

**BOARD OF TRUSTEES
REGULAR MEETING
March 22, 2016
6:30 P.M.**

Board Members Present: Mayor David Gregg
Mayor Pro-Tem Jan Dowker
Trustee Chris Buckridge
Trustee Jennifer Baker
Trustee Dick Shepard
Trustee Paul Alaback
Trustee Suzie White

Staff Members Present: Town Administrator Mike Hart
Community Development Director Curt Freese
Accounting Technician Melissa Colucco
Deputy Town Clerk Tamiko Brewster
Town Attorney Greg Bell

Mayor Gregg led the Pledge of Allegiance.

Citizen Participation

None.

Consent Agenda

Administrator Hart informed the Board that the Financial Statements had been pulled from the consent agenda.

Trustee Shepard moved to approve the March 8, 2016 Board Meeting Minutes and the 2015 Tree Committee Report. Trustee Buckridge seconded the motion. The motion passed unanimously.

Updated Information

Mr. Hart wanted to address several questions about the absentee ballots. There had been several vendors used for election supplies and it appeared that the secrecy envelope did not close properly over the ballots, however the mailing envelopes did. Mr. Hart explained that the secrecy envelopes are not a requirement and went over how the ballots are processed. There had been some concern regarding ballots not being counted if they are not folded correctly. Mr. Hart explained that the reason they needed to be folded a certain way is due to the voting machine and anything rejected by the machine would be counted by hand by the judges. All ballots will be counted. Deputy Clerk Tamiko Brewster will be available if there are any other questions or concerns. Attorney Bell confirmed this information.

Mr. Hart stated that the decision to pull the financial statements from the agenda item was due to some corrections that Senior Accountant Leach would discuss and also that Town Clerk Alisa Darrow went on early maternity leave. With the Town Clerk out of the office for some time Mr. Hart suggested appointing Deputy Clerk Brewster as acting Town Clerk.

Mayor Gregg moved to approve Tamiko Brewster as acting Town Clerk until Alisa Darrow returns from maternity leave. Mayor Pro-Tem Dowker seconded the motion. The motion passed unanimously.

Senior Accountant Cindy Leach addressed a correction on the financial statements on page 2 of the Berthoud At A Glance. The clarification was that Town expenditures were under not over 13%.

Purchase of Guaranty Bank Building

Mr. Hart explained that this was a follow up item from the March 8, 2016 meeting on the potential purchase of the Guaranty Bank Building located at 807 Mountain Avenue. Staff had been directed by the Town Board to address comments and concerns in regard to cost to construct a new facility vs the proposed opportunity and sources on proposed funding. The proposal came to the Town from the Bank.

Mr. Hart wanted to address the recent communication of the merger between Guaranty Bank and Home State Bank. In previous discussion Guaranty Bank would originally be a tenant if the Town purchased the building. It is unknown if they would remain in the Guaranty Bank Building or move to the Home State building. There are also numbers included in the packet that address the impact if the bank moved out of the building and it would not impact the town by much and would provide more space. Mr. Hart provided a packet with detailed information on cost comparisons showing a new facility being significantly higher than the proposed property. Mr. Hart addressed some of the main questions raised at the previous meeting in regard to funding. Mr. Hart explained that all administrative functions including utility billing and planning and development are done at Town Hall. Impact or Expansion fees from building permits are available for growth and expansion which is what the building purchase would be for. Running this facility would be divided between three areas with 1/3 being general, 1/3 being water and 1/3 being wastewater. Mr. Hart also provided detailed information in the packet over the sources of funds.

Mayor Gregg opened the item to public comment at 7:05 p.m.

William Reavey of 302 Victoria Street asked if there was a deadline in vacating the building to which Mayor Gregg responded there was not. Mr. Reavey requested to delay the vote to purchase.

Jeff Hindman of 348 Turner Avenue presented the Board with rough construction plans for building a facility on the skate park property as well as his own pricing comparisons. Mr. Hindman was opposed to the purchase and the funding options and added that the rushed purchase is not providing enough time to look at other options.

Milan Karspeck of 708 6th Street expressed his concern with using the public utilities fund and felt that the funding was not available for the purchase. These funds should be designated for the purpose of water and wastewater infrastructure.

Robert Carney of 1600 WCR 10 felt it outstrips the Town's needs for space and financial needs. Mr. Carney also felt the Town was not looking at unforeseen cost.

Bob Kennard of 562 South 9th Street suggested the Town hold off on the decision and requested more information on the downsides of the building.

Mayor Gregg closed the item to public comment at 7:34 p.m.

Trustee Buckridge wanted to address some of the questions in regard to funding the purchase from water budgets and if it will impact future needs.

Mr. Hart explained this transaction would not have an immediate impact and it would not be equitable to not let the raw water funds share in some manner with this purchase and to say that no business occurs in this building pertinent to raw water is terribly inaccurate.

There was lengthy discussion from questions asked by the trustees that addressed concerns from the public. The subjects addressed were current and pending development activity along with projections of growth for Berthoud and annual revenue, feasibility without lease options, likelihood of potential buyers for the current building, and benefits to using cash for the purchase instead of bonds or debt.

Trustee Alaback mentioned that there are a lot of numbers and a lot of scenarios to look at. This is a long term decision and do we want to be practical or visionary. Mr. Alaback spoke of the numbers discussed and the good financial position of the Town right now but felt we should be looking into the future of what we really need.

Mayor Gregg addressed some of the questions in regard to timing of the purchase. He explained there is a choice to make this evening on a proposition that was presented and that in Government sometimes you have to move quickly when making tough decisions. He also addressed some comments that the new location would not be considered downtown and explained when looking into the future of Berthoud, downtown spans from the 1st Street roundabout all the way to Highway 287. Moving to the Guaranty Bank building would put Town Hall on Mountain Avenue in that downtown area. Mayor Gregg recapped the information presented by staff and the comparison of costs between what some of the other towns are paying per square foot to the low cost of \$92 per square foot that the Guaranty Bank building will cost the Town. Mayor Gregg also added that although there had been a good plan in the past, over time things and needs change.

Mayor Pro-Tem Dowker and Trustees Buckridge, Baker and Shepard agreed.

Trustee Buckridge moved to approve Ordinance 1214 excluding item 4 of the emergency clause authorizing the purchase of the Guaranty Bank and Trust building at 807 Mountain

Avenue including the supplemental budget appropriation needed to do so. Mayor Pro-Tem Dowker seconded the motion. The motion passed 5-1 with Trustee White not present and Trustee Alaback opposed.

Agreement To Provide Sewer Water

Public Works Director Stephanie Brother presented the Board with a brief history on the former Haworth property now known as Longs Peak Farms. Larimer County is requesting that the Town provide an agreement which demonstrates the Town is allowing the Haworth property to be served by the Town's wastewater system and that the Town will be the owner of the wastewater system.

Mayor Pro-Tem Dowker moved to approve authorizing the Town Administrator to sign the Service Agreement for the Haworth property. Trustee Shepard seconded the motion. The motion passed unanimously.

Heron Pointe Preliminary Plat

Community Development Director Curt Freese gave a brief history and layout of the property which is located south of LCR 14, west of LCR 17 and north of Colony Ridge Subdivision. The applicant is requesting two Preliminary Plat applications. 1A titled Heron Pointe Lot will create 179 single-family lots, detention, and open space. 1B will create one lot for the development of 18 multi-family buildings to house 128 units.

The property was annexed to the Town and approved zoning was R1 (Single Family District), R3 (Multi-Family District), and C2 (General Commercial). A Concept Plan was also approved with comments related to the compatibility with existing residential neighborhoods and read into record. On July 24, 2015 the applicant submitted a revised Concept Plan and Rezoning to meet those concerns which resulted in moving the multi-family area and the R-3 zoning district and R1 zoning district adjacent to the existing Colony Ridge subdivision. If the Preliminary Plat is approved the Final Plat would be approved only by the Planning Commission.

Mayor Gregg opened the meeting to public comment at 8:37 p.m.

Charles Miller of 4162 Joni Lane expressed concerns in regard to traffic. Mr. Miller lives in the Longs Peak Estates and explained that the roads are maintained by the HOA and heavy traffic from the proposed development could be a substantial cost to them.

Joe Evanowski of 4717 Sunshine Court in Loveland expressed concerns regarding traffic and ditch flooding.

Mayor Gregg closed the meeting to public comment at 9:02 p.m.

Andy Gerk, agent for Journey Homes introduced engineers to address some of the concerns. Charles Sonnier, engineer for LRA Inc., explained that there would be less water dumping into the detention ponds than what they can hold. Matt Delich of Delich and Associates explained that traffic is not

likely to go through the Longs Peak Subdivision. The way the development is designed it would be difficult to cross two busy lanes of traffic and there would be an entrance towards Taft.

Trustee Buckridge moved to approve Heron Pointe Lot 1A Preliminary Plat finding that the Plat: 1) represents a functional system of land use and complies with the approved Concept Plan; 2) complies with the Code and Comprehensive Plan; 3) has been designed with appropriate infrastructure and will not cause negative impacts on adjacent land uses within the Town and 4) fills the need within the community and helps achieve a balance of housing types. Trustee Baker seconded the motion. The motion passed unanimously.

Trustee Buckridge moved to approve Heron Pointe Lot 1B Preliminary Plat finding that the Plat: 1) represents a functional system of land use and complies with the approved Concept Plan; 2) complies with the Code and Comprehensive Plan; 3) has been designed with appropriate infrastructure and will not cause negative impacts on adjacent land uses within the Town and 4) fills the need within the community and helps achieve a balance of housing types. Trustee Baker seconded the motion. The motion passed unanimously.

Heron Lakes Concept Plan, Rezoning and Final Plat

Community Development Director Curt Freese provided a brief history on project and explained that Heron Lakes, LLC is requesting to rezone four parcels from the earlier 2015 rezoning and concept plan approval, with a concept plan amendment to reflect the proposed zoning. The applicant is requesting to rezone 3.252 acres from Limited Multi-family (R-2) to Agricultural (AG); 8.616 acres from Single Family (R-1) to Agricultural; a 28.7711 tract from R-2 to Multi-Family District (R-3); and 4.550 acres from Agricultural to Neighborhood Commercial (C-1). The applicant has requested the rezoning and concept plan changes to address PGA requirements for the golf maintenance area and driving range, and in anticipation of commercial and mixed use growth.

Applicant Jim Birdsall of the Birdsall Group wanted to thank the Board for their support and was available for questions.

Mayor Gregg opened the meeting to public comment at 9:56 p.m. With no one wishing to speak he closed the item to public comment at 9:56 p.m.

Trustee Shepard moved to adopt Ordinance 1215 Zoning Map Amendment of the property known as Heron Lakes. Mayor Pro-Tem Dowker seconded the motion. The motion passed unanimously.

Trustee Shepard moved to approve the Heron Lakes Concept Plan and Final Plat as per the findings of the included Staff Report. Trustee Buckridge seconded the motion. The motion passed unanimously.

Heron Lakes Exchange

Administrator Hart gave a brief history and provided an explanation in the packet explaining that when Heron Lakes was originally approved, the Town was deeded a 3.867 tract along what was planned as Heron Lakes Parkway. The parcel was to be developed as a community park in the middle of the development. After the golf course layouts changed, the location of the park became less beneficial to the Town and a problem for the developers. The Town was approached by the developers to trade the 3.867 acre site for a 5.58 acre site along Lonetree Reservoir adjacent to the Rookery. The location has connections to the GOCO Open Space and three trails.

Trustee Shepard moved to adopt Ordinance 1216 proposing an exchange of real property at Heron Lakes for future park development. Trustee Alaback seconded the motion. The motion passed unanimously.

Development Code Process

Attorney Bell gave a brief overview on the development code process. The discussion is only informational tonight. There were suggestions on cleaning up the Development Code Process and how Development Agreements should be staff items instead of being brought to the Board. An official ordinance will be brought back to the Board with several revisions.

Supplemental Appropriation for Continuity of Operation Plans

Administrator Hart provided an ordinance as follow-up to pay for the previously discussed COOP plan.

Trustee Buckridge moved to approve Resolution 8-16, appropriating \$30,000 to be used in the development of the Continuity Of Operations Plan for the Town of Berthoud. Trustee Baker seconded the motion. The motion passed unanimously.

Reports

Mr. Hart reported on the Port Plan and the draft should be presented at the next meeting. There has been conversation with GreenPlay on assistance with the recreation center.

Trustee Shepard wanted to bring attention to the positive feedback from citizens on the Resource Officer at Turner Middle School and the Thompson School District.

Account Technician Melissa Colucco introduced her replacement Carla Gustafson. She will be taking over meeting minutes, payroll and accounts payable.

Trustee Alaback reported that the County Open Space Program has been working on a county farm restoration program and is close to making its first acquisition. There will be a media tour with Loveland and Berthoud papers on Thursday at 1325 South 287.

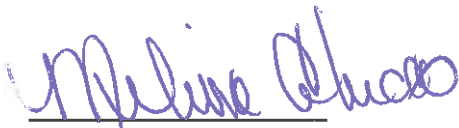
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Mayor Pro-Tem Dowker reported she would be attending the Planning and Zoning meeting on Thursday.

Mayor Gregg adjourned the meeting at 10:27 p.m.



Mayor David Gregg



Melissa Colucco
Accounting Technician