

**BOARD OF TRUSTEES  
REGULAR MEETING  
AUGUST 27, 2013  
BOARD ROOM  
7:00 P.M.**

Board Members Present: Mayor Pro Tem Jan Dowker  
Trustee Suzie White  
Mayor David Gregg  
Trustee Dick Shepard  
Trustee Paul Alaback  
Trustee Thomas Jones arrived at 8:05 PM

Board Members Absent: Mayor David Gregg  
Trustee John Bauer

Staff Members Present: Town Administrator Mike Hart  
Attorney Greg Bell  
Planner Tim Katers  
Streets Superintendent Jerry Wilson  
Engineer Stephanie Brothers  
Parks Director Jeremy Olinger  
Water/Waste Water Operations Manager James Taylor  
Deputy Town Clerk Tamiko Brewster  
Town Clerk Mary Cowdin  
Administrative Clerk Jory Haslett

Mayor Pro Tem Dowker led the Pledge of Allegiance.

**Citizen Participation**

None.

**Consent Agenda**

The Consent Agenda consisted of the August 13, 2013 minutes and the Bills Allowed for July 2013.

**Trustee Shepard moved to approve the Consent Agenda. Trustee Alaback seconded the motion. The motion passed unanimously. Trustee Jones was absent.**

**Review Portions of the 2014 Budget**

Accountant Smith reviewed the net revenue for the General Fund as well as five of the expense funds included in the General Fund: Administrative, Recreation, Pool, Building and Planning.

General Fund expense funds relating to Police, Streets and Parks will be reviewed at a later date.

Administrator Hart pointed out that some of the numbers will continue to evolve throughout the budget process.

The revenue from the General Fund comes from taxes, licenses and permits, intergovernmental revenue, charges for services, fines and forfeits, interest and fee revenue, transfers in, building fees and planning fees.

Accountant Smith reviewed the Administrative portion of the General Fund.

Parks and Recreation Director Olinger reviewed trends relating to the Recreation and Pool portions of the General Fund. Accountant Smith reviewed revenue and expenses for the Recreation Department and the Pool.

Accountant Smith reviewed the expenses and revenue for the Building and Planning Department. Planner Katers answered questions relating to Professional Fees for the years 2013 to 2018. Accountant Smith then reviewed the current Use Tax for Building Permits and the impact it has on the General Funds.

Accountant Smith next reviewed the Waste Water Department budget. Capital items are included in the Waste Water budget.

Accountant Smith reviewed several Special Revenue items, including Public Facilities, Density Transfer Fees, the Cemetery and the 1% Sales Tax.

### **Resolution – Appropriation for Fee Study**

Administrator Hart presented the Resolution for an appropriation for the fee study for the Town's growth related costs or "impact fees". At the August 13, 2013 meeting, the Board authorized Administrator Hart to enlist BBC Research and Consulting to complete a study of the Town's impact fees.

BBC will address the Board at the September 17, 2013 meeting and give a presentation regarding impact fees, their legality and how they are used.

**Trustee Jones moved to approve Resolution 10-13, a supplemental budget appropriation for the purposes of performing an "Impact Fee Study". Trustee Alaback seconded the motion. The motion passed unanimously.**

**Extension of Special Use Review – 1015 N. 2<sup>nd</sup> Street**

Clerk Cowdin presented a request for an extension of a Special Use Review for H & J Services, dba Herb's Medicinals.

One of the owners of Herb's Medicinals has submitted fingerprints twice that were deemed to be too light to read by the FBI. The Town has requested that the fingerprints be resubmitted digitally in order to finish the process. The Town received the digital copy of the fingerprints today.

The Police Department expects that the fingerprint results will be returned in 2-3 weeks. Staff is requesting an extension until September 30, 2013. If the fingerprints are not returned by that time, the Use by Special Review waiver will expire.

**Trustee Shepard moved to allow H & J Services, dba Herb's Medicinals, to extend their waiver until September 30, 2013 to allow time for the final set of fingerprints to be processed, with the understanding that if this deadline is not met the waiver will expire. Trustee Jones seconded. The motion passed unanimously.**

#### **Discussion of Municipal Code Revisions**

Clerk Cowdin presented the Municipal Code Revisions to Chapter 17 – General Offences and Chapter 18 – Animals.

Trustee White asked a question about Section 17.10-6 regarding the possession of cannabis by individuals less than 21 years of age. Attorney Bell suggested changing Section 17.10-7 to state that it is unlawful for persons under age 21 to possess or consume cannabis.

Trustee White asked if Section 17.16-1-B, regarding furnishing and sale of tobacco products to persons under age 18, will be enforced. Administrator Hart stated that enforcement has to be uniform and there cannot be any special consideration.

Trustee Shepard asked about the deletion of the code regarding exotic animals. Attorney Bell explained that the Police Department can still write an offence into county court.

Trustee Jones asked about Section 17.5-9 regarding arson and the damage threshold for municipal or county court. Attorney Bell stated that it is possible to eliminate the dollar amount and let the Police Department decide in which court to address the offence.

Trustee Alaback asked about Section 17.3-3 regarding harassment and if new language needs to be inserted to reflect discrimination issues. Attorney Bell stated that those issues not criminal, but civil issues.

#### **Reports**



Trustee Alaback attended a Larimer County Open Space meeting last week, where it was reported that progress has been made for easements for the Poudre Trail. The City of Loveland also gave an overview of their open space program, which was impressive and encouraging.

Trustee Alaback also participated in an organizational meeting for a National Science Foundation integrated study. He also plans on attending the Northern Colorado Leaders Ride.


Trustee Shepard reported that there are two interviews set up for the Planning Commission, which will bring the total members to six. He also attended the I-25 meeting with CDOT and reported on the programs presented as well as funding for improvements along the corridor.

Attorney Bell reported that information regarding oil and gas policy will be coming to the Board in the near future. He also reported that title work has also been begun on Town owned property, which will include researching the Town's mineral rights. Attorney Bell also stated that he received an email from a law firm retained by Xcel regarding the Berthoud issue.

Administrator Hart reported that there is a CML meeting scheduled in Estes Park on October 3. He also reported that the meetings in September and October will begin at 6:30 PM. Administrator Hart then reported on the progress of the Comprehensive Plan review and that Staff also received a draft of the Transportation Master Plan. He further reported that JVA is also studying the Town's piping system, in order to answer questions posed by potential developers.

Mayor Pro Tem Dowker reported on MPACT 64 and potential funding for transit. She also reported on CDOT's RAMP funding mechanism.

Mayor Pro Tem Dowker adjourned the meeting at 9:33 PM.

  
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Mayor Pro Tem Jan Dowker  
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Jory Kate Haslett  
Administrative Clerk