



**MEETING OF THE TOWN BOARD**  
**Town Board Room**  
**807 Mountain Avenue**  
**Town of Berthoud, Colorado**  
**Tuesday, August 28, 2018 6:30 p.m.**

**I. Regular Meeting Called to Order**

Mayor Karspeck called to order the regular meeting of the Town Board at 6:32 p.m. on August 28, 2018 at Town Hall Board Room.

**II. Pledge of Allegiance**

Mayor Karspeck lead the Pledge of Allegiance.

**III. Roll call**

Town Clerk Samora conducted a roll call. All were present.

**IV. Citizen Participation**

SGT. Anderson introduced Lieutenant Robert Cook.

Lieutenant Robert Cook stated he has been with Larimer County Sheriff for 30 years. His assignment is Berthoud, Estes Park, Mountain Areas, and Wellington.

**V. Scheduled Items**

**1. Larimer County Community Report 2017-2018**

Tom Donnelly County Commissioner who Represents the 3rd District of Larimer County. The 3rd District area is Loveland, Berthoud, Estes Park and surrounding areas. He came to talk about the 2017-2018 Community Report. He stated that there are three core parts of County Government...

- Public Safety
- Public Health Services
- Social Services
- Along with other many services that the County offers.

The report also gives a Budget Summary.

The report is a tangible way to show County Government is being responsible, efficient and doing good with your tax dollars. He hopes that we think that they have accomplished that.

Tom Donnelly also gave an update on County Commissioner Lew Gaiter III. Commissioner Gaiter has a rare blood born cancer that attacks the marrow in the bones. Commissioner Gaiter's doctor has told him that he does not have much time left. Commissioner Donnelly spoke very highly of

Commissioner Lew Gaiter III and how he continues to work with a smile on his face. He stated that he is tremendously positive and has a very strong faith.

Tom Donnelly will be at Grace Place on September 26, 2018 at 8:30 a.m. It is an informal citizen participation meeting that allows citizens to speak about their concerns and for Commissioner Donnelly to give an update on what the County is working on. These meetings are held the fourth Wednesday of every month.

Also, to note: September 11, 2018 Patriot Day there will be a ribbon cutting at 10:00 a.m. for the new Larimer County Loveland Campus at the NW corner of 1st Street and Denver Avenue.

**2. Consent Agenda**

- (a) Approval of August 28, 2018 Agenda
- (b) Approval of Minutes: August 14, 2018 & August 21, 2018

Trustee Alaback wanted to add to complete his thought on page 11 paragraph 2..." which would occur if we do not refurbish or rebuild town pool."

- (c) Proclamation – Cities and Towns Week in the Town of Berthoud
- (d) Proclamation – Alzheimer's Awareness Month

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

Mayor Pro Tem Hindman after the motion pointed out the two proclamations that were on the consent Agenda for Cities and Town week and Alzheimer's Awareness Month.

**3. Planning Commission Interviews**

There were three candidates for the Planning Commission.

- **Patrick Dillon**
  - Patrick Dillon stated that he was committed to the community. It showed through his two consecutive runs as Trustee and support for more affordable housing. He answered questions from the board stating that he does not have construction background. That he would learn to make the best decisions. He would do this by reviewing minutes and packets. He would also reach out for help for decisions and guidance. He does not feel he has seen a bad development. He also stated that it is not the role of Planning Commission to regulate volume. That the role is to insure compliance with guidelines and that they are being followed.
- **Sean Murphy**
  - Sean Murphy stated that he has degrees in Architecture and landscaping. He also worked with the City of Boulder. He hopes to bring his unique knowledge to address the challenge and opportunities that Berthoud is facing. He answered questions from the board stating he wants to maintain standards but allow flexibility to make choices. He wants to see Berthoud maintain the quiet and pleasant feel that is a lot different from other communities. He feels that commercial building should keep their scale in context not more than two stories to help keep the small-town community feel. He also stated that Metro districts can be good if they are managed correctly. He also stated we can do better with water conservation by using fixtures that are low water use and use more native species and managing irrigation systems.
- **Brian Riddle**

- Brian Riddle is new to the Town of Berthoud has lived here 15 months. He came from Atlanta Georgia. He is a director of Sterling Talent Solutions. Does not have construction experience but does have experience in managing a capital budget to building planning. He answered questions from the board stating he wants to get involved in the community. He feels that there is a lot of opportunity in the Town of Berthoud and wants to be able to put a foot print in it. He wants to ensure that we give opportunities for people to do without leaving town. He has researched what the Planning Commission does. He stated that we need to balance growth and keep the small-town feel. That we can do that by not doing anything with Downtown but growing areas for example where Loves is and still create revenue for the town. He would learn and ask the questions, research and make the best decisions from that.

The votes were tallied as follows...

Applicants	Mayor Karspeck	Mayor Pro Tem Hindman	Trustee Alaback	Trustee Tomassi	Trustee Dower	Trustee Hardy	Trustee Laak	Total:
Patrick Dillon	X	X	X		X	X		5
Sean Murphy	X	X	X	X	X	X	X	7
Brian Riddle				X			X	2

**Mayor Pro Tem Hindman Motion to adopt Resolution 2018-27, a resolution of the Town Board, Town of Berthoud approving the appointment of Sean Murphy and Patrick Dillon to the Planning Commission serve through August 28, 2021. Trustee Hardy Seconded the Motion. WITH ALL IN FAVOR THE MOTION CARRIED.**

#### 4. Parks and Recreation Master Plan and Possible Ballot Language

Town Administrator Kirk stated in preparation of the August 28 Board meeting, Town staff has been working with the consulting team led by Wenk and Associates to consider both reductions in scope and alternative phasing opportunities. He went through the options.

- Option 1 with the 1% sales tax on ballot plus the use of 1998 1% for the Reduced Recreation Center.
  - This would reduce the scope of Richardson significantly and eliminate improvements to Town Park in phase 1. This would include constructing an outdoor pool at Wagner Farm park and a field house. (Reduced Recreation Center)
- Option 2 with the 1% sales tax on ballot in addition to the 1998 1% sales tax for a Complete Recreation Center.
  - This focuses any future funding all on the Wagner Farm Park property. That would include a complete Recreation Center along with an outdoor aquatics facility, without the community center. You would get one complete facility without the baseball fields.
- Option 3 Would be to put language on the ballot to expand the uses of the 1998 1% sales tax.

- This would be to rebuild Town Park pool in its current location along with some amenities. At a future date we would go after the 1% sales tax to develop Richardson Park, Knievel Park and Waggener Farm Park.

➤ Option 4 is to do nothing.

Tyler Kiggins and Keith Hayes with WENK Associates gave a presentation on the options the Town Administrator Kirk explained. The presentation was for Phase 1 in all the options.

➤ Priorities

- Trails
- Baseball Fields
- Outdoor Aquatics
- Native Planting at Waggener Farm Park

➤ Option 1

- Richardson Park Cost: \$9,720,228
  - Four Baseball Fields
  - Pre-Fabricated Restroom and Concessions
  - Maintenance/Storage Building
  - Parking
- Waggener Farm Park Cost: \$19,598,255
  - Reduced Recreation Center
  - Outdoor Aquatics
  - Parking
  - Native Seed, Trees, and Trails
- Berthoud Town Park Cost: \$111,075
  - Demolition of existing pool.
  - Replace pool with irrigated sod.

Total Cost for this option which includes hard costs, contingencies and soft costs is estimated at \$29,429,558. Operations and Maintenance cost annual is estimated at \$589,950. These costs are all estimates.

➤ Option 2 focuses any future funding all on the Waggener Farm Park Property.

- Waggener Farm Park Cost: \$27,145,682
  - Recreation Center
  - Outdoor Aquatics
  - Multi-Use Field

- Community Playground
- Parking
- Native seed, Trees, and Trails
- Berthoud Town Park Cost: \$111,075
  - Demolition of existing pool.
  - Replace pool with irrigated sod.

Total cost for this option which includes hard costs, contingencies, and soft costs is estimated at \$27,256,757. Operations and Maintenance cost annual is a rough estimate at \$300,000 to \$350,00. These costs are all estimates.

- Presented by Town Administrator Kirk the Alternative Option would be to expand the uses of the 1998 sales tax. We could use the funds to remove and replace the Berthoud Town Park Pool and expanding it and include additional parking.

Kyle Thomas with George K. Baum and Company spoke about what we want our debt services payments to be versus what we are generating in revenue. If the 1% sales tax is generating 1.3 million you could not make your debt service payments at 1.3 million; because there could be a drop-in sales tax revenue. This would result in a default on payments. You would want your revenue to be 1.5 times the debt service payments. Therefore, you would want to pledge other revenue showing that we could still make our payment if revenue from the 1% sales tax dropped. Pledging Marijuana revenue is not an option because there is still too many unknowns and lenders are not comfortable with that as revenue. There is huge demand from investors for Bonds. He has no concerns about the ability to sell the bonds to raise the capital we need. We are still in a favorable market for borrowing.

Mayor Karspeck opened the discussion to Public Comment.

Carol Patterson at 935 10th Street stated having recreational cost on the 2018 ballot will significantly increase that the R2J ballot issue will fail. That outcome would have more negative consequences on the Future of Berthoud than temporarily delaying the construction of a recreation center. The needs of the school system are well documented. She was asking the board to put their voice and vote behind schools and education by choosing not to include additional ballot issues in 2018.

Stew Boyd at 717 6th Street stated he supports the expanded recreational opportunities but urges us not to put the tax issue or other creative use of a tax on the ballot. He too is concerned that it will compete with the R2J ballot issue. The analysis he read prove the longer the ballot the more chances of a no vote. He feels that the R2J school district is in an emergency state. Berthoud will benefit from this R2J ballot issue passing. Two schools Berthoud Elementary and Ivy Stockwell are the only two schools that will be receiving additions. The Town Recreation needs in his opinion are not an emergency. The school district needs are an emergency. He hopes that the board will not have these ballot issues compete and risk that one or both may fail.

Margaret McCreary at 706 8th Street stated that Colorado had one of the highest rankings in public education. It makes her sick that we have slid down in the rankings with other states that have not put a priority in public education. She thanked the board for their leadership. She was pleased to see the alternative proposed Resolution in the packet. She agrees with what Carol and Stew said and strongly hopes the board does not vote to put a measure on the ballot. She does not feel there has been sufficient time for the public to be educated. You are the guardians of our community. Feels that there are more fundamental things that need to be addressed first.

Ruth Fletcher-Carter at 1028 North 4th Street stated she grew up in Berthoud. She quoted Winnie Pooh "Doing nothing is doing something." Feels we have not maintained the Berthoud Area Transportation.

Also, stated we have not done what we said we are going to do with the 1997 tax measure (that went into effect in 1998). Feels that Berthoud Parkway is needing to be expanded to carry the amount of traffic that will soon be going through there. Encourages the Board to look at the 1997 tax measure (that went into effect in 1998) and if we did what we said we were going to do. We need to see what its role is before expanding the use of the 1997 tax measure (that went into effect in 1998) in an expanding Berthoud. Make Berthoud the envy of other towns.

Carolyn Hobson at 817 Greenwood Drive stated has two young kids and knows the Parks and Rec department are bursting at the seams. Also understands the PORT has been working hard for a long time on this. Feels we may not be ready to move forward yet. She feels that we should wait before putting this as a ballot measure and give the school a chance.

Andrea Sutton 2442 Tabor Street states that she would vote for option 5 and ask for an increase tax in 2019. She is not against supporting a responsible PORT master plan. She feels that it seems rushed and the population is not there to support it. She is extremely for public schools. That has been severely overlooked for a decade. Wants to know how a bond effects each homeowner? She also gave a summary on the back log of the school's maintenance of our four local schools that totaled over \$10,000,000. It concerns her if the board ask for a tax increase on this ballot. We could ask for this in April or November of 2019 and does not need to be rushed through. This does not have to impede the ask for our schools.

Lisa Wagner at 1116 Shelby Drive asks that we leave the ballot initiative off the ballot. If we ask to much of our residents she is afraid that the school ballot measure would fail. She feels that our schools need help and are bursting at the seams. She stated that two years ago the school district had \$73,000,000 in back logged maintenance and they are now over \$90,000,000. As a concerned parent with kids in the schools, ask that we wait to put the tax ballot measure on the 2019 ballot.

Jane Vielehr at 980 Mountain Avenue states that she supports what the others said to not put the tax measure on the ballot because of the school bond issue. She would like to see us keep the Aquatics Facility in Berthoud Town Park, because it is more accessible for the downtown residents who do not have access to a metro district pool. She does not feel our population is big enough to support a Recreation Facility.

Amanda Gibb at 855 Humboldt Peak Lane states that she is on the PTO at Ivy and does not have much different to say. That our schools have huge needs. Encourages the board to wait on this and give it more time. She does not feel any more well informed. She encourages the board to put this on at a later time.

**Mayor Pro Tem Hindman Motioned to Adopt Ordinance 1251 an Ordinance of the Town of Berthoud, Colorado calling an election on November 6, 2018 and certifying ballot issues to authorize a sales and use tax rate increase and the issuance of revenue bonds to finance capital improvements; setting the ballot titles and content for the ballot issues; providing the effective dates of this ordinance and setting forth details in relation thereto. Trustee Dower Seconded the Motion. The yes votes were as follows... Mayor Pro Tem Hindman, Trustee Laak, Trustee Dower, and Trustee Alaback. The no votes were as follows... Trustee Tomassi, Trustee Hardy and Mayor Karspeck.**  
**THE MOTION PASSED.**

**Trustee Tomassi Motioned to Resolution 28 a Resolution of the Town of Berthoud, Colorado submitting to the registered electors voting in the coordinated general election to be held November 6, 2018 a ballot question concerning whether the Town of Berthoud shall be authorized, without imposing any new tax, to expend the special one percent sales tax previously approved for a broader range of recreational purposes. Trustee Laak seconded the Motion. The yes votes were as follows... Trustee Tomassi, Trustee Laak, Trustee Alaback and Mayor Karspeck. The no votes were as follows... Trustee Dower, Mayor Pro Tem Hindman and Trustee Hardy. THE MOTION PASSED.**

##### **5. Regulations Regarding Smoking in Public Places**

This is a reading that will come back to the Board on September 11, 2018 to be voted on. This is a proposed addition to the Berthoud Municipal Code would establish regulations and penalties regarding

smoking in public spaces. This proposed ordinance would impose regulations on smoking as well as the use of electronic smoking devices. The use of electronic smoking devices may be visually similar to the smoking of cigarettes and has already been observed in locations where smoking is prohibited, creating concern and confusion. The use of electronic smoking devices where smoking is prohibited may increase the social acceptability and appeal of smoking, particularly for youth.

Several state and local governments have decided to regulate the use of electronic devices:

- California, Connecticut, Delaware, Hawaii, Maine, Oregon, Utah, New Jersey, North Dakota, and Vermont - passed legislation prohibiting e-cigarettes wherever regular smoking is banned.
- 10 States (including Colorado) - passed legislation regulating e-cigarette use in certain places such as school property and State workplaces.
- Nationally, at least 470 municipalities (including large metropolitan cities like New York and Chicago) include e-cigarettes in their local smoking ordinances.
- In Colorado, at least 12 municipalities have included e-cigarettes in local smoking ordinances. At least 10 national public health organizations, including the American Medical Association, have recommended that electronic smoking devices be added to local smoking ordinances.

#### **6. Regulations Regarding Junk and Abandoned Vehicles**

This is a reading that will come back to the Board date to be determined to be voted on. The board did ask for more clarification on weeds, nuisance trash that attracts wildlife, and to add commercial that is in residential areas.

This will be an ordinance 1250 prohibiting accumulation of refuse and inoperable vehicles. This is an amendment to Chapter 16 of the Berthoud Municipal Code.

The junk/junkyard and inoperable vehicle additions to the Prohibited Accumulation section of the code provides regulations regarding the storage of materials on private property. Such additions would cover materials and vehicles that do not fall under the categories of trash or garbage currently in the Berthoud Municipal Code.

The implementation of this ordinance would provide the ability to handle incoming complaints and concerns regarding properties that may be considered blight. This would help maintain the cleanliness and the appearance of the Town.

#### **7. Case Annexation Ballot Language**

This is to approve ballot language for the Case Annexation. The Case property is a little over 6 acres surrounded by the Lonetree Annexation. If the annexation is approved by the voters, formal annexation proceedings will still need to occur prior to the annexation being finalized. As a reminder, these proceedings will include among other steps...

- A formal application by the property owner
- The approval of a petition by the Board
- Public notice via signs and legal ads
- Public notice via letters to the neighboring property owners
- Review of the annexation by the Planning Commission
- Board approval of an ordinance accepting the recommendation of the Planning Commission and approving the annexation.

**Mayor Pro Tem Hindman Motioned to adopt Resolution 2018-27, a resolution of the Town Board, Town of Berthoud, submitting to the registered electors voting in the Coordinated Mail Election to**

be held November 6,2018. A ballot question concerning whether the Town of Berthoud shall be authorized to annex the "CASE Annexation". Trustee Tomassi Seconded the Motion. **WITH ALL IN FAVOR THE MOTION CARRIED.**

#### **VI. Elected Official Reports**

Town Administrator Kirk had nothing to report.

Attorney Bell reported that he will be bringing back a Leasing Oil and Gas agreement to the board.

Trustee Alaback reported that the town took care of some vegetation that was obscuring Welch and 10th street. He went to the Open Space Meeting last week. Friday September 7, 2018 there will be a stargazing event at Red Mountain Open Space, from 8:00p.m. to 11:00p.m.

Trustee Tomassi had nothing to report.

Mayor Karspeck reported will bring back Tree Nursery to look into a pot in pot nursery that the Tree Board wants to start. The new owner of the Moon Theatre is trying to get it put pack on the Historical Registry. He met with the new High School Principal and R2J Administrator. The R2J Administrator would like to have a meeting with the School Board and Town Boar. He met with Ruth Fletcher-Carter and talked about RAFT. The Town was contacted by ACLU about our panhandling ordinance and that it is a violation of freedom of speech. This is being taken care of by or Town Attorney.

Mayor Pro Tem Hindman reported last Thursday he attended the Colorado Municipal League Water Conservation and Land Use Planning Workshop. It will be critical that we find ways to conserve water as our population doubles. In Mid-November Western Resource Advocates will be coming out with a guideline that hosted the workshop. He shared Berthoud non-potable efforts. Trustee Alaback will be taking over for him on the Open Lands Advisory Board.

Trustee Dower reported was happy to see work being done on the cross-walk over at Hayes Market. It will be safer for the kids. She will continue discussions with the YMCA an ongoing investigation of options.

Trustee Hardy has nothing to report.

Trustee Laak has nothing to report.

#### **VII. Adjournment**

Mayor Karspeck adjourned the meeting at 11:05 p.m.

Michelle Adams

Town Clerk or Deputy Town Clerk

William Karspeck

William Karspeck, Mayor

