

**Board of Trustees
Regular Meeting
May 9, 2017**

1. CALL TO ORDER

Mayor Mulvihill called the regular May 9, 2017 Board of Trustees meeting to order at 6:00 p.m. in the Board Room.

2. ROLL CALL

Kathy Webb, Administrative Assistant to the Town Clerk called the roll, those present were: Mayor Mulvihill, Mayor Pro Tem Buckridge, Trustee Hindman, Trustee Baker, Trustee Dunkelberger, Trustee Karspeck, and Trustee Laak.

3. PLEDGE OF ALLEGIANCE

Mayor Mulvihill led the Pledge of Allegiance.

4. APPROVAL OF ACCEPTANCE OF THE AGENDA

Mayor Pro Tem Buckridge moved to approve the agenda, on the condition that the water agreements directly follow the executive session. Trustee Karspeck seconded. Motion carried 7:0

5. CONVENED REGULAR MEETING TO EXECUTIVE SESSION AT 6:05 p.m.

Mayor Pro Tem Buckridge moved, seconded by Trustee Karspeck, to go into executive session for conference with the Town Attorney for legal advice on specific legal matters pursuant to CRS 24-6-402(4)(b). The motion carried 7:0.

Regular Meeting Resumed 7:37 p.m.

6. CITIZEN PARTICIPATION

Ralph Walsh 1020 Meadowlark Dr. (non-resident)

RE: Speed limit signs

Executive Session ran over had to leave at 7:27pm

Tom Patterson 935 10th Street (resident)

RE: Raised concerns regarding the Town's Dark Sky Ordinance, Section 30-2-118 of the Development Code, and new residential construction. Mr. Patterson stated close to seventy thousand kids have gone through the Town's renowned observatory program. Trustee Laak applauded Mr. Patterson bringing his concerns to the Board's attention while Trustee Hindman gave a brief history of Berthoud observatory and echoed wanting to pursue having the new developments in Town recognize the Dark Sky Ordinance.

7. CONSENT AGENDA

Mayor Pro Tem Buckridge moved, Trustee Dunkelberger seconded, to approve the Consent Agenda consisting of the Bills Allowed and Financials for March 2017, as well as the minutes for March 21st & 28th and April 11th & 25th 2017. Motion carried 7:0

8. WATER PURCHASE AGREEMENTS

Presentation by Town Administrator, Mike Hart

Trustee Buckridge moved to amend the motion, seconded by Trustee Laak, to authorize the Town Administrator to ratify the purchase contract agreements presented, in substantially the form they have been submitted, on behalf of the Town of Berthoud. Motion carried 6:0. Trustee Hindman abstained.

9. OLD TOWN HALL

Presentation by Nathan Klein, LC Real Estate Group LLC.

Mayor Pro Tem Buckridge inquired about the percentage of the building that is rentable, to which Mr. Klein responded approximately 7100 square feet, with two tenants interested, leaving one third still leasable. Mayor Pro Tem Buckridge also inquired about the historical preservation impact of leasing the property. Further discussion was held about the possibility of those businesses that might be interested in the property adding signage to the building and how that would impact the historical value. Trustee Hindman supported exploring a work-sharing plan among interested parties. Mr. Klein finished by reassuring the Board that terms of the contract can still be negotiated.

Trustee Hindman moved, seconded by Trustee Laak, to direct Staff to draft a lease, bringing it back in front of the Board at a later date. Motion passes 7:0

10. LARIMER COUNTY SHERIFF'S OFFICE (LSCO) ANNUAL UPDATE

Presentation by Sergeant Jim Anderson of the Larimer County Sheriff's Office
*FOR INFORMATION ONLY

Sergeant Anderson led his report with trivia about the second telescope at Berthoud Observatory being from NASA. The sergeant reported having success with the Coffee with a Cop program, and National Night Out which saw over three hundred and fifty attend the event. In the past year, his department has dealt with the aftermath of a tornado, a vehicular incident at the high school, and a stand-off at the local Subway. The Larimer County Sheriff's Office has made great strides in working with CDOT to obtain better street signage, use new green striping in crosswalks, and implement flashing school zone lights at the high school. Sergeant Anderson also reported that the newly hired Code Enforcer has been busy with inoperative vehicles, weed complaints and animal control issues. He went on to explain many benefits of having LSCO here providing the Town; a force that has completed State of Colorado Mandated Training, as well as access to K-9 units, complete investigation units, SWAT/Negotiations (one of the best in Colorado), Northern Colorado

Bomb Squad, a Forensic Team & regional crime lab, as well as the knowledge that the force is meeting records management and professional standards.

Trustee Karspeck applauded the work of Sergeant Anderson and his team, stating they are doing an incredible job and commented they are "easy to approach". Mayor Pro Tem Buckridge echoed the sentiment, stating that he has witnessed school age children viewing the force as 'friends' and went on to say Sergeant Anderson has accomplished his goal of becoming an integral part of the Berthoud community. Mayor Mulvihill added that he has heard zero complaints about the force and is proud of their service to the community.

11. LARIMER COUNTY SHERIFF'S OFFICE (LCSO) CONTINUITY OF OPERATIONS PLAN (COOP)

Presentation by Sergeant Jim Anderson of the Larimer County Sheriff's Office

Sergeant Anderson explained that the plan ensures that the Town can still be kept running in the event of a disaster. Much discussion was held including the chain of command, infrastructure concerns, county involvement, evacuation plans, etc.

Trustee Laak inquired about a backup generator for Town Hall. Town Administrator Hart assured the Board arrangements had been made to check generators as well as the air conditioners in the building, adding the Town has a natural gas fired generator.

Mayor Pro Tem Buckridge asked that test training and exercises be brought back to the Board. Sergeant Anderson responded that the Board would be notified, once the COOP was implemented.

Sergeant Anderson went on to further explain that Larimer County provides 24/7 assistance in the event of emergency, adding that in order to help prevent a utility disruption an emergency feed was implemented the day before by Xcel Energy, to which Town Administrator Hart added it would be an ongoing conversation.

Trustee Laak moved, Trustee Dunkelberger seconded, to approve Resolution 6-17 adopting the Continuity of Operations Plan. Motion carried 7:0

12. VANTAGE PRELIMINARY

Presentation by Community Development Director Curt Freese
Mayor Mulvihill opened Public Hearing at 8:25 p.m.

Community Director Freese explained that the plan currently has 473 lots, originally conceived to include 478. The area in discussion has over 201 acres, over 40 of which is designated for open space to be maintained by the Vantage Metro District, with an abundance of pedestrian trails and bike paths, allowing for plenty of buffering. Townhouse section will be coming in the future and has been moved to the center of the development under this plan. Mr. Freese went on to explain the oil and gas leases will expire at the end of the year.

This development has a variety of land uses, is low-density, and has improved drainage especially impacting property just south of the development. Mayor Pro Tem Buckridge asked about safe, easy walkway access to the closest elementary school. Director Freese responded that access would be granted from the north.

Trustee Hindman asked for clarification regarding trees and access points, and if the walkway access connection would keep pedestrian traffic off Bunyan. Mr. Freese responded at a future point Water Avenue would accomplish this goal.

Presentation by applicant, Bill Zech, agent for ALC V, Berthoud LLC & Kristin Turner

Trustee Karspeck applauded the developer's diligence and commitment to open space.

Audience Response: Barth Story, 930 Bunyan (resident)

RE: trails and access to new park, ground water being diverted along Roberts Lake, and roundabouts on LCR 17.

Urged Board to think about increased need for fire and police protection in subdivision and school locations. In addition, questioned whether Colorado legislation just relaxed condo building liability laws.

Community Development Director Freese commented that a traffic study did not require a roundabout, and reminded Mr. Story that the Fire Department and School District review each development phase and that the developer was allowing for drainage areas and crosswalks.

Trustee Hindman inquired about a trail connection north of 10th Street and Bunyan. Town Administrator Hart stated that stop signs, sidewalks, and crosswalks were part of the plan with original developer.

Trustee Karspeck asked Walt Elish, Business Development Director, to look into updated condo building liability.

After some further discussion, Trustee Dunkelberger moved, Trustee Baker seconded , approval of the Vantage Point Second Filing Preliminary Plat, with the findings that it is consistent with Section 30-6-105 C of the Development Code. Motion carried 7:0

8:55 p.m. Break

9:00 p.m. Resumed

13. REPORTS AND AGENDA REVIEW

Town Administrator Mike Hart's report (copy obtained for record) included drainage pipe in Pioneer Park, Economic Development's Quarterly Review, RAFT & BATS service territory redetermination, May 23rd graduation week, and Town trash pick-up May 20th.

Quiet zones, Town maintenance and Spartan Avenue railroad crossing to be placed on June 20th
Study Session.

Life Center being placed on *parking lot* per Trustee Dunkelberger and Trustee Baker.

Trustee Hindman expressed interest in having a May 23rd meeting, i.e. Development Code including re-examining Dark Sky Ordinance. Town Administration Hart responded that the Building Code is set to be brought before the Board in July.

Trustee Baker commented she was open to using the May 23rd meeting time to discuss Life Center for the Old Town subcommittee. Discussion ensued.

Trustee Dunkelberger spoke about her work with the Youth Advisory Committee (YAC) having attended the MPO dinner, PORT trail interest, and Life Center.

Trustee Laak, no report.

Mayor Mulvihill was impressed with YAC at MPO, encouraged Board members to come out to see the Vietnam Traveling Memorial Wall as it passes through Town. Sergeant Anderson added that due to construction at LCR 17 the traveling route will pass along Hwy 56 and turn toward Hwy 287 at 1st Street.

Trustee Baker thanked staff for organizing the MPO meeting and Trustee Dunkelberger for bringing YAC, as well as Mayor Mulvihill for attendance. After some discussion Old Town Subcommittee meeting will meet Tuesday May 23rd. Directed Staff to double side packets.

Mayor Pro Tem Buckridge gave updates on Historic Preservation Advisory Committee, working closer with Berthoud Historic Society. Request to have staff informational board, sandwich board in lobby, perhaps an electronic kiosk.

Trustee Karspeck spoke about attending a water foundation class in Glendale. He was scheduled to attend a climate change conference, but to no avail. He also commented on following up with Director Elish, regarding condo building changes in the Colorado legislature and found they did not pertain to the discussion. Trustee Karspeck added the I-25 Coalition wants to hire a lobbyist and concluded with a quick discussion with Administrator Hart about the roundabout at LCR 17 being completed in June, weather permitting.

14. ADJOURN 9:25 p.m.

There being no further business to come before the Board at this time, the meeting was adjourned.

Approved this 13th day of June, 2017.

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APPROVED BY:

ATTEST:

kywebb

Kathy Webb, Administrative Assistant

Steve Mulvihill

Mayor Steve Mulvihill