

The Board of Trustees of the Town of Berthoud met for a regular meeting on Tuesday, March 10, 2009. Mayor Tom Patterson called the meeting to order at 7:50 p.m.

ROLL CALL

Board members present: Mayor Tom Patterson
Trustee Buckingham
Trustee Hindman
Trustee Shepard

Staff members present: Town Administrator Jim White
Public Works Director Tony Huerta
Wastewater Superintendant Bob Airhart
Town Clerk Mary Cowdin
Town Planner Tim Katers
Town Attorney Bruce Fickel

PLEDGE OF ALLEGIANCE

Mayor Patterson led the Pledge of Allegiance.

CITIZEN PARTICIPATION

There were no citizens requesting to speak.

REPORTS

Trustee Shepard attended the BERT meeting on March 9, 2009. A report from the Main Street Resource Team was presented. The report recommended developing an amended identity for Berthoud, i.e. "Berthoud Colorado – The Garden Spot – Where Good Things Grow." It also suggested a community wide survey requesting input on slogans. BERT is also considering reviving the old "Barley Days" in conjunction with the fall festival.

Public Works Director Huerta introduced Superintendent Airhart to report on a recent repair at the Water Reclamation Plant. Superintendent Airhart provided photographs showing the repair of the digester at the plant. This repair was performed by plant staff and saved between \$5,000 and \$10,000.

Public Works Director Huerta invited the Board to tour the plant facilities on March 21, 2009 beginning at 9:00 a.m. at the Water Treatment Plant and 10:30 a.m. at the Wastewater facility.

Public Works Director Huerta attended a Water Quality Control Commission hearing on March 9, 2009. The purpose of this hearing was to determine how to incorporate the American Recovery and Reinvestment Act funds for water and wastewater projects. There is a current list of eligible projects maintained by the state. The Town of Berthoud has three projects on that list; a wastewater treatment facility near I-25, a rehabilitation of the existing water treatment plant, and a new transmission line. The total estimated cost for those projects is \$8.5 million for the water projects and \$5 million for the wastewater projects. The new wastewater treatment facility is a high priority project. The total budget for water projects is \$97.89 million and \$75.66 million for wastewater projects.

Town Administrator White distributed a spreadsheet detailing grant activity from 2004 to the present. Staff is currently working on a list of potential future grant opportunities that will be distributed to the Board when complete.

The Berthoud Historical Society is promoting an effort to take the Farm Exhibit to Denver International Airport on April 20, 2009. The Historical Society has a grant for \$2,000 and will be requesting matching funds from the town.

Town Administrator White reported that the current bid of \$318,000 for the joint non-potable water system will only cover the connections to the middle school, not connections to all of the schools. Additionally, the school district is adding six new tennis courts at the high school. The school district is also budgeting \$50,000 to stabilize the pond shared with the Town of Berthoud. The school district will work with the Parks staff to develop a work plan for improvements to the pond.

Town Administrator White stated that House Bill 1079 has passed both the Senate and the House and has been forwarded to the governor for signature. This bill allows the Town of Berthoud to become a part of the AIMS College taxing district. It will still need to be approved by both the current AIMS taxing district and the residents of Berthoud. If approved, it would allow Berthoud residents to pay the lower in-district tuition.

Town Administrator White reported that Stephanie Salazar has resigned as Economic Development Consultant. Administrator White presented a plan to hire an interim consultant to avoid the loss of momentum on the projects. He distributed a resume for the person being considered. Trustee Buckingham expressed concern that the individual was being hired before input from the Board and BERT committee. Mayor Patterson indicated that hiring the consultant was in the purview of the Town Administrator. Administrator White stated that the plan was to hire the person on an interim basis, introduce the individual to the Board and BERT committee quickly and obtain input regarding continuing ongoing services.

Trustee Hindman attended the Colorado Legislative Alliance meeting on March 9, 2009. Trustee Hindman stated that he disagreed with hiring an economic development consultant without going through the process of obtaining input first. He also stated he wanted to evaluate the contract

prior to a contract being signed. He also suggested that we advertise and interview prior to making a decision.

Mayor Patterson reported on the MPO meeting he attended last week. The current focus is the infusion of stimulus money from the federal government. The auto emission subject is also being pushed by the technical committee.

Town Planner Tim Katers presented a report showing project status of all pending projects in the Planning Department as well as a task list.

Town Attorney Bruce Fickel presented a report from the Colorado Bar Association Ethics Committee regarding a complaint by Trustee Hindman. The report concluded that there was no conflict of interest created by Mr. Fickel's actions. Mr. Fickel also reported that he had two potential conflicts of interest on the list of planning department projects, items 9 and 11, and stated that he would recuse himself from dealing with these projects.

Trustee Hindman stated that he wanted to hire independent counsel regarding the potential conflict of interest. Mayor Patterson asked if there was support for hiring independent counsel and there was none from the Board members present.

CONSENT AGENDA

Motion by Trustee Glen Buckingham to approve the Consent Agenda consisting of:

- 6a Minutes of the February 24 and March 3, 2009 meetings
- 6b Bills allowed for February, 2009
- 6c Financial Statement for December, 2008

Seconded by Trustee Shepard. Motion passed unanimously.

PROCLAMATION – GIRL SCOUT WEEK

Mayor Patterson read the Girl Scout Week Proclamation into the record.

OVERLOOK PDP AND PRELIMINARY PLAT

Town Planner Katers introduced this item. This is a residential subdivision which includes 338 residential lots on 117 acres. The Planning Commission has approved the project with conditions as stated in the handout material. The developer has also been directed to work with adjoining property owners to identify and acquire specific trail alignments to connect to Hillsdale Nature Park.

Trustee Hindman requested that the Board receive copies of the Planning Commission minutes to determine what issues were discussed prior to Board presentation.

The project planner, Ross Brazil, presented a summary of the project. He stated that the issues negotiated between the developer and Planning Commission were grading of the Town Park, the planting of temporary trees at the end of Street B, moving the bike lane from the street to the walkway and increasing the width of the walkway, acquiring connection from the walkway to Hillsdale Park, provision of final plan detail for the entry signage at the time of FDP, and landscaping for the ditch that runs along the property line.

Trustee Hindman requested clarification on the street alignment. Mr. Brazil stated that he worked with the street plan to ensure proper connectivity.

Trustee Buckingham questioned street connectivity for future subdivisions. Planner Katers stated that future connections were possible but would need to be addressed when the property comes to the Town. Trustee Buckingham also asked for clarification on the road width. Mr. Brazil stated that the street width was 65' which is considered a wide residential street.

Trustee Shepard requested further explanation on the landscape plan. Mr. Brazil stated that the current code would reduce the number of trees to one tree per block. Using the modification and clearance zone allows increased visibility and number of trees per block. This would bring the landscaping in line with existing streetscape in other parts of town.

Trustee Hindman questioned why the percentage of alley loaded lots was so low. Mr. Brazil stated that the builders were not in favor of alley loaded lots. In order to attract a broad selection of builders it was necessary to reduce the number of alley loaded lots. Trustee Hindman also asked if detention land was being counted as parkland. Planner Katers stated it was not being counted.

Mayor Patterson opened the Public Hearing.

Paul Hicks, neighboring landowner to the project, asked for clarification on modification to the existing pond and sprinkling system. This is an item that would need to be negotiated between property owners.

Art Johnson, neighboring landowner to the project, expressed concern that the runoff water is dealt with appropriately. Mr. Brazil stated that a pipe would be constructed to deal with runoff water.

Trustee Hindman stated that he felt there were not enough alley loaded lots.

Trustee Buckingham expressed support for the project.

Trustee Shepard stated that he did not support mandating a specific percentage of alley loaded lots. He stated he supports diversity within any development project. Trustee Shepard stated that he appreciates the increase in street trees by using the sight variance.

Town of Berthoud
Board of Trustees
Regular Meeting
Tuesday, March 10, 2009
Page 5 of 6

Trustee Hindman stated that it was in the Development Code to require alley loaded lots. He also stated that there was overwhelming support for alley loaded lots.

Planner Katers read the Development Code that states alley loaded lots are “encouraged.”

Motion by Trustee Buckingham to approve the Overlook PDP and Preliminary Plat with conditions as written in the staff report. Second by Trustee Shepard. Motion passed with Mayor Patterson, Trustee Buckingham and Trustee Shepard voting yes and Trustee Hindman voting no.

SET PUBLIC HEARING – INOPERABLE VEHICLES

Town Attorney Bruce Fickel asked that any recommended changes to the proposed Ordinance regarding Inoperable Vehicles be forwarded to him for inclusion. Motion by Trustee Buckingham to set the public hearing for April 14, 2009. Motion seconded by Trustee Shepard. Motion passed unanimously.

FRANCHISE AGREEMENT STATUS REPORT

Town Administrator White reported that the franchise agreement with Comcast is being reviewed. When the document is returned from Ken Feldman it will be forwarded to the Board for review.

Administrator White reported that the proposed franchise agreement with Xcel has been received and will be forwarded to the Board for review.

NEW BUSINESS

Trustee Buckingham requested that the hiring of an economic development consultant be examined by the Board prior to actual hiring of a person. Mayor Patterson stated as long as the position reports to the Town Administrator it is not appropriate for the Board to be involved in the hiring. Trustee Buckingham stated that he does not view this as an “all or nothing” proposition. He also recommended interviewing more than one person. Trustee Shepard stated that he supports more input from the Board due to this being a unique position which will be interacting with a large number of community members who are involved with this project.

Trustee Hindman requested the following items in the Development Code items be addressed in the near future:

- Detention Pond design
- Pedestrian connection that is currently being blocked by a locked gate
- Examine adding solar access orientation to the code
- Add incentives to use of existing buildings and shovel ready lots

Town of Berthoud
Board of Trustees
Regular Meeting
Tuesday, March 10, 2009
Page 6 of 6

Trustee Buckingham expressed support for incentives for existing buildings. This would apply to potential new tenants and current business owners wanting to upgrade their building. He suggested surveying surrounding communities to see if there is language is available.

Mayor Patterson expressed concern for using incentives for new business when we are not offering incentives to existing businesses.

Trustee Shepard stated that anyone requesting assistance to expand or improve should be considered. This would apply to existing businesses and people looking to start a business.

Mayor Patterson requested that the matter be put on a future study session agenda.

The meeting was adjourned at 10:15 p.m. by Mayor Patterson.

Mayor Tom Patterson

Linda Higuera
Deputy Town Clerk