

Board Members Present: Mayor Tom Patterson
Mayor Pro-Tem David Gregg 7:00
Trustee John Bauer
Trustee Glen Buckingham 7:15
Trustee Jeff Hindman
Trustee Michael Patrick 6:40
Trustee Dick Shepard

Staff Members Present: Town Administrator Mike Hart
Town Clerk Mary Cowdin
Town Planner Tim Katers
Public Works Director Stephanie Brothers
Town Attorney Bruce Fickel 7:05
Deputy Town Clerk Linda Higuera

Mayor Patterson called the meeting to order at 6:30 p.m. Motion to enter Executive Session to discuss contract negotiations by Trustee Bauer, seconded by Trustee Shepard. Motion passed unanimously. The Board adjourned to Executive session at 6:35 p.m.

The Board returned to regular session at 6:50 p.m.

Pledge of Allegiance

Mayor Patterson led the Pledge of Allegiance.

Reports

Trustee Bauer reported the Berthoud Main Street Program has been designated as an Official Enterprise zone. The Main Street program is beginning the process of designing directional signage to recommend to the Board.

Trustee Shepard reported on the Utility Advisory Board meeting. There will be a tour of the water treatment facility on March 24th at 2:00 p.m. This may be postponed due to weather. The Utility Advisory Board is also reviewing their goals for 2010.

Administrator Hart reported that the irrigation system for downtown will be completed by the contractor.

The Pioneer Park Grant is nearing approval.

Consent Agenda

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| 6a. Minutes | March 9 2010 |
| 6b. Bills Allowed | February, 2010 & March, 2010 |

Motion to approve the consent agenda by Trustee Bauer, seconded by Trustee Hindman. Motion passed unanimously.

Resolution to Cancel April 6, 2010 election

Town Clerk Mary Cowdin presented the request to cancel the election. Motion to approve Resolution 03-10 officially cancelling the April election by Trustee Bauer, seconded by Trustee Patrick. Motion passed with four yes votes, and one abstention by Trustee Shepard.

**Public Hearing Change of Location and Trade Name
Liquor License for J.B. Clymer's**

Mary Cowdin presented the request for Change of location and name for this liquor license. The Mayor opened the public hearing. There was no public comment. Motion to approve the change of name and location by Trustee Bauer, seconded by Trustee Shepard. Motion passed with five yes votes and one abstention by Trustee Patrick.

Set Public Hearing for Ludlow Conveyance Plat Ordinance

This item was removed from the agenda at the applicant's request.

Public Hearing Parkway Plaza FDP and Final Plat

This item was removed from the agenda at the applicant's request.

Public Hearing Development Code updates

Planner Katers presented the revised sub-division recommendations. He discussed the current revisions.

Town Attorney Fickel explained the reason for requesting a Resolution versus an Ordinance.

The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing.

Motion to approve Resolution 10-04 by Trustee Hindman, seconded by Trustee Bauer. Discussion of expiration language on page 26. Motion to amend original motion to include added language to be provided to the Board. Motion passed unanimously.

Prairie Star Variance Request

The Mayor opened the public hearing. The applicant has requested the matter be withdrawn. Motion to accept by Trustee Buckingham, seconded by Trustee Gregg. Motion passed unanimously.

O'Malley Glen FDP and Final Plat

The Mayor opened the public hearing. Planner Katers presented this item.

Steve Hansen explained the renaming of the tracts from the original. Tracts A and B are proposed to be dedicated to the Town as open space.

Planner Katers explained that several small pocket parks have been removed and one large park included. There is also a 10" off street sidewalk in various locations. 60% of the homes have alley access. Trustee Hindman recommended that the applicant be allowed to use the detention area to meet the parkland requirement. Trustee Shepard suggested that the Planning Commission provide input into what should be included in the detention area to be counted as open space.

Planner Katers is requesting conditional approval subject to the conditions listed in the staff report. Mayor Pro-Tem Gregg expressed support for the staff recommendations. Trustee Buckingham clarified who would be supplying the water. He also expressed concern about buffering between the residential and commercial. The school district has stated that they do not want a school at this location. The applicant is exploring a charter school.

Trustee Patrick asked what would happen if the school site was never used. The applicant is requesting the ability to replat into residential at some point. This would increase the density of the project. Trustee Patrick also questioned the road connectivity. Stephanie Brothers responded on the plans for connectivity.

Trustee Bauer questioned 60% of the alleys being dedicated to the Town for maintenance. Administrator Hart responded that there is currently no maintenance on alleys. With the addition of more alleys, maintenance and repair may become a concern.

Steve Hansen summarized some of the changes that have been made to the plans.

Trustee Hindman asked if the school site could be designated as a civic site (non-residential) permanently. There was no consensus as this block was not included in the plan before the Board.

Motion to approve with conditions as found in the staff report for final plat and final development plan and exploration of adding a pedestrian walkway on block 8 and that staff review tract 19, seconded Gregg.
Unanimous.

Applicants are requesting direction on the development agreement as listed in the staff report. Trustee Patrick spoke to the interest accumulation on oversizing of utilities. In some cases this could prevent development from occurring. Trustee Buckingham asked if the Town has evaluated the cost benefit for requiring the developer to oversize.

Town Attorney Fickel addressed the issue of collateral. The applicant is requesting that the requirement for collateral be changed to a payment and

performance (warranty) bond on infrastructure. Attorney Fickel is recommending that the Town continue with letters of credit.

There was consensus to refer the matter back to the Town Administrator and Town Attorney to determine what is in the best interest of the Town to protect the citizens.

Extension of Medical Marijuana Moratorium

Motion by Trustee Hindman to approve Resolution 05-10, seconded by Trustee Buckingham. Motion passed unanimously.

Purchase of NCWCD CBT Water

Motion to approve Resolution 06-10 to purchase CBT water by Trustee Patrick, seconded by Trustee Shepard. Motion passed unanimously.

Town Attorney Fickel informed the board that there needed to be a finding of serving the community regarding the liquor license changes approved earlier in the meeting.

Attorney Fickel presented a letter from Liz Kearney. Attorney Fickel felt the letter was irrelevant to the liquor license application.

Motion to rescind the earlier motion regarding the change of name and address for J.B. Clymer's Liquor License by Trustee Hindman, seconded by Trustee Shepard. Motion passed with six yes votes and one abstention by Trustee Patrick.

Motion to approve the name and address change for liquor license and to adopt this licensing authority's prior findings that the desires of the adult inhabitants of the Town would be served by the relocation of this business by Trustee Bauer, seconded by Trustee Shepard. Motion passed with six yes votes and one abstention by Trustee Patrick.

Tom Patterson, Mayor

Linda Higuera
Deputy Town Clerk