

**BOARD OF TRUSTEES  
REGULAR MEETING  
December 8, 2015  
6:00 P.M.**

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

**Staff Members Present:**  
Town Administrator Mike Hart  
Town Clerk Mary Cowdin  
Town Clerk/Assistant Town Administrator Alisa Darrow  
Community Development Director Curt Freese  
Accounting Technician Melissa Colucco

Mayor Gregg led the Pledge of Allegiance.

**Citizen Participation**

None.

**Consent Agenda**

The Consent Agenda consisted of the minutes of the November 10, 2015 Board Meeting, November 17, 2015 Board Meeting, Financial Statements and Bills Allowed.

**Trustee White moved to approve the consent agenda with corrections to the meeting minutes of November 10, 2015 and November 17, 2015. Mayor Pro-Tem Dowker seconded the motion. The motion passed with Trustee Shepard abstaining from voting on the November 10, 2015 meeting minutes since he was not present at that meeting.**

**Resolution-Water Policy Amendment**

Water Attorney Paul Zilis explained that he had been working with the Town on implementing the new Water Dedication changes to the Municipal Code. One issue that had come up was in regard to irrigation requirements for parks and open space. Mr. Zilis explained further that the current code

requires cash in lieu or water dedication upfront for the irrigation of parks and open space in order to avoid situations where building permits are issued for developments, but irrigation water for parks and open space are never acquired by the Town. The Development Code is currently written to protect the Town fully, however, it has proven difficult for developers to pay the full amount upfront. Mr. Zilis presented a small change that could help developers and still protect the Town by splitting the dedication requirements. One half would be due within a Phase at the beginning of the development with the issuance of a Town Stormwater Discharge Permit. The other half would be due and owing upon issuance of one-half of the building permits for that Phase of development. Mr. Zilis also clarified that Phases are platted phases rather than construction phases.

**Trustee Buckridge moved to adopt Resolution #23-15. Mayor Pro-Tem Jan Dowker seconded the motion. The motion passed unanimously.**

#### **Ordinance-2016 Mill Levy**

Town Senior Accountant Cindy Leach presented the Board with an ordinance adopting the 2016 Mill Levy. The Levy is the same as last year and standard. Ms. Leach added that the total valuation of Town Mills is 9.534 which is .194 less than last year but based on the evaluation the Town will collect approximately \$71,000 more.

**Mayor Pro-Tem Dowker moved to approve Ordinance # 1207 Adopting the Mill Levy for 2016. Trustee White seconded the motion. The motion passed unanimously.**

#### **Larimer County Sheriff's Office Contract**

Assistant Town Administrator Alisa Darrow explained that the current contract with the Larimer County Sheriff's Office to provide law enforcement for the Town will end April 31, 2016. Ms. Darrow explained that the renewal included the addition of a second School Resource Officer at Turner Middle School. The cost of the added SRO will be split between the Town and Thompson School District and is being offset by the Medical Marijuana Transaction Fee which is estimated at \$52,000. The previous contract would be replaced by this new contract effective January 1, 2016.

Larimer County Sheriff Department's Lieutenant Brooks added that the additional cost of \$62,231.58 for the School Recourse Officer is a onetime cost and will be decreased by that amount in the following years. Mr. Brooks also added the maximum increase to the annual cost would not exceed 3%. The contract is also good for five years.

Town Administrator Mike Hart stated that the Larimer Sheriff's Department had kept the cost the same over the past few years and is a big part of why Berthoud had been voted one of the safest places to live.

Trustee White asked staff if they could track consistency in regard to the Marijuana Dispensary transaction fees. Ms. Darrow responded that she would follow those numbers closely and report back to the Board if there were any issues.

**Trustee Buckridge moved to direct the Town Administrator to sign a five-year contract for law enforcement service with the Larimer County Sheriff's Office. Trustee Alaback seconded the motion. The motion passed unanimously.**

#### **Public Hearing Berthoud Lake Enclave Final Plat**

Community Development Director Curt Freese provided a brief background explaining that the Berthoud Lake Enclave Final Plat had been approved 5-0 by the Planning Commission and Public Notice was made for the December 8, 2015 Town Board Meeting. Town policy requires approval of Final Plats after or concurrent with a Development Agreement. In this case the Development Agreement has not been provided soon enough for the December 8, 2015 meeting and staff is requesting a continuance to the January 26, 2016 Board Meeting.

Mayor Gregg opened the item to public hearing at 6:32 p.m.

It was noted that the item will remain open to public hearing for the continuance date.

**Mayor Pro-Tem Dowker moved to continue the Berthoud Lake Enclave Final Plat to the next Town Board Meeting. Trustee Buckridge seconded the motion. The motion passed unanimously**

#### **Westhaven Development Agreement**

Town Community Development Director Curt Freese presented the Board with a request to approve the Westhaven Development Agreement. Mr. Freese explained that The Rezoning and Final Plat were approved earlier this year but had not been executed or recorded due to non-compliance of the Landscape Plan with the Town's new Water and Irrigation policy. Mr. Freese also explained the property had been sold to another developer. The new developer has come into compliance and is ready to be recorded. There had been discussion with Town Staff and the Developer with agreement to changes which included the offsite sidewalk being completed in phase 1, the widening of Bunyan Avenue, attention to sub-drain problems, the pocket park to be built in phase 2 and sidewalk and trail connections to the school to be built in phase 1.

**Mayor Pro-Tem Dowker moved to approve the Westhaven Development Agreement. Trustee White seconded the motion. The motion passed unanimously.**

#### **Recognition for Mary Cowdin**

Mayor Gregg called current Town Clerk Mary Cowdin before the Board. Ms. Cowdin would be retiring from her position as Town Clerk effective January 1, 2016 after 33 years of service. Mayor Gregg spoke

of the gratitude for Ms. Cowdin's years of service. Mayor Gregg said, "It has been a pleasure to have served alongside of Ms. Cowdin and the Town is better off because of her service". Mayor Gregg also added that Ms. Cowdin served with "honor, distinction and grace". Mayor Gregg turned to other board members, staff and the public to share comments.

The Mayor, Trustees, Town Attorney Greg Bell and Town Water Attorney Paul Zilis shared great appreciation for Cowdin's dedication to the community, hard work, support and friendship over the years.

Other speakers included former Town of Berthoud Mayor Tom Patterson who expressed appreciation for all of Ms. Cowdin's hard work, continuity and the ability to save the Town from potential pitfalls; Town Municipal Judge John Easley also recognized Ms. Cowdin's hard work and said, "It was a high honor and pleasure to work alongside of Ms. Cowdin over the years".

Town Administrator Hart added that staff had been fortunate to have worked with Ms. Cowdin and recognized all her experience and knowledge. Mr. Hart mentioned the different roles Ms. Cowdin took on with the Town and that the organization will not be the same without her.

Ms. Cowdin was presented with a plaque, flowers and a cake.

Mayor Gregg called for a recess at 6:49 p.m.

Mayor Gregg called the Board Meeting back into session at 7:00 p.m.

#### **Appointment of Town Clerk**

Town Administrator Hart presented the Board with the request to appoint Alisa Darrow as the Town Clerk and noted she would be replacing Mary Cowdin effective January 1, 2016. A formal appointment including the oath of office will be done after the election in April.

Mayor Gregg and the trustees welcomed Ms. Darrow.

**Trustee White moved to appoint Alisa Darrow as the Town Clerk effective January 1, 2016. Trustee Shepard seconded the motion. The motion passed unanimously.**

#### **PUD Text Amendment**

Town Administrator Hart gave a brief history of the annexation and approval of the overall Development Plan back in 1999. Mr. Hart explained that in 2012 the Town agreed to allow the existing business located on the site, Summit Solutions, to partner with Biochar Now. Biochar Now has since grown.

Town Community Development Director Curt Freese provided the Board with a presentation comparing the previous PUD with the new request to amend the text of the approved Berthoud Technological Planned Unit Development (PUD) which would now include two new permitted uses of heavy industrial

outdoor processing and storage and oil wells. The request would also amend the fencing standards to include a chain link fence with green mesh screen surrounding the industrial site on the southeast corner. Freese presented a map showing the property which is located south of Serenity Ridge Subdivision and east of Weld County Road 7. Biochar Now is looking to expand their operations in order to produce and sell their product. The property owner has agreed to lease an area in the southern portion of Berthoud Technological Center PUD. Mr. Freese also went over the three criteria citing the necessary findings for a text amendment and that the Planning Commission recommended approval at the November 12, 2015 meeting 5-0.

Mayor Gregg opened the public hearing at 7:13 p.m.

Sandra Eagle, 3202 Timeless Circle, asked about clarification on where they are moving the site location and the buildings that are already there.

David Parks, Chief Operating Manager for Biochar Now, explained what buildings are owned by the property owner and clarified the locations of the buildings using the map that was presented.

Mayor Gregg closed the public hearing at 7:15 p.m.

Trustee Baker had questions in regard to neighborhood impact related to smoke and noise and asked what the proposed height would be for the fence.

Mr. Parks gave a brief description of the cooking wood process explaining there is very little impact outside of the property. There is no smoke or odor, the lighting is inside the property and the noise is low. Mr. Parks also mentioned the fencing height would be at 6 feet.

**Trustee Buckridge moved to approve the text amendment of Berthoud Technical Center PUD, finding that the proposed minor amendment meets the PUD review requirements 1, 2 and 3. Trustee White seconded the motion. The motion passed unanimously.**

**Public Hearing Heron Lakes –concept plan, final plat and rezoning**

Town Administrator Hart gave a brief background explaining that there had been an existing agreement in place for Heron Lakes which had gone through a 4 year process. Development had slowed down and there is approximately 2-2 ½ years left on that agreement before it expires. Developers would like to get a new Development Agreement in place moving to standard zoning and get rid of the old Planned Unit Development (PUD). This will take what was previous approved and refresh it in regard to terms, collection of impact fees and the new irrigation policies for water.

Community Development Director Freese reminded the Board of the current Concept Plan, Final Plat and Rezoning for Heron Lakes. The property is located West and Northwest of Highway 287, and South of Larimer County Road 14. Mr. Freese went over the previous PUD approval for both Heron Lakes in 2008 and the Bader PUD in 2007. Developers are looking to combine the properties adding the Bader

property to Heron Lakes PUD, Final Plat approval for the purpose of creating legal parcels for the proposed golf course and large super-pads. The Town is requesting the rezoning to bring the Heron Lakes PUD into compliance with the new Development Code and better facilitate the development process for the entire project. Mr. Freese later provided clarification on the super-pads explaining that they are intended as large acreage parcels with appropriate zoning for future development. The sites do not allow for any future building without going through an additional platting and approval process.

Trustee Alaback voiced concern in regard to problems with the trail map going through state wildlife areas such as a known osprey nest, heron rectory and shore of Lone Tree Reservoir which may involve limitations on encroachment. Trustee White added the concern that building would be taking place during nesting time.

Administrator Hart mentioned there is some dialog with the developers to move that trail to the west to avoid the area. Mr. Freese added that the proposed plan was general at this time and will be worked out later, but the concept plan and zoning will need to be approved first.

Jim Birdsall of The Birdsall Group addressed the Board and mentioned that he and John turner had been working on this project since 2005. Mr. Birdsall mentioned that they had been working hard on the golf course design. Mr. Birdsall felt that the overall changes brought better plans and better trails. The biggest changes were to accommodate change in the marketplace. When the previous plans were brought to the builders the feedback had been that the lots were too large or too small. The "super-pads" can market to builders looking to build a particular type of product. This will help to be open to the marketplace and could have several builders working at the same time on different projects. By rezoning to straight zoning districts this give us and the Town assurance of what may happen in the future and makes the process easier than using PUD zoning. Mr. Birdsall explained that the concept plan is conceptual and definitive to some degree. The trail proposals have had a lot of thought and there is a mix of trails. To address Trustee Alaback's previous concern with the trail and open space map, Mr. Birdsall mentioned that they are working closely with the State to address wildlife. The mixes of trails are linked to other trails and loop around during those closed seasons.

Attorney Bell asked for clarification that this is the final plat and is essentially related to the golf course and that the super-pads would be addressed later with developers in separate agreements. Mr. Birdsall replied that each super-pad will have its own plat, development agreement and set of circumstances.

Jon Turner of Crooked Stick Windsor mentioned that one of the biggest reasons this project is moving forward is with the help from Town Administrator Mike Hart. Mr. Turner mentioned how excited and committed they are to this project and they are looking at the vision instead of the numbers. The super-pad idea gives great flexibility and to be debt free. Mr. Turner also mentioned that this is a public golf course and it will bring potential business and possibly new residents wanting to play the course or move to Berthoud.

Mayor Gregg opened the public hearing at 8:17 p.m. Seeing no one wishing to speak, he closed the public hearing at 8:17 p.m.

The Trustees voiced appreciation and excitement for the project as well as the positive impact it will have for the Berthoud community.

**Mayor Pro-Tem Dowker moved to adopt Ordinance # 1208 related to the Zoning Map Amendment of the property known as Heron Lakes. Trustee Shepard seconded the motion. The motion passed unanimously.**

**Trustee Shepard moved to approve the Heron Lakes Concept Plan as per the findings of the Staff Report included. Trustee Alaback seconded the motion. The motion passed unanimously.**

**Trustee Shepard moved to approve the Heron Lakes Final Plat, as per the findings of the Staff Report included. Mayor Pro-Tem Dowker seconded the motion. The motion passed unanimously.**

#### **Award Bid for Parks Master Plan**

Town Administrator Hart introduced the item explaining that the Town had initially received three bids for the Parks Master Plan. The scope had also been modified to attract regional as well as local input from residents.

Community Development Director Curt Freese presented the Board with staff's recommendation to award the bid for the Parks Master Plan to GreenPlay. Mr. Freese provided the Board with documentation explaining the scope of services which included a substantial regional parks and trails mapping and design component, public workshops/surveying, development code review and recommendations, long term parks operations plan and implementation strategies.

**Trustee White moved to approve the bid for Parks Master Plan update based on the attached scope of services, and to authorize the Town Administrator to sign a contract for said services with GreenPlay. Trustee Baker seconded the motion. The motion passed unanimously.**

#### **Resolution supporting a temporary Larimer County mill levy increase**

Town Administrator Hart explained that this creative idea originally started with Commissioner Tom Donnelly along with other Larimer County Commissioners and was mentioned in a recent article in the Coloradoan. Since property values are going up the extra tax revenues gained from higher property valuations would be moved over to the Road and Bridge Fund. The hope would be to produce 5 million in revenue to help widen and replace I-25 bridges over the Poudre River, Big and Little Thompson Rivers and Saint Vrain River. Mr. Hart spoke of the past flood and the damages to those bridges. Once Larimer County has come up with the funds the next step would be to go to Weld County and CDOT to get matching funds. Larimer County has asked each community to support and pass this resolution.

Mayor Pro-Tem Dowker added that this is a brilliant idea from Larimer County. She also mentioned that local communities are being asked to step up in regard to I-25 funding and that transportation is a high priority issue for the region. Trustee Baker added that a lot of expenses are being generated from repairing bridges.

**Trustee Baker moved to approve Resolution # 24-15 to support Larimer County for I-25 Improvements. Mayor Pro-Tem Dowker seconded the motion. The motion passed unanimously.**

#### **Library Board Appointment**

Town Clerk Mary Cowdin presented the Board with a request from the Library Board to appoint Marie Bernard to the Berthoud Community Library District for one year. This is to complete the term created by a current member resigning.

**Trustee Buckridge moved to appoint Marie Bernard to a one-year term on the Berthoud Community Library District that will run from January 1, 2016 to December 31, 2016. Trustee Shepard seconded the motion. The motion passed unanimously.**

#### **Tree Advisory Committee Appointment**

Town Clerk Mary Cowdin presented the Board with a request from the Tree Advisory Committee to appoint applicant Margaret Guisinger to the Committee.

**Trustee Alaback moved to appoint Margaret Guisinger to the Tree Advisory Committee with her term to be through August 31, 2018. Trustee Buckridge seconded the motion. The motion passed unanimously.**

#### **Personnel Manual Update**

Town Clerk Mary Cowdin presented the Board with an updated Personnel Manual for Town employees. The changes are mostly housekeeping that include spelling and changes in terminology. The biggest changes were with providers for on the job injuries, meal reimbursement costs and an incorrect statement for sick leave.

**Trustee Buckridge move to approve the revised Town of Berthoud Personnel Manual. Mayor Pro-Tem Dowker seconded the motion. The motion passed unanimously.**

#### **Reports**

Town Administrator Hart thanked Town Clerk Mary Cowdin and staff for the Christmas decorations. Mr. Hart reported that this is the last Board meeting for 2015 and the first Board meeting for 2016 will be on January 26, 2016. Mr. Hart also mentioned that there will be no need to have an executive session this evening.



**Town of Berthoud  
Board Meeting Minutes  
December 8, 2015  
Page 9 of 9**

Mayor Pro-Tem Dowker reported that she attended the STACK and NFRMPO meetings last week. Ms. Dowker mentioned that the Northern Colorado Regional Issues Summit would be held this upcoming Friday at the Embassy Suites in Loveland from 7:30 to Noon.

Trustee Baker reported that she attended the Northern I25 meeting in regard to the levy updates and the 5 year transportation funding.

Trustee Buckridge mentioned that he has a family engagement for the community chat next week. Trustee Baker responded that she would check her schedule and email Trustee Buckridge. Mayor Pro-Tem Dowker mentioned that she would be at the community chat.

Trustee Alaback reported that he attended the Regional Open Space meeting on November 18<sup>th</sup> along with Community Development Director Freese. Trustee Alaback wanted to mention that a lot of non-profits in Berthoud and Loveland have been working together on a proposal for sales tax supporting science and arts and would need to look at some time for them on an upcoming Board Meeting agenda.

Mayor Gregg asked when the candidate packets will be available.

Assistant Town Administrator Alisa Darrow responded that they will be available at Town Hall beginning January 5, 2016 and will be due back on January 25, 2016 no later than 5pm. She noted that there was a call for nominations published in the newspaper.

**Mayor Gregg adjourned the meeting at 9:13 p.m.**



**Melissa Colucco  
Accounting Technician**

  
\_\_\_\_\_  
**Mayor David Gregg**