy of the ordinance for the water and wastewater rate proposals recommended for fiscal year 2008, which has been reviewed by the Finance Committee and Town Attorney Bruce Fickel. Staff is recommending a proposed rate adjustment of 2% in water and 2% in wastewater for 2009.

Administrator White explained that these rates are necessary to build the Town's reserves in preparation for future infrastructure needs in these Enterprise Funds, and to pay our scheduled debt balances of more than \$1,000,000 in each of the years.

Trustee Shepard moved to set the Public Hearing on November 18, 2008 to consider rate adjustments for 2009 in the water and wastewater Enterprise funds. Second by Trustee Buckingham. The motion passed unanimously.

SET PUBLIC HEARING – MUNICIPAL FEE

Town Administrator White explained that the Finance Committee has included a municipal fee for 2009 to cover the cost of certain municipal services, including street lighting, mosquito control, snow and ice removal, animal control, dispatch services, week control, school light maintenance, signs, port-a-johns, parking lot lease and trash removal. He noted the 2009 proposed budget includes anticipated revenues in the aggregate amount of \$163,820 for these services. Staff is proposing that the municipal fee remain the same as in 2008, or \$6.02 per month per residence.

Trustee Shepard moved to set the public hearing on November 18, 2008 to approve an ordinance to enable the municipal fee to be implemented for the full year 2009 fiscal year, beginning January 1, 2009 through December 31, 2009. Second by Trustee Patrick. The motion passed unanimously.

PUBLIC HEARING – ORDINANCE REGARDING PARKING VARIANCES

Chief Johnson noted that in April 2008, the Board of Trustees directed the Police Department to place the enforcement of this ordinance as the lowest priority of enforcement. Staff was instructed to research and prepared provisions to allow citizens to apply for variances from this code.

One of the first concerns identified is the cost to request a variance. It was noted that for normal variances within the Town, the notification required is 500 feet, and it can cost several hundred dollars to purchase labels to make this notification. Attorney Fickel noted the notification required on this ordinance is 300 feet, which will reduce this cost.

There was a concern that the Planning Commission has been identified to hold these hearings. There was discussion regarding whether the Commission would develop the criteria for the hearings, or if the Board would establish that criteria as part of any ordinance that is passed.

Mayor Patterson opened the floor for public comment.

John Beck of 875 10th Street noted that Berthoud is a unique Town and he did not feel that we need the clutter of motor homes and trailers in view and was against any kind of variance.

Larry Crain of 1130 Monroe Avenue felt this is going in the wrong direction. He felt parking vehicles in full view is counterproductive to making the neighborhoods in Berthoud attractive. He noted many neighborhoods have covenants and asked how that would be handled. Attorney Fickel noted covenants would be reviewed and whichever is the most strict would prevail. Mr. Crain noted that they purchased a home in a covenant

controlled community because they want to protect their neighborhood. He noted he would like to see the same protection extended throughout the Town and he encouraged the Board to leave the ordinance in place and not allow variances.

Dan Riffle 739 Sage Place suggested that the variance process will cost the Town, and did not feel like this is a good idea. He suggested people would use the variance process to get out of making arrangements for their RV's.

Mayor Patterson closed the public hearing.

The Board members reviewed the standards for granting a variance and asked Chief Johnson how many people are not in compliance with the ordinance. Chief Johnson noted there are at least 25 violations in Town at this time.

Trustee Hindman moved to reject the variance process amendment to the current RV parking ordinance and to allow the Police Department to enforce the ordinance as written. Second by Mayor Patterson. Mayor Patterson and Trustees Shepard, Hindman and Patrick voted YES. Mayor Pro-Tem Gregg and Trustees Buckingham and Bauer voted NO. The motion carried.

EXECUTIVE SESSION

Mayor Patterson noted that the Board is to adjourn to an Executive Session for negotiations.

Trustee Bauer moved to adjourn to an Executive Session for negotiations. Second by Trustee Patrick. The motion passed unanimously.

The Board adjourned to an Executive Session at 8:30 p.m. reconvened at 9:00 p.m. and adjourned.

Mayor Tom Patterson

Deputy Town Clerk Charlene Reed