

Board Members Present:

Mayor Tom Patterson  
Mayor Pro-Tem David Gregg  
Trustee Michael Patrick  
Trustee John Bauer  
Trustee Jeff Hindman  
Trustee Dick Shepard

Board Members Absent:

Trustee Glen Buckingham

Staff Members Present:

Town Administrator Mike Hart  
Town Clerk Mary Cowdin  
Town Planner Tim Katers  
Town Attorney Bruce Fickel  
Deputy Town Clerk Linda Higuera

Mayor Patterson called the meeting to order at 7:05 p.m.

#### **Pledge of Allegiance**

Mayor Patterson led the Pledge of Allegiance.

#### **Citizen Participation**

Judy Lehn provided an update on the Christmas in Berthoud activities. The committee has raised approximately \$5300. She thanked all the contributors.

#### **Reports**

Trustee Shepard thanked the Christmas in Berthoud Committee for their hard work. Trustee Shepard has been contacted by residents of Peakview Meadows due to increased traffic through their neighborhood due to the road construction. He requested additional traffic enforcement.

Mayor Patterson attended the MPO meeting.

Trustee Hindman commended the Christmas in Berthoud Committee for the activities.

Administrator Hart reported on the recent NCEDC meeting. Staff at NCEDC is available to assist. Administrator Hart is working on obtaining a seat on the board as an ex-officio member. He will be contacting the Weld County EDC to get involved.

Administrator Hart met with the contractor on the roundabout project to determine if there is anything that can be done to speed up the project.

**Consent Agenda**

- |     |                        |                    |
|-----|------------------------|--------------------|
| 6a. | Minutes                | Nov. 10 & 17, 2009 |
| 6b. | Bills Allowed          | November 2009      |
| 6c. | Financial Statement    | October 2009       |
| 6d. | Liquor License Renewal | Retro Bistro       |

Motion to approve the November 10<sup>th</sup> and November 17<sup>th</sup> minutes, November, 2009 bills allowed and November Financial Statement by Trustee Bauer, seconded by Trustee Shepard. Motion passed unanimously.

Motion to approve liquor license renewal for Retro Bistro by Trustee Shepard, seconded by Trustee Bauer. Motion approved with five yes votes and Trustee Patrick abstaining.

- 6e. Liquor License Renewal                      Berthoud Wine and Spirits

Town Clerk Cowdin presented the Berthoud Wine and Spirits liquor license renewal. There have been several situations over the past few years with this establishment. Chief Johnson presented information on a recent incident involving selling liquor to an obviously intoxicated individual. The individual was arrested for dui. A summons was issued to the owner of the liquor store. Trustee Shepard asked why the criminal violation was dismissed. Chief Johnson had no information on the reason for dismissal. Trustee Patrick asked Attorney Fickel to explain the process for a hearing.

Motion to go to a hearing by Trustee Patrick. No second. Motion to approve liquor license for Berthoud Wine and Spirits by Trustee Bauer, seconded by Mayor Pro-Tem Gregg. Motion passed with five yes votes and Trustee Patrick abstaining.

**Public Hearing-resolution & ordinance re: Jones Annexation**

The Mayor opened the public hearing. Planner Katers presented a review of the annexation request. Recommended zoning is transitional. Planning Commission has recommended annexation and transitional zoning. Motion to approve the Ordinance 1113 by Trustee Shepard, seconded by Trustee Patrick. Motion passed unanimously.

There was no public testimony. The applicant spoke in favor of the annexation. Motion to approve Resolution 18-09 by Trustee Shepard, seconded by Mayor Pro-Tem Gregg. Motion passed unanimously.

**Mead Boundary Agreement**

Planner Katers presented a draft agreement with the Town of Mead. The modifications were discussed but generally the boundary remained the same. Motion to approve the Boundary Agreement by Trustee Bauer, seconded by Trustee Patrick. Motion passed unanimously.

**Public hearing-ordinance re: medical marijuana**

The Mayor opened the public hearing. Town Administrator Hart presented this item. He attended a meeting on 12-7-09 dealing with this issue. Administrator Hart stated that there are other issues that would not be addressed with a simple zoning decision. There is also a problem with the processing of patient applications at the State level. Administrator Hart is recommending a moratorium until March, 2010 to allow these issues to be addressed.

The mayor opened the public comment. Herbert Holland, current dispensary operator, stated that he appreciated the town trying to establish reasonable regulations for marijuana dispensaries. He stated he would appreciate the opportunity to work with the town on establishing the regulations.

PJ DiPentino spoke in support of a moratorium while legislation is developed.

The Mayor closed the public comment.

Trustee Hindman asked what effect a moratorium would have on the pending licenses. Clerk Cowdin stated that six sales tax licenses have been issued. He stated that he preferred an ordinance regarding special review instead of a moratorium.

Trustee Patrick spoke in support of the special use review.

Trustee Shepard supported doing both a special use review for those that have a sales tax license and a moratorium on new sales tax licenses.

Attorney Fickel recommended the moratorium on new businesses.

Trustee Bauer supported a moratorium.

Motion to approve Resolution 20-09, with section rewording, imposing a moratorium on new marijuana establishments by Mayor Pro-Tem Gregg, seconded by Trustee Bauer. The term "Processing" needs to be defined. Mayor Pro-Tem Gregg amended the motion to delete the word processing until a definition can be agreed upon. Amendment seconded by Trustee Bauer. Trustee Hindman argued for a special use review process as opposed to a moratorium. Motion passed with five yes votes and Trustee Hindman voting no.

The Board directed staff to prepare regulatory ordinance for the six businesses. Planner Katers and Town Attorney Fickel left the meeting to work on the corrections to the Ordinance for review later in the meeting.

**Public hearing-ordinance re: Municipal fee**

Town Clerk Cowdin presented this item. The Mayor opened the public hearing. No public comment. Motion to approve Ordinance 1115 by Trustee Hindman, seconded by Trustee Shepard. Motion passed unanimously.

**Public hearing-ordinance re: water & wastewater rates**

Town Clerk Cowdin presented this item. The Finance Committee is recommending a 5% decrease in water rates and a 3% increase in wastewater rates. Motion to approve Ordinance 1116 by Trustee Bauer, seconded by Mayor Pro-Tem Gregg. Laurie Taylor, new resident, questioned the water rates. Clerk Cowdin explained the water and sewer rates. Motion passed unanimously.

**Public hearing-2010 budget & Related resolutions**

Mayor opened public hearing for 2010 budget. Gary Suiter presented the proposed 2010 budget as developed by staff and the Finance Committee.

Trustee Patrick expressed concern about the ending fund balance decreasing every year.

Trustee Shepard stated that a financial plan would help the Board with future decisions.

Trustee Bauer thanked staff and the Finance Committee for their hard work.

Trustee Hindman stated that unless revenues improve, capital improvements will suffer in the future.

Motion to approve Resolution 21-09 by Trustee Hindman, seconded by Trustee Bauer. Motion passed unanimously.

Motion to approve Resolution 22-09 by Trustee Hindman, seconded by Trustee Bauer. Motion passed unanimously.

Motion to approve Resolution 23-09 by Trustee Hindman, seconded by Trustee Bauer. Motion passed unanimously.

Motion to approve Resolution 24-09 by Trustee Hindman, seconded by Trustee Bauer. Motion passed unanimously.

**Medical Marijuana Regulations and Controls**

The amended Ordinance 1114 was returned to the Board. There was no public comment. Trustee Hindman suggested the Ordinance be continued to January. Trustee Patrick moved to adopt Ordinance 1117, seconded by Mayor Pro-Tem Gregg. Trustee Bauer moved to amend section d wording. Trustee Patrick agreed to the wording change. Second also agreed. Motion approved with five yes votes and Trustee Hindman voting no.

**Appointment to Berthoud Economic Development Comm. (BERT)**

Gary Suiter presented the letter of interest from Debbie Davis for BERT membership. Motion to appoint Debbie Davis by Trustee Hindman, seconded by Trustee Patrick. Motion passed unanimously.

Meeting adjourned at 10:46 p.m.

---

Mayor Tom Patterson

---

Linda Higuera  
Deputy Town Clerk