

**BOARD OF TRUSTEES  
REGULAR MEETING  
April 28, 2015  
6:30 P.M.**

Board Members Present: Mayor David Gregg  
Mayor Pro-Tem Jan Dowker  
Trustee Chris Buckridge  
Trustee Jennifer Baker  
Trustee Paul Alaback  
Trustee Mike Henning

Staff Members Absent: Trustee Suzie White

Staff Members Present: Town Administrator Mike Hart  
Town Clerk Mary Cowdin  
Town Attorney Greg Bell  
Town Planning Director Sherry Albertson-Clark  
Administrative Clerk Candice Brumit

Mayor Gregg led the Pledge of Allegiance.

**Citizen Participation**

**No Participation.**

**The Executive Session will be after the Historic Proclamation for about 30 minutes.**

**Consent Agenda**

Mayor Greg asked if there were any changes to the Meeting Minutes from April 14, 2015. There were no changes made. The Bills of March 2015 were approved, Trustee Buckridge moved to approve the Consent Agenda, and Trustee Henning seconded the motion. The motion passed unanimously.

**Proclamation-Historic Preservation Month**

Mayor Gregg read the Historic Preservation Month Proclamation, proclaimed May 2015 as Historic Preservation Month, and signed the Proclamation.

The Chair of Historic Preservation Advisory committee, Ian Tinney, briefly spoke about Berthoud Story Teller's Day. The event will be Saturday in Fickel Park from 1-3:30pm. Berthoud Story. It will be an

opportunity for people to come and share their stories of the history of Berthoud. Trustee Buckridge will be the Master of Ceremonies for this community event.

Mayor Gregg asked for a Motion to adjourn into Executive Session at 6:35pm.  
**Trustee Buckridge moved to go into Executive Session, Mayor Pro-Tem Dowker seconded the Motion.**  
**The Motion passed unanimously.**  
**7:10 pm back in session**

#### **Annual Report**

Claire Thomas, with Slate Communications spoke briefly about the Report. The report covers some important material to share with the Town. There will be a Quality of Life brochure in the future. Claire asked for any feedback on the report. There were eight different articles in the report. The social media content has increased. There will be several photos of the Town included in the report. The Economic Newsletter will have information about specific events and stats. The Event Flyer was recently sent out including the Berthoud Story Teller Dayarticle.

Trustee Alaback wanted to comment on the Emerald Ash Borer, and how helpful the information in the report has been.

Mayor Gregg asked about the Shop Local plan.

Claire met with Deanne, and is following up on how to expand on the Shop Local. She shared a few examples of how she's working on getting the Town involved.

Trustee Henning was surprised that this was the first Annual Report, and commented on it being very well done.

Mayor Pro-Tem Dowker noted her appreciation on the consistency of the messaging and the feedback from the community and the Town Staff.

Town Administrator Hart noted that Claire has been listening to the Board Meetings.

Trustee Buckridge also commented on being impressed with the report.

Claire thanked the Board, and was very excited about the feedback she received.

Mayor Pro-Tem Dowker thanked Claire for all her efforts.

#### **Open Space/Landscape areas**

Town Administrator Hart spoke briefly about the Development Code on Irrigation and Open Space/Landscape Areas. Hart explains that the Development Code has some conflicting areas in regard to water dedication, landscape and irrigation that may be quality of life issues. Although there are no recommendations, staff is looking for direction and to address any changes necessary.

Town Planning Director Albertson-Clark explains that the town is starting to get development proposals under the 2012 Development Code and the new raw water policy. Albertson-Clark gave a brief power point presentation, and spoke about the Development Code conflicts, the general raw water requirements, and the open space regulations. Albertson-Clark also noted a memo from Attorney Paul Zillis on water dedication ordinance and development code.

The PowerPoint presentation went over some specific areas that are irrigated or need to be irrigated and areas that are not or should be irrigated.

Albertson-Clark summarized some of the issues. The Code does not address the specific irrigation requirements and the raw water needed for the natural preserve/open lands and the open space requirements. The definitions of functional open space are very broad and were noted in the presentation. There were also some examples of the non-functional open space given. Should all areas have irrigation, detention ponds, how much open space should be required for single- family, multi-family and larger developments like schools.

Albertson-Clark asked if there were any questions, and asked for some direction from the Board. The current conflicts need to be addressed for the community and the Staff.

Mayor Gregg opened for discussion.

Trustee Alaback noted some confusion on the labeling for detention areas as Parks and Open Space.

Albertson-Clark referred to current code requirements section: *storm drainage facilities as public open space or park lands*. This section explains if the town is required to maintain the property.

Trustee Buckridge asked for clarification on what the specific conflict issues are.

Albertson-Clark explained that some of the projects they are seeing approximately 40 to 50 percent of open areas are not permanently irrigated. Notes in the landscape plan do not have specific sources of water listed. Raw water ordinance presumption is you count everything for irrigation but the development code states we do not count everything for irrigation.

Town Administrator Hart explained that one says specific raw water irrigation requirements, but there's not any future clarification on seeding and irrigation. The Town does not require specific maintenance, and does not have anything in place for future clarification. The water use is affecting the water surplus. The usage of water has been reduced for current projects. There are conflicting areas and we need to go back and relook at the policy before it is too late to make changes. Who do you hold responsible for

detention areas. Hart explains that detention areas can be unsightly, Berthoud is sitting on a lot of green space and Berthoud doesn't want to cut corners. We want to make this a good quality of life.

Trustee Alaback commented that it seems we have issues with the definitions and requirements, and gave some examples of some non-irrigated areas. Berthoud is trying to conserve water, but it is a difficult issue for several communities. Trustee Alaback also asked about the vegetation and different grasses that could be used.

Trustee Baker asked if the Town requires a specific seed mix suggested in the Code. Also if there is something different used for wetlands?

Albertson-Clark responded about the foothills mix by an Arkansas Company that is currently being used.

Mayor Pro-Tem Dowker asked about the suggested water plan by the developers, conserving water, the seeding policy, and for clarification on the assumption of how much water the Town has.

Town Administrator Hart explained that the information is based on the specific requirements, and updating policy requirements is important. There needs to be more discussion about the clarification of the Code.

Mayor Gregg asked about the difficulties of detention ponds going un-maintained.

Albertson-Clark responded about the maintenance being important, picking up trash, and the irrigation being maintained.

Trustee Alaback added to the comments about the native grasses being used in a detention area, and gave an example of one being used very well out by Centera. They have done some interesting things working with native grass.

Mayor Gregg opened up the floor to any comments.

Steve Schmidt is a builder working on a development called Rose Farm Acres, and wanted to mention a detention pond that is very functional. Steve spoke about the current water usage, and the water rates increasing in summer, and mentioned the current building requirements. The Parks are being asked to be maintained by the developer, and the water usage is an issue when discussing open space and private residences. Steve offered some irrigation options to the Town. The fees are already very high for the builders, and Steve asked for the consideration of using less water. Steve has offered the water to the Town, but the Town has not wanted to use it, but wants public areas to look nice. It has become very expensive as a builder, and the new policy should be carefully worded.

John Turner Address: 6679 Crooked Stick. The developer should be responsible for their landscape plans. Turner feels from his experience that asking the Town to analyze or define fifty different types of

irrigation is a waste of time. The issues being brought up have simple answers. The expectations in Berthoud should be set high; the burden should be on the developer. The markets should be very efficient. Policy will affect the markets and land closings. This is a simple solution. The Code can be changed at any time. HOA should maintain at the level in the Development Plan.

Jim Birdsall, Address: 444 Mountain Ave. Burg gave out some sample pictures of irrigated/non-irrigated areas. Burg wanted to clarify Mayor Pro-Tem Dowker's concern about the water policy that affects individual lots, and the future issue of water usage. One part of the policy discusses private lots and one discusses common areas or Open Space.

Birdsall went through the example slides, and gave several examples of these non-irrigated areas. Birdsall also went through some of the benefits of the non-irrigated native areas. He noted the need for less maintenance, and that these areas are still beautiful. Birdsall agreed with John about the responsibility being on the developer. Entry areas should be noted with signs. The Heron Lakes property is a beautiful, non-irrigated native area. There are several projects that have been non-irrigated native land. Birdsall referred to Clark's presentation. Birdsall encouraged the Board to consider policy flexibility. Birdsall also handed out some slides and landscape material to the Board. He also handed out a copy of Fort Collins ordinance and a slideshow. There are resources available to learn about native lands. Some of the downsides are that the landscapes need to be irrigated and maintained.

Town Administrator Hart asked about eliminating plan investment fee?

Birdsall answered it is basically a temporary tap fee that the developer would pay for the water but wouldn't have to pay for the raw water.

Town Administrator Hart mentioned that last Friday morning there was an article in the Loveland Newspaper about Centennial Elementary School in regard to greenbelts and rawwater.

Albertson-Clark spoke about the Greenbelts in her neighborhood in Fort Collins, maintained by HOA, water donated by the City. The Greenbelts got irrigated water until they turned the water off. Then they dried up. There is a requirement in the Code for a mechanism to maintain the Common areas.

A video was presented to the board on Centennial Elementary showing the condition of the greenbelt. Hart explains that it is an example of what staff is worried about.

Mayor Gregg suggested some discussion parameters, and reminded everyone that the Board sets policies for both irrigated/non-irrigated lands in Berthoud. The issues of establishing simple solutions for both (as a developer himself) are important to address. Mayor Gregg gave some examples of functional non-irrigated native areas. Mayor Gregg addressed the concerns of some of the developers and builders. Mayor Gregg also suggested mapping areas for water usage, and guidelines. Provisions can be made to the current Code and Policy.

Trustee Henning feels some of the issues need to be handled on a case to case basis. A Concern is from a legality perspective. After developer turns to property over to the owner or HOA and they want to

change the use plan for non-irrigated areas that will impact us. How do we plan for those? How do we prevent additional water use from happening?

Mayor Gregg noted that the developer would need to file for an amendment, and it would need to be approved.

Trustee Buckridge commented on a simple, inexpensive maintenance mechanism and the enforcement of the policy.

Trustee Baker commented on the Code being better defined and that specific places can be suggested for non-irrigated areas.

Trustee Alaback mentioned the maintenance plan having specific details, and making the process easier and linking it to the vegetation.

Trustee Henning spoke about the burden on staff to enforce policy, and still felt that it should be an individual issue and treated as such.

Hart mentions we need a set of rules and policies to stick with. A lot of issues have come up tonight.

Mayor Gregg mentions that some details for staff to study and come back on are percentages on what needs to be irrigated. Gregg gives some examples of percentage changes in regard to the issues with the 7% for residential park land dedication and development fees. Quantify and take out subjectivity set forth details how it grows and is maintained.

Hart confirms that possibly in the development review process there needs to be more emphasis on landscaping and irrigation and water mapping needs to occur on the front end and not the tail end.

Henning adds having something that will ease the developer, setting boundaries and parameters as a first starting point for the landscape plan.

Birdsall adds that supporting the Towns vision on projects that are close to community parks and just doing enough park within the project to fulfill the pocket park and play area. Then get fee in lieu from residents to develop the community park. The town can decide if they would want more fee in lieu of. There is at least a fair trade.

Gregg also adds there needs to be a mechanism in place and to add what "shall" be irrigated.

Buckridge adds that he feels that the suggestions provide guidelines and general framework to work with and flexibility as discussed if there is a special case and tangible trade.

Alaback adds we should list what needs to be irrigated instead of what does not require irrigation.

Gregg adds in some locations were we may be a bit removed from a plan or current park we would want to see active play uses and believes the current code allows that as long as the current slope are within guidelines.

Gregg asks what holes are seen in the suggestions presented.

Albertson-Clark adds that there are good suggestions and will bring them back to study.

Henning reiterates the areas discussed; making sure we review and perform water plan/mapping up front, simplify and do case by case situations with guidelines that take out broad area subjectivity, the recourse capability if a plan does not work and water needs to be bought and board review for plan changes.

Hart mentions that Town staff is maxed and they will make best efforts to pull together but the 26<sup>th</sup> will be the soonest.

Henning confirms that items pending in pipeline have to wait for decision.

Gregg adds to shorten delay and start with minimum of percentages of irrigated landscaping. To add addition percentage changes to both the water policy and irrigation policy.

Albertson-Clark adds that she will work with Paul Zilis on the water piece.

#### **Reports:**

Trustee Alaback reported he attended the Northern Colorado Food Cluster, and all of the food distributors promoting local food growth. The tree advisory meeting was on Monday. The Ash Borer issue needs to be addressed, and the staff brought in a proposal. On Tuesday started the first session of the water fluency course. The pricing on water will be discussed and at the next session in May. Open space was on Thursday. There will be a Theatre production in Berthoud organized by Wildfire.

Trustee Buckridge added that the recognition of the Proclamation re: Historical Preservation and the How fun it is to work and enthusiastic

Trustee Baker spoke about the I-25 meeting, and also suggested posting in the newsletter about the increase in people out walking and there is an increase of traffic. Maybe we can add a friendly note for safety.

Mayor Pro-Tem Dowker had a planning and zoning commission meeting last Thursday.

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Trustee Henning reported some public comment on old Town, the stop signs are still needed at all intersections through town.

Town Administrator Hart noted more stop signs could cause more people running them.

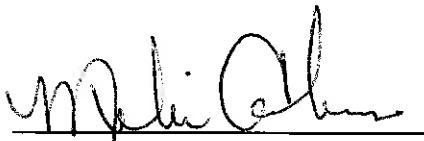
Trustee Alaback asked if downtown can be more pedestrian friendly, and help local business.

Attorney Bell reported on the elevator issue contracts and is waiting on some clarification with services that may have already been paid. We will come back with some proposed termination dates.

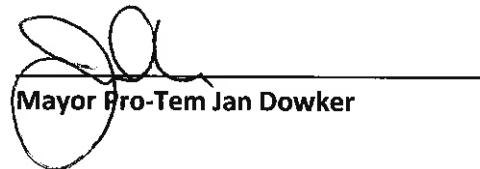
Town Administrator Hart added some feedback from Ann Hutchison and Claire Thomas and a plan is in place to keep the strategic planning project moving forward.

Mayor Gregg thanked everyone for their service.

**Mayor Gregg Adjourned at 9:51pm.**



Melissa Colucco  
Administrative Court Clerk



Mayor Pro-Tem Jan Dowker