



MEETING MINUTES OF THE TOWN BOARD

Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, August 13, 2019 6:30 p.m.

- I. **REGULAR MEETING CALLED TO ORDER** – Mayor Karspeck called into session at 6:32 p.m.
- II. **PLEDGE OF ALLEGIANCE** – Mayor Karspeck lead the Pledge of Allegiance.
- III. **ROLL CALL** – Town Clerk Samora called the roll.

The following were present:

Mayor Karspeck
Mayor Pro-Tem Hindman
Trustees: Alaback, Dower, Laak, Hardy, Tomassi

IV. **CITIZEN PARTICIPATION –**

David Mineo of Berthoud: He was here last October to speak about aircraft over his house. He passed out a map that he revised from the last time he came before the Board. On the map was A and B routes that the planes take. You can see on the map where they intersect which his Mr. Mineo house according to him. He stated that he did attend the FAA meeting that they held in Longmont and spoke to a gentleman about the routes. He asked for support from the Board to send a letter to the FAA making them aware of the issue and to have them re-route planes if possible, around Berthoud. He feels that the planes going over Berthoud has gotten excessive.

Paul Fletcher of Berthoud: spoke regarding the construction traffic through Mary's Farm. He stated that the agreement had been violated and wanted to know what the penalties were for the violation of construction traffic that many in Mary's Farm have witnessed. Town Administrator Kirk did reply that the Town is working with the Developer and that the developer is being very diligent in assuring construction traffic does not go through Mary's Farm. Unfortunately, there have been a couple of drivers not familiar with the area and have gotten lost or turned around. We need to understand that there is a big difference between occasional accidental or a regular occurrence. There have been some residents in Mary's Farm that have had work being done to their homes which that type of construction traffic can not be avoided to get to that residents' home.

Ryan and Kraig of Berthoud: They are representatives of the VFW and American Legion. The presented banners that will be placed at the round-about coming into Berthoud. The VFW nominated Specialist Gabriel Conde killed in action in Afghanistan and a Berthoud High School Graduate. The American Legion nominated Staff Sergeant who was killed in Iraq and a Berthoud High School Graduate. They were given the opportunity to be able to honor these two year-round. They wanted them in a location that would not interfere with the already present flying program within the town. That is why they chose the round-about. People will be seeing these banners as they come into town. They thanked Town Administrator Kirk and Trustee Tomassi for working with them. They thanked Trustee Hardy for creating the banners.

V. **SCHEDULED ITEMS**

1. **Consent Agenda**
 - a) Approval of August 27.2019 Agenda
 - b) Approval of Minutes- August 13, 2019
 - c) June 2019 Financial Information
 - d) Historic Designations

Trustee Tomassi Motioned to combine and approve the items on the Consent Agenda. Trustee Hardy Seconded the Motion. **WITH ALL IN FAVOR THE MOTION CARRIED.**

2. **Appointments to Berthoud Planning Commission**

Mayor Pro Tem Hindman Motioned to appoint Matt Rood and Danielle Trotta to the Planning Commission for a term of four years each. Trustee Tomassi Seconded the Motion. WITH ALL IN FAVOR THE MOTION PASSED.

3. Johnstown GMA Boundary and Wastewater 208 Boundary IGA

Town Administrator Kirk introduced The Town has entered into multiple Intergovernmental Agreements (IGA's) with the Town of Johnstown relating to the Towns' respective Growth Management Areas (GMA's) and sewer service in the area around I-25 in Berthoud. Johnstown has recently approached the Town to request amendments to two different IGA's.

More specifically, Johnstown is requesting a first amendment to an IGA approved in August 2014 regarding each Town's GMA boundaries. In that agreement, each Town is required to provide consent to the other when a GMA boundary is changed between the two. In this instance, Johnstown is requesting a small property be included in its GMA that sits east of the Wilson Ranch property and west of Johnstown's current GMA.

The second request is that Berthoud consent to expansion of our sewer service area, more commonly referred to as our 208 Boundary. If approved, this would be the second amendment to a 2005 IGA between the two Towns regarding Berthoud's sewer service area. The amendment requires Johnstown to pay for the costs associated with expansion of the 208 Boundary and to undertake the process to achieve expansion. The expansion requested includes the property requested to be included in Johnstown's GMA and the property immediately east of it. Both properties are within a short distance east of Berthoud's regional waste water treatment facility on CR 44.

Town Administrator Kirk introduced **Matt LeCerf Town Manager of Johnstown** to answer questions the board may have.

Trustee Tomassi Motion to approve the First Amendment to the Intergovernmental Agreement by and between the Town of Johnstown and the Town of Berthoud concerning the Town of Johnstown's Growth Management Area. Trustee Dower Seconded the Motion. WITH ALL IN FAVOR THE MOTION PASSES.

Trustee Tomassi Motion to approve the Second Amendment to the intergovernmental Agreement by and between the Town of Johnstown and the Town of Berthoud concerning the wastewater treatment facility and service within Berthoud's 208 service area. Trustee Dower Seconded the Motion. WITH ALL IN FAVOR THE MOTION PASSES.

4. Supplemental Budget Appropriation for the 2019 Budget Year

Finance Director Leach presented: The 2019 budget, which was approved last November. The beginning fund balances were based on 2018 estimates, because 2018 was not over yet. Since then 2018 has been closed and audited. This is to adjust the beginning fund balances for 2019 based on actuals versus estimates. There were items not completed last year that have rolled over to this year. The supplemental items are things that are new to the 2019 budget. The 2018 adjustment from the estimates to the actual increased the total beginning fund balances by \$6,850,000.00. The things that we are wanting to add to the 2019 budget is \$945,000.00. This increases the total fund ending balance of all funds by \$3,900,000.

Town Administrator Kirk added: The Board is already aware of what money needs appropriated. One of the examples given that would be adding money to the budget for is the comp plan update. That is one of the items that the board identified during the retreat. There is an RFP out for Comp Plan Consultant that we hope to have on board in September. Another is the supplemental budget for the Special Election which is an added cost that we did not plan for last year. He feels we are still being conservative in our budget. This will cover us to make sure we have plenty of buffer that we do not exceed our budget.

Trustee Laak Motion to approve Resolution 2019-18, a resolution of the Town of Berthoud, Colorado Making a supplemental appropriation of funds and adopting budget amendments to account for roll over and supplemental items. Trustee Tomassi Seconded the Motion. WITH ALL IN FAVOR THE MOTION PASSES.

5. Annexation of Weibel and WWW Properties

Planning Director Freese introduced: The Applicant has submitted a petition to annex two adjoining properties of 1.87 acres located on 2541 North First Street, and 15.95 acres located off Clayton Place into the Town of Berthoud. The zoning proposed for the 1.87-acre property is Limited Industrial (M-1), land that property is currently zoned FA (an Agricultural District in the County) and consists of an older single-family house. The 15.93-acre property is currently zoned Multifamily

in Larimer County, and is directly West (or behind on 1st Street) or to the West of the 1.87-acre parcel, and South of the Pro-Swing baseball facility. The Applicant is proposing the Industrial District zoning of M-2 on the 15.93-acre portion which is currently vacant. Both properties are surrounded by the Town, and the majority of North First Street is zoned industrial, M-1 or M-2. The M-1 and M-2 zoning districts allow for commercial and industrial uses. The Weibel family

is the controlling agent for both requests. The WWW properties annexation currently consists of an older house, and the Weibel properties is vacant, and can only be accessed through Clayton Place.

The Town can serve both properties with water and sewer. A Town sewer line is located on the Eastern portion of the Weibel 15-acre property, and a water line would have to be run from 10E should this property be developed. The cost to run the water line would be the responsibility of the developer, not the Town.

This area is expected to be urbanized at some point in the future. There is existing development, almost entirely of an industrial nature surrounding this property. In addition, the WWW properties is 100% contiguous to existing Town boundaries, and the Weibel property is ~49.9% contiguous satisfying the 1/6 contiguity requirement of Colorado Revised Statutes.

Leslie Weibel property owner spoke on the part of the contract about water rights. They are farmers and they put that in place because they have other water rights in Longmont that are not to be used for this property and did not want the assumption that those water rights could potentially be used for the property. They want to keep those water rights in Longmont for their far.

Mayor Pro Tem Hindman Motion to approve Resolution 2019-9, a resolution of the Town of Berthoud, Colorado setting forth findings of fact and determinations regarding annexation of the WWW properties and Weibel Annexation Pursuant to CRS 31-12-114(10). Trustee Tomassi Seconded the Motion. WITH ALL IN FAVOR THE MOTION PASSES.

Mayor Pro Tem Hindman Motion to approve Ordinance 1273, an ordinance of the Town Board, Town of Berthoud annexing property known as Weibel and WWW Properties Annexation to the Town of Berthoud, Colorado. Trustee Tomassi Seconded the Motion. WITH ALL IN FAVOR THE MOTION PASSES.

Mayor Pro Tem Hindman Motion to approve Ordinance 1274, an Ordinance of the Town Board, Town of Berthoud zoning property known as Weibel and WWW Properties Annexation to the Town of Berthoud, Colorado. Trustee Tomassi Seconded the Motion. WITH ALL IN FAVOR THE MOTION PASSES.

VI. ELECTED OFFICIAL REPORTS

Town Administrator Kirk: George K Baum was acquired by Stifel. Kyle of George K Baum who the town has worked with chose not to accept a position with Stifel. This has created a situation where the Town could not bring to the Board and underwriting agreement financing package to consider for Wagner Park Phase I. The Town is looking for a Financial firm that could assist with the underwriting. The Impact Fee Ordinance will be brought to the Board at the end of September. He mentioned that he would like to have a study session September 17, 2019 on the ideas they came up with working with Slate on communicating with the public. He also mentioned because of the Special Election on September 10, 2019 that the Board will be meeting on September 11, 2019 a Wednesday. The day after the Special Election. He also reminded everyone that we would be closed on Monday for Labor Day. The courts at Town Park have been converted to pickleball and Fickle Park will have the tennis courts. The development code updates should be coming to the Board in September along with the Mountain overlay plan.

Attorney Bell: He will not be able to attend either of our September meetings. He will have Fred or Peter attend.

Trustee Dower: Had nothing to report.

Trustee Laak: Walt and Chris had a breakfast meeting, that was good to meet other large and small business. One of the things that came up in the meeting was the lack of space for some of these businesses. Another thing that came up when a business is getting a delivery it comes up as Berthoud Pass and not Berthoud. He would like to see a link that could be made about where is Berthoud that business could use to help with the deliveries.

Trustee Hardy: He looks forward to Kraig and Ryan in the future with the banners and being more involved. He to has a son that is in the military. It is a nice way to give back. He was happy to see them here. The main street program is still moving forward.

Trustee Alaback: There is a news report that was out last week about the Emerald Ash Borer has been documented in Broomfield. That is the first time it has been documented outside of Boulder County quarantine area. The Emerald Ash Borer is really hard to detect. He stated that when we treat these trees to prevent the infection it makes a difference. He stated that this is a reminder to everybody that this is an issue, these bugs are moving around, they have a really big potential impact. The cost of treating trees is much smaller than it was five years ago. Also, the Town has a program to help pay for up to two trees if they qualify. It is a tool we have to make a really big difference for the character of our town.

Trustee Tomassi: The Planning and Zoning subcommittee was the first one that he had sat on, since the decision was made not to have the applicants come before the entire Board. He felt that the applicants were more relaxed and did not feel the pressure as if they were standing in front of the entire Board. He also stated that it felt more conversational. It gave them an opportunity to

ask a variety of questions. He felt this was the way to go moving forward.

Mayor Pro Tem Hindman: Agreed with what Trustee Tomassi was saying about the process. The CML newsletter he had stated that Colorado House Bill 1260, which was the energy code update bill that the Board endorsed, went into effect August 2, 2019. From now on any community that updates their building codes will have to update their energy code at the same time. He also noticed that CML is accepting applications for the Executive Board. He mentioned that tonight was his wife's birthday. He wanted to wish her a Happy Birthday and Thank her for all the sacrifice that she does so that he can come to these meetings.

Mayor Karspeck: The MPO subcommittee for finance was uneventful. Chris and himself met with the Library to go over a Mill Levy increase to expand the library in November of 2020. They were giving them their very preliminary ideas. Eventually they would like to schedule a joint meeting together to get everyone on board of what the library needs. He also wanted to thank the Jesus Christ of Latter-Day Saints Berthoud Ward for volunteering at Pioneer Park for this weekend. They worked over three hours and expanded a lot of trails and did a lot of weeding. He also thanked staff for being a part of that. He also met with Senator Bennett's office for transportation, it was a regional meeting. They talked about I-25. As part of the walkability institute, one of the projects is to host a walk. It is where they take some professionals and citizens going through Berthoud block by block assessing some safety issues and maybe what could be more attractive to make people want to walk. That day will be in October and he invited the Board to attend.

VII. ADJOURNED AT 8:25 p.m.

Town Clerk or Deputy Town Clerk



Mayor Karspeck or Mayor Pro-Tem Hindman