

**BOARD OF TRUSTEES
REGULAR MEETING
November, 18 2014
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 (Not present)

Staff Members Present: Town Administrator Mike Hart
Town Clerk Mary Cowdin
Town Planner Sherry Albertson-Clark
Town Engineer Stephanie Brothers
Administrative/Court Clerk Melissa Colucco

Mayor Gregg Led the Pledge of Allegiance.

Trustee White wanted to mention that Berthoud has lost a very good friend with the passing of Barbara Mitteis. She was a wonderful person who worked and volunteered to make Berthoud a better place to live.

Trustee Alaback wanted to point out that she did a lot of work for the town and her passing is a huge loss for Berthoud.

Citizen Participation

None.

Consent Agenda

The consent agenda consisted of the October Bills allowed.

Mayor Pro Tem Dowker moved to approve the Consent Agenda. Trustee White seconded the motion. The motion passed unanimously.

Westhaven Rezoning Ordinance

Mayor Gregg opens to public hearing.

Town Planner Albertson-Clark presents the board with a description of the proposed rezoning, final plat and development agreement for the Westhaven Subdivision. The property is located on the northeast corner of Bunyan Avenue and Larimer County Road 17. Albertson-Clark provides maps and reports to the board showing specific definitions of the properties. The applicant proposes to rezone from PUD-Planned Unit Development to R-1 single family, 88.2 acres and R-2 Limited multi-family, 42.2 acres. The Final Plat will consist of 130 single family lots, three tracts for future development and 10 acres of park or open space. The zoning request is consistent with the comprehensive plan and the Town's development code.

Albertson-Clark also gives brief descriptions on sidewalks, trails and bikeways the developer proposes to construct. Also included were further definitions on parks, dedication requirements, design and public school contribution. The development agreement for consideration is to allow the first phase of development.

Trustee Buckridge asked for clarification on Addendum C in regard of who will be responsible to construct the sidewalk to the school.

Clark confirms that the applicant has agreed to construct the sidewalk and we can revise the language.

Applicant Kristin Turner from Birdsell Group wanted to say that the new process is working well. The Final plat has returned close to the concept plan with small changes that have been made at the request of town staff. We did add a pocket park, additional sidewalks and the offsite sidewalks for a safe connection to the school site.

Mayor Pro Tem Dowker wanted to thank the applicants for listening to staff recommendations.

Mayor Gregg opens the subject to public comment.

Seeing none Mayor Gregg closes for deliberation and motions.

Trustee Buckridge moved to adopt ordinance 1187 rezoning property known as the Westhaven Subdivision. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.

Trustee Buckridge moved to approve the Westhaven Subdivision Final Plat. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.

Trustee Buckridge moved to approve the Westhaven Subdivision Development Agreement. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.

Grace Place Development Agreement

Mayor Gregg has excused himself from this agenda item being a member of Grace Place and will be in the audience as a citizen.

Mayor Pro Tem Dowker takes over proceedings for the Grace Place development agreement.

Town Planner Albertson-Clark presents the board with a request to approve a Development Agreement for the first phase of the new Grace Place Church. The 19.92 acre site is located between the 287 Bypass and Meadowlark Drive, south of Mountain Avenue. The development includes a new 26,650 SF worship building and a 9,000 SF children's building. Staff is reviewing an administrative site plan. Albertson-Clark goes over the phasing agreements three sections and request from Grace Place representatives. The requested items include improvements to Meadowlark Drive, Parking lot pavement and reductions in fees. The request is to reduce Road Impact Fee and Public Impact Fee by 50%. There is also a request to reduce the Building Permit Fee, Plan Review Fee and Electrical Permit Fee of a 55%.

Staff is suggesting a reduction to Public Facilities Fee of 30% and 55% reduction on Building Permit, Plan Review Fee and Electrical Permit Fee. Staff does not support any reduction to road impact fee. Those items are referenced in Addendum C of the Development Agreement. The fee reductions are based on a previous ordinance #1104 which was designed to offer reductions in fees for business development.

Applicant Clay Peck Pastor for Grace Place 1338 Sweetwater Lane Berthoud: Pastor Peck begins by giving a brief history of Grace Place and large increase in members as well as various programs they offer to the community. The membership has grown to Loveland, Longmont, Mead and Johnstown. Grace Place was given an offer to move to Loveland with a facility that is already built. Although it would be more costly to stay in Berthoud they feel it is worth the cost due to the strong roots they have with the Berthoud community. Pastor Peck goes over maps to show the design of the new church after all phases are complete and how this is a facility that anyone can enjoy even if they are not members of the church. The community will use space inside and out which will be maintained by the church.

The Board expressed some concerns about waiving fees in regard to building and development as well as using the 1104 ordinance as a guideline to waive the fees. There is question on whether there should be a specific ordinance for waiving fees that is more standard and designed for the purpose of business development and retention. The Board also did not support any reduction to the Road Impact Fee.

Trustee White explains that there have been issues in past with overcoming inconsistencies with developers. It took a long time to regain trust from the builders that we would be consistent. Development fees need to be standard and the same for everyone.

David Gregg of 811 Berthoud Peak Drive Berthoud suggest that a precedent should be set and made into policy in regard to keeping existing business. Mr. Gregg reminds the Board that Grace Place did have an opportunity to move the church outside of Berthoud. Grace Place should be looked at as business expansion and they are bringing business into Berthoud.

Attorney Bell suggests that we look at having a standard reimbursement agreement with specific amounts in these cases.

Mayor Pro Tem Dowker adds that we do have to look at this differently. This is not the same as other developers or residential development. We are incentivizing them to expand here. Grace Place is very invested in Berthoud.

Trustee White suggests a flat fee reduction of 30,000.

Trustee Baker adds that it is important to keep road impact fee and also had concerns on heavy traffic on days with large services. It is suggested that someone manage the traffic flow.

Trustee White Moved to approve Grace Place (aka Cross Creek Commons) Development Agreement Addendum C with a fee reduction or credit of \$30,000 excluding any discount from The Road Impact Fee and add into the agreement that the applicant provides traffic control measures. Trustee Buckridge second the motion. The motion passed unanimously.

Mayor Gregg returns to the Board at 9:16pm.

2015 Budget Public Hearing

**Mayor Gregg opens subject to public.
Hearing none Mayor Gregg closes to public.**

Town Clerk Mary Cowdin goes over the provisions from last board meeting in regard to the 2015 Budget. The following changes were page 7 under Employee Contributions and a reduced amount due to health Benefit change; page 14 the contribution to the RAFT program was added and on page 23 amounts were added for the irrigation and a bulletin board for Pioneer Park/Community Garden.

Town Clerk Cowdin presents the board with slides and documentation on expenditures, revenue and maintenance for Water and Wastewater Departments.

Mayor Gregg asked if there were any concerns with the changes to the above referenced pages.

Hearing no concerns Town Clerk Cowdin asked to meet on December 9th to present the updated budget with changes for voting.

Reports

Trustee Alaback reported that the Tree Advisory Committee met and sampled 60 trees in the cemetery and was an interesting process.

Town Administrator Hart reported that the Fire District was asked by FEMA to come up with a Hazard Mitigation Plan. Hart has asked that the meeting minutes reflect that we will be adding this as an agenda item for a future board meeting. This way we can include a presentation on the subject. Hart also wanted to add an agreement with the Humane Society to the agenda of a future board meeting as well.

Town Administrator Hart also wanted to make the board aware there could be a possible meeting added on December 16, 2014 and wanted to verify everyone can attend if need be. Hart also added that the upcoming Board Meeting on December 9, 2014 will have a large attendance of citizens in regard to the Heron Pointe Annexation. We will open up the front office for more room with televisions.

Town Engineer Brothers informed the Board of a DOLA grant application submittal request for Energy and Mineral Impact assistance program. The Town currently has a wastewater package plant at Serenity Ridge that will reach capacity and have maintenance issues very soon. This application will be to get funding for a regional wastewater site, since our current facility will not accommodate the area anymore. We must provide a letter of support by Dec. 1, 2014 to be eligible to submit the application.

Mayor Gregg moved to authorize the application be made. Trustee White second the motion with all members voting yes.

Administrator Hart asked the Board for direction on the Scout project to build a compostbin for the community garden. The Scout did submit the plans for the trash compost bin.

There were no objections on the Scout project.

Trustee White asked for an agreement before next season on how the community garden will maintain the compost bin.

Mayor Pro Tem Dowker requested that there should be communication to the residents.

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Administrator Hart asked the board for clarification on the BMX direction and if he can move forward on getting an appraisal on property to get it listed.

Mayor Gregg stated to get the appraisal and we can follow up in a future meeting.

Attorney Bell reports there are a lot of land use agreements in process.

Trustee White requested a monthly report from Walt Elish as well as updates on projects and legal updates.


Administrator Hart responded that there will be reports from Walt Elish mid-January.

Mayor Pro Tem Dowker reported she will speak at the HPTE board as well as attend the transportation summit in Denver. Berthoud Hill is moving forward for next year in adding truck lanes on I25.

Administrator Hart responded that there will be some reports from Walt in January.

Mayor Gregg Adjourned at 10:00 pm.



Mayor David Gregg

Melissa Colucco
Administrative Court Clerk