

Town of Berthoud
Regular Meeting
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**BOARD OF TRUSTEES
REGULAR MEETING
February 24, 2015
BOARD ROOM
6:30 P.M.**

Board Members Present:

Mayor David Gregg
Mayor Pro Tem Jan Dowker
Trustee Chris Buckridge
Trustee Jennifer Baker
Trustee Suzie White
Trustee Paul Alaback
Trustee Mike Henning

Staff Members Present:

Town Administrator Mike Hart
Town Clerk Mary Cowdin
Town Development Director Sherry Albertson Clark
Town Attorney David Bell
Chief Jim Anderson
Administrative/Court Clerk Melissa Colucco

Mayor David Gregg Led the Pledge of Allegiance.

Citizen Participation

None.

Consent Agenda

Trustee Henning moved to approve the February, 10 2015 Meeting Minutes and the October and November 2015 Financial Statements. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.

Wilson Ranch Oil and Gas Conditional Use by Special Review

Mayor Gregg opened the agenda item to the public.

Mayor Pro Tem Dowker wanted to disclose that her husband works for a company that does business with the applicant Anadarko.

Mayor Gregg asks if there are any concerns with Mayor Pro Tem Dowker's disclosure. Seeing none Mayor Gregg proceeds with the agenda item.

Town Development Director Sherry Albertson- Clark presents the board with an item to consider a conditional use by Special Review allowing 30 oil and gas wells to be drilled on a portion of the Wilson Ranch property. The applicant is Kerr-McGee Oil and Gas Onshore, LP which is an Anadarko Company. Albertson-Clark presents slide describing the location which is located east of I-25 and one mile south of Highway 56. Albertson-Clark also gives a brief history of the property adding that the property zoning allows for industrial uses including resource extraction.

Albertson-Clark explains that staff looks at five different areas of criteria to be met before the application for drilling and production is presented to the board for approval. The criteria are that the site plan, vicinity maps and narrative for the well site application complies with requirements.

Compliance with the provisions for geological, hazards, floodplains or floodways is required as well as provisions for wildlife mitigation procedures. Explanation of the criteria can be found under The Towns Development Code Section under Oil and Gas Drilling and Production. Albertson-Clark adds that Town Staff believes all requirements have been met. There are no floodplains or floodways associated with the site and are some existing natural drain ways. The applicant provided environmental clearance forms showing there has been no endangered species or threat to wildlife. Albertson-Clark also adds that the Planning Commission met on February 12, 2015 and voted 7-0 to recommend approval.

Albertson-Clark wanted to bring attention to some of the concerns that was brought up in the Planning Commission meeting. One issue was in regard to the road traffic and County Road 44. It was asked to do a traffic survey by the applicant. The applicant agreed to do so before drilling starts.

Trustee Henning asked if there is an agreement to follow up on the study of that road and who will be in charge of the study.

Albertson-Clark explains that would be the town's requirement before they start drilling. The study will be used to see if there would be a requirement for a road impact fee.

Trustee Alaback asked in regard to the area that has a steep slope if there are implications for erosion and if there could be an issue.

Albertson-Clark responded that staff did not feel there should be any erosion or a need for an erosion control plan. There is something in the plan in relation and will have the applicant address that concern.

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Tracy Colling Municipal Planning Analyst for Anadarko Petroleum Corporation explains she is here on behalf of Kerr-McGee Oil and Gas. Colling gives a brief overview on the mission and values of the company, history, and the drilling process.

Colling explains there is a lot of planning sought out before drilling starts. They are committed to following the best practices and protecting the environment. Colling presents the board with a slide presentation going over specific details of the drilling process. Colling explains the On Demand water system which saves in air pollution, traffic and road impact. Colling discloses the type of equipment Anadarko will be using for drilling and mitigations to deflect light and noise.

Colling also added that they have a Colorado response line for feedback and questions from the community. They also offer open house meetings to address concerns and questions. There has been notification to the nearby subdivision.

Trustee Buckridge asked what is transported out of the pipeline.

Colling explained gas and oil is transported which reduces the truck traffic.

Trustee Baker asked what determines if the drilling is productive.

Colling refers the question to Chad Brevis.

Chad Brevis who is in drilling construction for Anadarko explained a lot of the wells are valuable and they have had very few wells come back non-productive.

Alaback asked for difference between conventional drilling and fracking and issues in natural gas emissions.

Colling explained fracking has been around for 60 years. The difference now is how they drill. It is very scientific and they can frack in stages. Colling also added that they are required by state to a standard of 95% emissions and we meet that requirement.

Mayor Gregg opened for public comment.

Wendy O'Brian presented the board with concerns and hopes that her presence will be considered towards the board's decision. O'Brian asks to consider the effect on property values, added light, traffic, disturbance of wildlife, and health in regard to air pollution. O'Brian also suggests the board read an article in the Denver post regarding a situation in Erie.

Trustee Henning wanted to comment that we all use natural gas and we all want lower costs to heat our homes. There are ways to sustain our lifestyle and one of those ways is drilling. Trustee Henning asks how long we should expect a disturbance from the drilling as well as traffic issues and diesel fumes from the trucks.

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Conning stated approximately 12-18 months total.

Mayor Gregg closes to public for deliberation seeing no other public participation.

Trustee Alaback stated that in his opinion there should have been more communication to the public before making a decision. Alaback suggests that this could be a disservice to the applicant as well. There should have been more notification on our website or newsletter. Alaback adds that he is concerned the proper notification was not followed by Town Staff and stated that his worry is a drilling rig will appear and the community will wonder why they had no knowledge.

Trustee Alaback moved for a continuance to properly notify the community, through newsletter, public notification, and website. Trustee Henning seconded the motion. The motion did not pass by a vote of 6-1.

Mayor Pro Tem Dowker mentioned that Anadarko did reach the surrounding neighborhoods and answered questions.

Town Administrator Hart responded that town staff and Anadarko did everything in regard to policy and proper process has been followed.

Attorney Bell replies that we have complied with our land use requirements.

Mayor Gregg adds that notification was beyond what is state required.

Trustee White added that the company followed everything they were required to do. White explains it would not be fair to them to make them wait since they followed all of the requirements.

Trustee Buckridge added that anything we can do to notify the town of Berthoud is a good thing. With this particular case in front of us I am impressed with Anadarko and they went beyond what was required.

Mayor Pro Tem Dowker moved to adopt Resolution #2-15 approving the Wilson Ranch Oil and Gas Conditional Use by Special Review, finding that this request meets the Town's review criteria for oil and gas drilling and production operations. Trustee White seconded the motion. The motion passes.

Resolution in Support of Proposed Great Outdoors Colorado (GOCO) Planning Grant

Town Development Director Sherry Albertson-Clark explains that planning grants are now subject to resolution approval as part of the grant application. The grant request is to Great Outdoors Colorado (GOCO) in the amount of \$40,000. The amount is to update the PORT Plan. Albertson-Clark refers the board to the coversheet in regard to town match requirements. This is our next step to revise our parks, recreation and open space.

Town Administrator Hart adds that the project is much bigger than the original PORT Plan that had 8 acres; we now have 400 acres more. We feel it will take expertise to help because there is not enough time to do this internally.

Trustee Alaback adds this is a fantastic proposal and glad to hear the town's comments and good public involvement process. Alaback encourages staff to work with Loveland on this so we can develop a plan that compliments what they are thinking about since we have open space up in northern Berthoud.

Trustee White asked about the timelines for the grant and completing the PORT Plan.

Albertson-Clark explains the deadline for the grant decision is mid-June. Staff anticipates hiring a consult by August or September. The entire process is estimated to be 12-15 months.

Trustee Buckridge asked for clarification on donated time and how that is allocated.

Albertson-Clark explains that they do not allow in-kind donations such as employee's time spent, however slate communications, legal services could be considered because they are consultants. Time spent would be converted into a dollar amount or hourly rate.

Trustee Buckridge moved to approve Resolution # 3-15 for the GOCO planning grant to update the PORT Plan. Trustee Alaback seconded the motion. The motion passed unanimously.

Julie Cozad the new District 2 Weld County Commissioner wanted to introduce herself to the board. Cozad also mentioned that she is a member of the Berthoud Chamber of Commerce. Cozad wanted to inform the board of upcoming office hours, appointments and ways to contact her. Cozad mentioned she will be back to Berthoud on July 28, 2015 and November 24, 2015. Cozad will be available at her office the fourth Friday of every month. Cozad added that the next Coffee with Cozad will be in Johnstown on March 13, 2015 from 7:30 to 9:00.

Town Administrator Hart adds that there has been a positive partnership between the Town and Weld County.

Reports

Town Administrator Hart reports that Parks and Recreation Supervisor Jeremy Olinger will be working with The Tree Board in regard to the ash trees. There may be further discussion brought to the board for direction in March. March 10, 2015 the town will be meeting with Paul Zilis on water policies and bringing clarity to some issues. March 10, 2015 meeting we will be discussing the Humane Society since there is an increase in cost. March 24, 2015 there will be discussion on agreements with the development out east and budget adjustments needed for that project. Hart mentions the recent reports in the paper on copper and lead in the water. Hart explains that there is no copper and lead comes into the plant or out of the plant into the system. There does need to be some neutralizing with older homes that have copper piping. Town staff is working with The Surveyor on that. We have not filled the position for a new water plant supervisor but are looking for a contract with Ramey Environmental to assist us and will bring that to the Board on March 24, 2015. Upstate Colorado is having a reception next Thursday March 5, 2015 from 5-7 p.m. Berthoud was nominated for an award and if anyone is interested on going to RSVP by Friday of this week with Mary. In regard to strategic planning we have a lot to do and we need direction from the board on times. With tight scheduling it looks like we will not be able to meet until April. Trustee Alaback suggests finding a two day time to meet.

Mayor Gregg suggested April 10th and 11th. The board agreed on those dates.

Trustee White suggested with this future strategic planning to have a hands on working session.

Hart also reports that the town has some older vehicles that may need to be disposed of. This includes a bucket truck and dump truck. The 2015 budget did approve the town to purchase another one. We are also in need of a trailer. Mike wanted to mention Scott Klemm who is the new Streets Superintendent. Klemm has some new ideas to help with streets as well as bringing some equipment.

Attorney Bell explains that state statute does not give guidance on disposal of used personal property. Most staff is uncomfortable making decisions when having to dispose of property. Bell suggests a motion to allow staff to dispose of the bucket truck and dump truck in a reasonable manner.

Mayor Gregg moved to allow the mentioned items salvaged and give permission for town staff to dispose of them appropriately. Trustee White seconded. Motion passed unanimously.

Bell also added that Sherry Albertson-Clark and Attorney Jed Scott are working on revising the land use code. This would be a good time for staff to look at changing notice procedures when amending that code. The issues in regard to the benefits affordable care act are still being looked at.

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Trustee Henning wanted to clarify the earlier comments in regard to Anadarko. Henning wanted to clarify he has no issues with Anadarko or the process. The issues are with notification to the towns people and that we can do better than just the minimum.

Mayor Pro Tem Dowker agreed with Henning comments on going beyond the minimums. Dowker reported that the MPO and TAP gave the town 2 million to widen County Road 17. In the prep meeting for the Statewide Transportation Advisory Region 4 reminded us what a great job Stephanie Brothers did along with Suzette Mallette from Larimer County in that joint application. This Thursday is the Highway 287 Corridor Coalition meeting. The Planning and Zoning meeting is Thursday. Dowker wanted to mention what a great job Sherry Albertson-Clark has done in trying to keep everyone informed and applauded staff for working together as well as Slate Communication. Friday is the Statewide Transportation Advisory Committee meeting in Denver and the March MPO meeting will be in Evans.

Trustee Baker reported that when she came to attend last week's community chat the lights were off and the door was locked. Baker suggests having two trustees or a trustee and staff employee for safety issues. Baker also mentioned that a sign-up sheet would be a good idea.

Town Administrator Hart stated that town staff did have a meeting with Slate Communications about that and some suggestions.

Trustee Alaback reported that March 6, 2015 is the statewide meeting on tree diversity. This is a follow-up meeting from last year. There will be discussion on strategic planning making forest more diverse and resilient. First week in March there is a conference on the latest advances of irrigation technology.

Mayor Gregg mentions Unity in the Community being this Thursday night. It is put together by the Longmont Chamber and they invite chambers of all regions, elected officials and businesses. Town Business Development Manager Walt Elish and the Berthoud Chamber will have a booth to promote the town. Next week Gregg will be attending a reception with state legislators. There has been some legislation introduced on bringing more development for more multifamily housing.

Albertson-Clark gave a monthly report for planning and building. Albertson-Clark reports they have seen ten new single family permits in January and believes we are over that amount for February. The town is still seeing roofing permits. There is a list of activities for the Planning Department. Albertson-Clark also added staff has a new half time planner Sarah Chmielak. She brings ten years' experience and came highly recommended by staff in Irvine California.

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Mayor Gregg adjourned the meeting at 8:38 pm.



Mayor David Gregg



Melissa Colucco
Administrative Court Clerk