

**BOARD OF TRUSTEES  
REGULAR MEETING  
APRIL 29, 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 Mike Henning  
Trustee Paul Alaback

Staff Members Present: Town Administrator Mike Hart  
Town Clerk Mary Cowdin  
Engineer Stephanie Brothers  
Interim Chief Sgt. John Feyen  
Administrative Clerk Jory Haslett

Mayor Gregg led the Pledge of Allegiance.

**Citizen Participation**

Melanie Crane of 211 10<sup>th</sup> Street presented the Board with a suggestion regarding the Recreation Center.

**Police Department Introductions**

Larimer County Sheriff's Officer and future Chief Jim Anderson introduced the new Police Department squad.

**Recognition: LCSO Sgt. John Feyen**

Mayor Gregg recognized Sgt. John Feyen for his service to the Town and presented him with a plaque in gratitude.

Sgt. Feyen then addressed the Board and thanked the Town.

### **Consent Agenda**

The Consent Agenda consisted of the minutes from April 8, 2014 and the Bills Allowed for March 2014. Mayor Pro Tem Dowker requested a typographical change on page 4 of the April 8, 2014 minutes.

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

### **Booster Station Construction**

Engineer Brothers presented the Board with an update on the water pressure booster station and the construction of the temporary water fill station. JVA solicited bids from three contractors for the construction of the fill station in August of 2013 and Fischer Construction was the recommended contractor. However, now the booster station is due to arrive in the next few weeks and staff recommends that Fischer also be contracted to install the booster station.

Trustee White asked why the entire project was not initially bid together. She stated that she believes that there are too many situations where there are no-bid contracts or add-ons.

Trustee Henning asked Engineer Brothers to walk him through the bid from Fischer in comparison to the numbers in the JVA Memo. Engineer Brothers explained that JVA memo was sent in advance of some changes made to the engineering. Trustee Henning stated that the additional cost is over 100% of the initially bid project and he believes that the project should be rebid.

Engineer Brothers explained that if it was rebid, it would be for the whole project and she believes that the Town may only get one additional qualified bidder.

Administrator Hart suggest that in order to simplify the issue, that the whole project be rebid. Mayor Gregg stated his support for the rebidding of the project.

Engineer Brothers will send the project out for rebidding and it will come back to the Board as an agenda item.

### **Sewer Services to Rural Subdivisions**

Ed Schemm from the Larimer County Health Department addressed the Board and presented the request from Western Mini Ranches and Vaquero Estates to attach to the Town's sewer system.

Administrator Hart explained that the Town negotiated a similar agreement in 2013 with the River Glen Subdivision.

Mayor Pro Tem Dowker pointed out in her research that there are quite a few subdivisions in the same predicament as Western Mini Ranches and Vaquero Estates. She asked Mr. Schemm if it is necessary for municipalities to begin planning for these subdivisions to be added to their systems.

Mayor Pro Tem Dowker asked Mr. Schemm if the County could provide any direction to the Town regarding future planning, especially when some of these subdivisions fall outside of Berthoud's Growth Management Area (GMA). Mr. Schemm stated that the Town's 208 Plan does include the Western Mini Ranches and Vaquero Estates.

Engineer Brothers stated that the wastewater plant was designed for phasing to include the 208 Plan, but it would be at a cost of \$3-4 Million.

Mayor Gregg asked what obligations the Town has in regard to the 208 Plan and the GMA. He stated that he fears that the Town could be giving capacity to the county that could be used by future property owners within the GMA. He would like more information about the capacity and the 208 Plan obligations.

Attorney Bell stated that there isn't any statutory obligation under the 208 Plan to provide service. The intent of the 208 Plan is for a cooperative planning zone, but a municipality in the zone does not have to provide service.

Mayor Gregg asked for an opportunity to hear from the Berthoud community members and the residents of this subdivision regarding this issue before making any decisions.

Trustee Alaback agreed with Mayor Gregg's suggestion for further study and community input.

Mr. Schemm stated that in order to have the election in the fall, they need to be able to move forward fairly soon. He also noted that the Colorado Department of Health encourages consolidation of treatment where possible.

Mayor Gregg asked to schedule a study session within the next six weeks to review the issue.

Trustee Buckridge stated that he wanted to assure that any eventual resolution is a win-win.

### **Downtown Parking**

Interim Chief Feyen presented the downtown parking issue to the Board. Currently there is no short term parking in the business district and no restrictions on portions of the downtown parking areas. He recommends a downtown parking plan which meets the needs of the Town, businesses, visitors, and FLEX riders.

Verna Covey from Home State Bank, 310 Mountain Avenue, addressed the Board regarding the parking issues downtown. She explained that there was a shortage of parking for customers and

couriers at the bank. They discovered that some of the parking spaces near downtown were taken by employees of the businesses in the area. She is requesting two parking spots allocated for thirty minute parking.

Scott Banzhaf from Ace Hardware, 325 3<sup>rd</sup> Avenue, stated that there isn't much signage directing people to the downtown parking lot. He stated that FLEX riders often use parking spaces on the west side of the railroad tracks. He also pointed out that there are 15 minute parking spaces in front of Berthoud Wine and Spirits and thirty minute parking in Front of Town Hall. He recommended developing a downtown parking plan.

Mayor Gregg suggested moving forward with planning and signage.

Trustee Henning pointed that there is ample parking, but not much in the way of signage to the additional parking.

### **Sign Code Enforcement**

Sgt. Feyen addressed the Board regarding sign code enforcement. He is looking for guidance regarding the enforcement of the code regarding signs. He suggested re-working the sign ordinance with stakeholder involvement.

Mayor Gregg gave a brief history regarding the off-premises signage, but he stated that he believes that it is time to go back to enforcing the rules and he would be interested in hearing ideas of how to better enforce the rules.

Trustee Alaback stated that making the code more enforceable is a great idea. Trustee Henning agreed with Trustee Alaback, but noted that it can't be selective enforcement.

Sgt. Feyen stated that he understands the direction from the Board is to proceed with verbal and written enforcement, especially regarding the downtown signage issue. Trustee Henning suggested a cooperation project with the Chamber for off-premises signage.

Mayor Pro Tem Dowker suggested working with the downtown businesses owners on the issue.

Trustee White stated that it is important that the citizens are informed of the sign code enforcement.

Mayor Gregg asked that the Main Street Program sign plan be distributed to the Board members.

### **Mayor Pro-Tem Appointment**

**Mayor Gregg moved to reappoint Jan Dowker to Mayor Pro Tem. Trustee White seconded the motion. The motion passed unanimously.**

### **Planning Commission Vacancy**

Administrator Hart asked if the Board would like to direct the Planning Commission to interview the two applicants on file for the vacant position or if the Town should advertise for applicants.

Trustee Alaback stated that due to the important role the Planning Commission plays, he would like to see the vacancy advertised.

Scott Banzhaf addressed the Board and stated that the Planning and Zoning Committee had anticipated that the Town would advertise the position. The Committee would like to have the position filled as soon as possible.

The consensus of the Board was to advertise for applicants.

### **Appoint Committee Liaisons: Historic Preservation and Tree Advisory Committees**

The consensus of the Board was for the new members to consider the vacant liaison positions for a few weeks.

Trustee Alaback also noted that he would be willing to open up his spot on the Larimer County Open Space Committee if there was someone who was really interested.

**Mayor Pro Tem Dowker moved to reappoint Trustee Alaback to the liaison to the Tree Advisory Committee. Trustee White seconded the motion. The motion passed unanimously.**

### **Reports**

Administrator Hart reported on a request for bee hives at community garden in Pioneer Park. On May 6 there will be a presentation to the Board regarding the bee issue.

Administrator Hart would like to do a tour of the park properties and the water plant with the Board. The Mayor suggested meeting early on a study session night.

Administrator Hart reported issues regarding the Town's access to its river water this summer due to the flooding and excessive snowpack, which may cause a shortage of treated water available. The Town received a notice from the Bureau of Reclamation that the Town would not be able to utilize the Bureau's structure for storage or delivery. After conferring with Attorney Zilis, the Town has arranged to lease carry-over water from the City of Longmont and NCWCD for 500 units of CBT at \$28 per unit for a total of \$14,000. The Town may be able to lease the Town's river water to Handy Ditch.

**Trustee Henning moved to adopt Emergency Resolution 6-14 ratifying the emergency action of the Town Administrator in leasing CBT water from NCWCD and the City of**

**Longmont to insure adequate Town water supply. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.**

**Trustee Henning moved to approve Resolution 7-14 to effect a Supplemental Budget Request for the Town of Berthoud's water lease. Trustee Alaback seconded the motion. The motion passed unanimously.**

Administrator Hart reported that there will be a presentation on water issues at the June 10 Board meeting. He also stated that he understood that there was support from the Board for a booth at Berthoud Days.

Administrator Hart stated after discussion with the Police Department, at this time he believes that the Town can operate without a Code Enforcement Officer.

Administrator Hart also reported that there are plans on redeveloping the Town's website.

Trustee Henning reported that he will be attending the CML conference this summer. He also reported that he might be interested in being the liaison to the I-25 Committee.


Trustee White suggested that the BMX property be relisted and that the Town move forward as the BMX group has not responded to the requests from the Town. Mayor Gregg suggested that he and Trustee White contact Kevin Jones regarding the BMX contract.

Trustee Alaback reported on the Open Space Committee last week and there will be an open house for the new Master Plan. He also reported on the Berthoud Farmer's Market and that currently they are looking for a suitable location. He reported that on May 20<sup>th</sup> Staff will give a presentation to the Board regarding the Emerald Ash Borer.

Trustee Baker reported that she will be attending the CML conference this summer.

Mayor Pro Tem Dowker reported on the Planning and Zoning Committee meeting. She also reported that there is an NFRMPO meeting on Thursday. She also thanked Sgt. Feyen for his service to the Town.

Mayor Gregg adjourned the meeting at 9:40 P.M.

  
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Jory Kate Haslett  
Administrative Clerk  
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Mayor David Gregg