

Board Members Present: Mayor Tom Patterson  
Mayor Pro-Tem David Gregg  
Trustee Jeff Hindman  
Trustee Dick Shepard  
Trustee John Bauer  
Trustee Michael Patrick (7:10 p.m.)

Board Members Absent: Glen Buckingham

Staff Members Present: Town Administrator Jim White  
Town Clerk Mary Cowdin  
Public Works Director Tony Huerta  
Streets Superintendent Jerry Wilson  
Water Superintendent Ed Simpson  
Wastewater Superintendent Bob Airhart  
Parks and Recreation Director Jeremy Olinger  
BATS Director Eric Boyd  
Planning Assistant Sue Bowles  
Deputy Town Clerk Linda Higuera

### **Pledge of Allegiance**

Mayor Patterson led the Pledge of Allegiance.

### **Citizen Participation**

Dorian Ryan-Tacy, founder of Berthoud Town Forum, discussed the enterprise zone voted on at the last regular meeting. Ms. Ryan-Tacy was concerned that this matter was pushed through without input from town staff or citizens other than those who proposed the measure. She also presented the state criteria for determining enterprise zone eligibility. Ms. Ryan-Tacy stated that one requirement was that the town must offer incentives to businesses. She asked what this would actually cost the Town. Ms. Ryan-Tacy also stated that according to Larimer County, the Berthoud area at 287 and 56 would not qualify.

Trustee Hindman stated that the reason the issue was passed so quickly was the information that there was a short deadline to submit the application to Larimer County. He also requested that Ms. Ryan-Tacy submit her written comments so that the Board could investigate the inconsistencies.

PJ Dipentino thanked the Board for their support of the "Realities Motorcycle Ride." The ride was a success.

Melissa Leary addressed the Board regarding the proposed rate increases from Xcel. She stated that if the franchise agreement currently under consideration passes it would further increase the Xcel bills for the citizens of Berthoud.

### **Reports**

Trustee Shepard attended the Realities Ride and commended the volunteers who made this ride possible.

Trustee Shepard received a call from the Chairman of the Utility Advisory Board. The UAB is requesting time on a study session to discuss several issues. They are also planning to meet twice per month to address these issues.

Town Administrator White reported that the last right of way acquisition for the roundabout was completed today.

Phase II of the Mountain Avenue project is underway. There was a water line break today (5-28).

STP Metro Funds are being pursued by Public Works Director Tony Huerta in the amount of approximately \$700,000 as well as \$150,000 in enhancement funds. All of these funds would apply to Phase III of Mountain Avenue.

### **Consent Agenda**

Motion by Trustee Bauer to approve the minutes of the May 12, 2009 meeting, seconded by Mayor Pro-Tem Gregg. Motion passed unanimously.

Motion by Trustee Shepard to approve the bills allowed, seconded by Trustee Bauer. Motion passed unanimously.

Motion to approve the liquor license renewal for Grandpas Café by Trustee Bauer, seconded by Trustee Shepard. Motion passed with Mayor Patterson, Mayor Pro-tem Gregg, Trustee Bauer, Trustee Shepard and Trustee Hindman voting yes and Trustee Patrick abstaining.

Motion to approve the liquor license renewal for the Derby Grill by Trustee Shepard, seconded by Trustee Bauer. Motion passed with Mayor Patterson, Mayor Pro-tem Gregg, Trustee Bauer, Trustee Shepard and Trustee Hindman voting yes and Trustee Patrick abstaining.

### **Public Hearing Wolf Annexation**

Planning Technician Sue Bowles presented this item. Mayor Patterson opened the public hearing.

Randy Wolf gave a brief history of the operation. He stated that the grooming shop has approximately 10 groomings per day. The boarding facility is limited to no more than ten dogs at one time.

Trustee Bauer asked the applicant about mitigation for noise as the facility grows. The applicant stated that there are no plans to enlarge the operation.

Trustee Hindman asked what the C2 zoning meant for future sale of the dog grooming business. Technician Bowles stated that Berthoud Development Code does not address boarding kennels in any zoning category.

Trustee Patrick clarified that the applicant is requesting annexation with implicit approval of the current use (kennel).

Mayor Pro-Tem Gregg asked if the Planning and Zoning Commission had any concerns. Technician Bowles stated they did not.

There was no public comment on this item. Mayor Patterson closed the public hearing.

Motion to approve Resolution 08-09 regarding findings of fact with respect to the Wolf Annexation by Trustee Shepard, seconded by Trustee Bauer. Motion passed unanimously.

Motion to approve Ordinance 1109 regarding annexation and zoning of the Wolf property by Mayor Pro-Tem Gregg, seconded by Trustee Patrick. Motion passed unanimously.

Motion to approve Ordinance 1110 regarding rezoning of the Wolf property by Trustee Bauer, seconded by Trustee Shepard. Motion passed unanimously.

### **Appointments to Parks and Open Space Board**

Parks Director Jeremy Olinger presented the recommendations for appointment to the Parks and Open Space Board. Sarah Wright, Karen Gavin, Don Zook, are recommended for appointment. Motion to approve recommended candidates by Trustee Greg, seconded by Trustee Bauer. Motion passed unanimously.

**Amendment to Resolution 7-09**

Administrator White presented this item. Originally four properties were recommended and a fifth property was added. There have been several emails from property owners requesting inclusion in the enterprise zone. According to Lew Wymisner, Larimer County, the July meeting will not address this issue as previously scheduled. Administrator White suggested that we bring staff from the State and Larimer County to explain both sides of the enterprise zone issue.

Trustee Patrick suggested that the Board should have descriptions and rationale for each property asking to be considered.

Mayor Patterson stated that the benefits of including properties in an enterprise zone are available on the website.

Trustee Shepard stated the real issue was how this was presented. He also stated that it was important for the Board and the citizens receive information on the pro's and cons.

Based upon a consensus of the Board members present, this item is postponed to a study session in mid June for further review.

Mayor Patterson adjourned the regular meeting at 7:55 p.m.

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Mayor Tom Patterson

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Linda Higuera  
Deputy Town Clerk