

TOWN OF BERTHOUD
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 23, 2008
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The Board of Trustees of the Town of Berthoud met for a regular meeting on Tuesday, September 23, 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
Trustee Dick Shepard
Trustee Jeff Hindman

STAFF PRESENT: Town Clerk Mary Cowdin
Public Works Director Tony Huerta
Police Chief Glenn Johnson
Planner Tim Katers
Greg Bell, Attorney
Administrative Assistant Lisa Underhill

Clerk Cowdin reported that the first Finance Committee meeting will be held Thursday, October 2, 2008 at 7:00 am at Town Hall.

PWD Huerta gave an update on the Mountain Avenue project. He stated that we are ready to install curb and gutter east of the railroad tracks, and that they would be machine poured. This work is scheduled to start on September 25. Once this is complete, the sidewalk pouring will start. A report was received from CDOT regarding the status and condition of the roadway, which stated that the Town is in compliance with their requirements and that they are satisfied with what we are doing. Work on replacing the water line continues. There have been more water line breaks, which is typical with old infrastructure.

There was discussion about dust on the weekends. PWD Huerta was asked to look into the cost of having NCC come and spray down the road more often than once per day on the weekends.

Trustee Bauer stated that he heard from several citizens that they are thankful the Town is taking responsibility for the downtown sidewalks and thanked the Staff for their efforts.

Trustees Hindman, Buckingham and Shepard reported that they attended the economic development meeting which was held yesterday at Town Hall. Rod Wensing, the Assistant City Manager of Loveland, and Betsey Hale, the Business Development Manager for the City of Loveland, were the guest speakers. They expressed gratitude to have assistance from Loveland. It was stressed that speed is more important than incentives in the Town's development process. It was suggested that the development forum feedback from a couple of years ago be forwarded to the Board. Concerned was verbalized about the fact that there were no agenda items for the

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following week's Board meeting. It was suggested that a discussion of the incentives which were presented by the BEAC group at a previous meeting be added to the following week's agenda. It was noted that Loveland did not hire a full-time economic development person until their population reached 50,000, and that Windsor did not hire one – their Town Administrator was their economic development coordinator. It was noted that Windsor had a population of 5,000 and they expedited business development. Business development was moved ahead of other development on their agendas, which was controversial. It was added that the whole community needs to come together so prospects looking at our Town get a positive response. It was noted that the Loveland Town Board has regular outreach meetings with existing and potential business owners in their city. These meetings are informal with have no agenda and a way to open up discussion. He stated that he thought it was important for our Board to reach out more, to walk the streets and talk with business owners.

Trustee Hindman requested the Town's response to the letters received regarding the water rates and the Peakview subdivision issues was also requested. A request was made of Town Staff to pursue a free State of Colorado assessment of our community's assets. Another request was made that the Board receive their packets and agendas on Fridays.

Trustee Hindman noted the BERT retreat is scheduled Saturday, September 27, 2008 from 10:00 am to 2:00 pm at Berthoud Bed and Breakfast. He added that all board members were invited and encouraged to attend.

Trustee Buckingham noted that the Historic Preservation Commission meeting will be held Wednesday, September 24, 2008 at Town Hall at 7:00 pm, and welcomed anyone interested in historic preservation.

Trustee Hindman stated that the Larimer County Open Lands Advisory Board meeting would be held Thursday, September 25, 2008 from 5:00-8:00 pm at Carter Lake.

Trustee Buckingham stated that statutory requirements regarding the declared Historic District require a 30-day window for people wishing to petition the Board for exemption from District. He asked if the Board could get information from those wishing to opt out. The Chair from the Historic Preservation Commission will address the Board regarding this issue at the next meeting which is scheduled for September 24, 2008. Petitioners will be able to voice their views as well. He added that packages were sent to all the property owners in the Historic District, advising them of their rights to petition and notice of inclusion.

Clerk Cowdin stated that the Museum Director will record a list of property owners within the Historic District tomorrow, which is 10 business days after the recording, as required.

Trustee Bauer reported that he attended the Open House and dedication for Hermit Park. He noted that the Town of Berthoud donated \$25,000 from its Open Space fund to help get that park into the Larimer County park system. He added that an anonymous granter gave matching

money and tied this gift to this project. He noted that Hermit Park is wonderful place and part of Larimer County park system, and Larimer County park passes for other Larimer County locations will work there. He encouraged people to visit Hermit Park.

Trustee Patrick stated that getting grants reinforces what this Board considers priorities. We get more for our money when we become involved in the grant application process, and that this is an enormous benefit for our Town. He encouraged brainstorming to help accommodate this. He added that our budget would not have covered some of the projects our Town has done without grant money.

Mayor Patterson stated that “since 2000 we have received \$12 million in DOLA grants to date”.

CONSENT AGENDA

The consent agenda, minus the Special Event Liquor License, consisted of the minutes of the regular meeting of September 9, 2008, the minutes of the special meeting of September 16, 2008, the Bills Allowed of September 2008, and the Financial Statement of August 2008.

Mayor Pro-Tem Gregg moved to approve the Consent Agenda. Second by Trustee Bauer. The motion passed unanimously.

SPECIAL EVENT LIQUOR LICENSE

A special event liquor license was requested for the Berthoud Arts and Humanities Alliance (BAHA) Wine Tasting to be held at L&M Enterprises.

Trustee Buckingham moved to approve. Second by Trustee Bauer. Trustee Patrick abstained all other members voted for approval.

DRAFT 2009 BUDGET

The first draft of the proposed 2009 budget was presented. This is a housekeeping item required by the State. Colorado Revised Statutes requires the proposed 2009 draft budget be presented and accepted by the governing body no later than October 15, 2008. This draft is in a very preliminary form. The content will change dramatically and none of the information presented should be used for any 2009 factual representations or historical comparisons. It is merely a statutory requirement to accept this first draft.

The next finance committee meeting is scheduled for Thursday, October 2, 2008 at 7:00 a.m. at Town Hall.

It was discussed that qualifying language be added that the budget document is an incomplete budget document as submitted.

Trustee Shepard moved to approve. Second by Trustee Patrick. The motion passed unanimously.

NEIGHBORHOOD ELECTRIC VEHICLES WITHIN THE TOWN OF BERTHOUD

This is a public hearing regarding authorizing the use and regulation of Neighborhood Electric Vehicles within the Town of Berthoud. Attachments included in Board packets: Photocopies of portions of Colorado Revised Statutes defining Neighborhood Electric Vehicles and regulating the use of these vehicles; Photocopies of Colorado Revised Statutes outlining the “Powers of local Authorities” in authorizing the use of Neighborhood Electric Vehicles; Suggested Ordinance authorizing the use of Neighborhood Electric Vehicles in Berthoud and outlining regulations required for the use of these types of vehicles.

Colorado law allows Towns to authorize the use of “Neighborhood Electric Vehicles” (as defined in Colorado Revised Statutes and the Model Traffic Code) within the Town Limits. Use of these types of vehicles is a safe, economical, clean (low pollution) method of transportation for short distances using roadways within the Town. Use of these types of vehicles also reduces the use of fossil fuels. The use of these types of vehicles is projected to increase rapidly in the near future due to the high price of fossil fuels and community awareness of clean environment issues.

The Berthoud Police Department would suggest to the Town of Berthoud Board of Trustees the adoption of an ordinance allowing the use of Neighborhood Electric Vehicles as allowed by Colorado Revised Statutes and the Model Traffic Code. The Berthoud Police Department would suggest to the Town of Berthoud Board of Trustees that included in the ordinance should be rules regulating the use of Neighborhood Vehicles within the Town Limits of the Town of Berthoud.

There was discussion about the insurance liability for these types of vehicles, how and where to post signage for State highway crossings. There was also discussion about requiring Neighborhood Electric Vehicles (NEVs) to have “slow moving vehicle” (reflective triangle) emblems. It was noted that these vehicles do not require to be registered or carry insurance. It was noted that homeowner insurance sometimes covers these vehicles. It was stated that these vehicles are required to have turn signals, rear view mirrors and lights. It was noted that drives of these vehicles must have a regular driver license. It was recommended to use the emergency clause.

Citizen Ruth Fletcher-Carter stated her support of neighborhood electric vehicles.

Citizen Paul Williams stated his support of neighborhood electric vehicles.

Attorney Bell recommended that we use the Emergency Clause. It was suggested that the language in item C be changed to state “Nothing in this ordinance shall relieve an owner of

an NEV of any obligation imposed by State statues applicable to NEVs, including but not limited to those relating to financial responsibilities.”

Trustee Patrick moved to approve the Emergency Clause, incorporating the suggested language change to item C. Second by Trustee Buckingham. The motion passed unanimously.

It was noted that the ordinance would be effective immediately, there is no waiting period.

PUBLIC HEARING-O'MALLEY GLEN 2ND ANNEXATION & REZONE

Larry Bebo is seeking the annexation and zoning of 2.34 acres of land at 619 E. Highway 56. This property is surrounded on 3 sides by the O'Malley Glen development.

The applicant is requesting C2: General Commercial zoning.

Attachments included in the Trustee information packets were: 1) Application and Petition; 2) Photos of property; 3) Resolution 19-08 regarding Findings of Fact; 4) Ordinance 1098 regarding Annexation; 5) Ordinance 1099 regarding Zoning; 6) Annexation and Zoning maps.

The proposed annexation and zoning of the O'Malley Glen #2 property meets provisions of Colorado law and the Town of Berthoud regulations. This proposal:

- Is in compliance with the Town of Berthoud Comprehensive Plan, and
- Is in compliance with the Berthoud Development Code including Section 30-5; Zoning Districts and Standards.

Staff recommended that the Boards consider approval of Resolution 19-08, Findings of Fact, Ordinance 1098 regarding annexation, and Ordinance 1099 regarding zoning.

Trustee Buckingham moved to approve resolution 19-08, Findings of Fact. Motion was Second. The motion passed unanimously.

Trustee Buckingham moved to approve ordinance 1098, annexation. Second by Trustee Bauer. The motion passed unanimously.

Trustee Buckingham moved to approve ordinance 1099, zoning. Second by Trustee Shepard. The motion passed unanimously.

SEVY ANNEXATION & REZONE

James (Pete) Sevy is seeking the annexation and zoning of 2.3 acres of land at 1328 1st Street. This property is on old Highway 287 just south of Larimer County Road 10. Please see attached maps for the specific property location.

The applicant is requesting R2: Limited Multi-Family District zoning for the property.

Attachments included in the Trustee information packets were: 1) Application and Petition; 2) Photos of property; 3) Resolution 20-08 regarding Findings of Fact; 4) Ordinance 1100 regarding Annexation; 5) Ordinance 1101 regarding Zoning; 6) Annexation and Zoning maps.

The proposed annexation and zoning of the Sevy property meets provisions of Colorado law and the Town of Berthoud regulations. This proposal:

- Is in compliance with the Town of Berthoud Comprehensive Plan, and
- Is in compliance with the Berthoud Development Code including Section 30-5; Zoning Districts and Standards.

Staff recommended that the Board consider approval of Resolution 20-08, Findings of Fact, Ordinance 1100 regarding annexation, and Ordinance 1101 regarding Zoning.

Trustee Patrick moved to approve resolution 20-08, Findings of Fact. Second by Trustee Bauer. The motion passed unanimously.

Trustee Bauer moved to approve ordinance 1100, annexation. Second by Trustee Bauer. The motion passed unanimously.

Trustee Bauer moved to approve ordinance 1101, zoning. Second by Trustee Hindman. The motion passed unanimously.

TREE BOARD APPOINTMENT

At this time there are only 4 members on the Tree Board. This ordinance states that there must be a minimum of 5 members to maintain a Tree Board. Ms. Patricia Karspeck submitted a letter to Tree Board asking for consideration of her as a Tree Board member. Ms. Karspeck has been a member of both the Tree Board and Parks and Open Space Boards in the past.

Staff suggested that the Board appoint Patricia Karspeck to the Tree Board for a period of 3 years, with her term to expire August 31, 2011.

Trustee Hindman moved to re-appoint Pat Karspeck to the Tree Board. Second by Mayor Patterson. The motion passed unanimously.

GENERAL DISCUSSION

The Board requested that Staff place future agendas in the Board packets. It was also requested that the proposed financial incentives presented to the Board be added to the next Board agenda

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for a discussion. Staff was also directed to include the response from Administrator White to these proposed incentives.

Planner Katers noted that at the Board meeting scheduled for October 14, a local developer will ask staff for a residential waiver of several town fees. Staff has responded to this request with a no, but has offered suggestions.

A financial discussion regarding incentives is scheduled for October 28.

It was suggested that the BEAC proposal should be addressed ahead of the requests that have been received at a later time.

The Board requested that Planner Katers turn the request he received asking for fee waivers be turned into general memo, taking out specific info, and given to the Board.

Trustee Hindman requested that the current board objectives be printed in poster form for placement on the wall.

Trustee Bauer stated that he will be gone from the next two Board meetings.

Trustee Shepard asked that a presentation from Saturday's BERT retreat be given to the Board at the next meeting. It was suggested that the committee Chair or Vice Chair could make this presentation.

With no further business, the meeting adjourned at 8:40 p.m.

Mayor Tom Patterson

Administrative Assistant Lisa Underhill