

Town of Berthoud  
Regular Meeting  
September 10, 2013  
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**BOARD OF TRUSTEES  
REGULAR MEETING  
SEPTEMBER 10, 2013  
BOARD ROOM  
7:00 P.M.**

Board Members Present:  
Mayor Pro Tem Jan Dowker  
Trustee John Bauer  
Trustee Dick Shepard  
Trustee Paul Alaback  
Trustee Thomas Jones  
Trustee John Bauer

Board Members Absent:  
Mayor David Gregg  
Trustee Suzie White

Staff Members Present:  
Town Administrator Mike Hart  
Attorney Greg Bell  
Planner Tim Katers  
Accountant Faith Smith  
Police Chief Glenn Johnson  
Engineer Stephanie Brothers  
Economic Development Director Ron Schneider  
BATS Coordinator Adam Laso  
Deputy Town Clerk Tamiko Brewster  
Town Clerk Mary Cowdin  
Administrative Clerk Jory Haslett

Mayor Pro Tem Dowker led the Pledge of Allegiance.

**Citizen Participation**

Sunita Sharma, who has a new law practice located at 345 Mountain Avenue in Berthoud, introduced herself to the Board.

**Consent Agenda**

The Consent Agenda consisted of the August 27, 2013 minutes and the Financial Statement for July 2013. Mayor Pro Tem Dowker requested a typographical change on page three of the minutes and Trustee Bauer requested that the roll call be amended to reflect his absence from the August 27, 2013 meeting.

**Trustee Bauer moved to approve the Consent Agenda, with changes to the August 27, 2013 meeting. Trustee Shepard seconded the motion. The motion passed unanimously.**

### **CDOT – I-25 Coalition**

Myron Hora from CDOT presented a summary of the proposal for support to secure federal funding for solutions to improve the traffic conditions on I-25 between Fort Collins and Longmont.

Trustee Bauer asked for clarification that CDOT is requesting a letter of support for grant funding for the construction of express lanes on I-25 from 120<sup>th</sup> Street to Highway 66 and that the funding will not go to make any improvements between Highway 66 and Highway 14.

Mayor Pro Tem Dowker stated that the initial funding will become an incentive for a private-public partnership for the portions of I-25 north of Highway 66 to Highway 14.

Mr. Hora stated that a portion of the initial funding will go toward the design and right-of-way for I-25 north of Highway 66, which will further provide incentive for a private partner in the project.

Trustee Shepard asked if tolls collected from the southern portion of the project would be earmarked to complete the northern portion of the project. Mr. Hora stated that the allocation of the funds is still a part of the conversation.

**Trustee Bauer moved to direct staff to prepare a memo from the Board informing CDOT of the Town's support of the project. Trustee Shepard seconded the motion. The motion passed unanimously.**

### **Resolution: Annexation Petition & Set Public Hearing SW Corner of 1<sup>st</sup> Street & Highway 287**

Planner Katers presented the petition from Larry McVay to annex 9.32 acres at the southwest corner of Highway 287 and First Street for the creation of “ProSwing Park”, which will include 4 outdoor baseball training fields, an outdoor infield practice area, a practice building and a support building with associated parking.

**Trustee Shepard moved to approve Resolution 11-13 Finding an Annexation Petition for the Pro Swing First Annexation – Serials 1,2, and 3 and to set a Public Hearing for October 22, 2013. Trustee Bauer seconded the motion. The motion passed unanimously.**

### **Public Hearing: Proposed Ordinance Adopting Int'l Existing Building Codes**

Mayor Pro Tem Dowker opened the Public Hearing on Ordinance 1162 at 7:30 PM.

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Planner Katers reviewed the process to date of the adoption of the 2013 International Codes and the 2011 International Electrical Code. There have been no changes to the proposed ordinance since its first presentation to the Town Board on August 13, 2013.

Mayor Pro Tem Dowker closed the Public Hearing at 7:32 PM.

**Trustee Bauer moved to approve Ordinance 1162 adopting by reference the 2012 International Existing Building Codes and the 2011 National Electrical Code. Trustee Jones seconded the motion. The motion passed unanimously.**

#### **Public Hearing: Development Code Changes**

Mayor Pro Tem Dowker opened the Public Hearing on Ordinance 1163 at 7:35 PM.

Planner Katers presented the proposed changes to the Development Code, which include revisions to address plat dedication language related to mineral ownership, fence provisions in side yards, accessory building distance at the alley and the percentage of a garage at the front façade of a home.

The Planning Commission recommended the Code amendments at their August 8, 2013 meeting.

Mayor Pro Tem Dowker closed the Public Hearing at 7:52 PM.

**Trustee Bauer moved to adopt Ordinance 1163 Amending Portions of Chapter 30 of the Development Code. Trustee Alaback seconded the motion. The motion passed unanimously.**

#### **Town Property Annexations**

Mayor Pro Tem Dowker opened the Public Hearing on Ordinance 1164 at 7:54 PM.

Planner Katers presented the proposed annexation and zoning of three Town owned properties: the Carter Property, the Richardson Property and the Jaskowski Property.

At the August 8, 2013 meeting of the Planning Commission, the Commission recommended the annexation and zoning of all three properties. The recommended zoning is AG: Agriculture, which will allow the current uses as well as public recreation uses.

Mayor Pro Tem Dowker closed the Public Hearing at 8:04 PM.

**Trustee Shepard moved to approve Ordinance 1164 annexing land known as the Carter First Annexation. Trustee Bauer seconded the motion. The motion passed unanimously.**

**Trustee Shepard moved to approve Ordinance 1165 zoning the Carter First Annexation as AG: Agriculture. Trustee Bauer seconded the motion. The motion passed unanimously.**

**Trustee Shepard moved to approve Ordinance 1166 annexing land known as the Richardson First Annexation. Trustee Jones seconded the motion. The motion passed unanimously.**

**Trustee Shepard moved to approve Ordinance 1167 zoning the Richardson First Annexation as AG: Agriculture. Trustee Jones seconded the motion. The motion passed unanimously.**

**Trustee Shepard moved to approve Ordinance 1168 annexing land known as the Jaskowski Annexation No. 1 and Jaskowski Annexation No. 2. Trustee Jones seconded the motion. The motion passed unanimously.**

**Trustee Shepard moved to approve Ordinance 1169 zoning the Jaskowski Annexation No. 1 and Jaskowski No. 2 as AG: Agriculture. Trustee Jones seconded the motion. The motion passed unanimously.**

#### **Review Portions of the 2014 Budget**

Accountant Smith reviewed the budget for the Police Department, which is a department of the General Fund.

There are three main concerns facing the Police Department in the near future: a mill levy that is due to expire in 2016, maintenance and replacement of equipment and an increase in police personnel as the Town's population increases.

Chief Johnson reported briefly on the status of funding and discounts available to police departments.

Trustee Shepard asked about the status of the contract dispatch services with the Larimer County Sheriff's Department. Chief Johnson reported that the contract is year to year, however in the future more personnel will be required to address the needs of the Town. He also reported that the Sheriff's Department is donating some of their used computers for patrol cars to the Town.

Accountant Smith reviewed the budget for the BATS Program. In March of 2013 the BATS service area was changed due to discontinued funding for the rural service areas.

Engineer Brothers reviewed ridership numbers from years 2009 to 2013. BATS Coordinator Laso discussed the problems that arise regarding the number of riders needed to justify a larger bus to accommodate school programs that last only for a few weeks.

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Accountant Smith stated that on October 22<sup>nd</sup> staff will present fees schedule changes to the Board and a Final Review will be presented on November 12<sup>th</sup>.

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

Clerk Cowdin presented Municipal Code revisions, including Chapter 19: Traffic & Motor Vehicles, Chapter 20: Fines & Penalties, Chapter 22: Cemetery and Chapter 23: Sales Tax.

The final changes to the Chapters presented to the Board to date will be made in the next few weeks.

### **Volunteer Committee Appointments**

Clerk Cowdin presented the Volunteer Committees and Commission appointments.

**Trustee Bauer moved to appoint the following appointments to volunteer committees and commission with all terms expiring on August 31<sup>st</sup> of the year listed:**

**Historic Preservation Advisory Committee:**

Diane Levy	3 year term expires 2016
Herb Meeker	2 year term expires 2015
Ian Tinney	3 year term expires 2016
Doug Carlander	3 year term expires 2016
Jeff Medanich	2 year term expires 2015

**Planning Commission:**

Scott Banzhaf	3 year term expires 2016
Carol Brewer	3 year term expires 2016
William Gilmore	2 year term expires 2015
Christine Celentano	2 year term expires 2015

**Tree Advisory Committee:**

Milan Karspeck	3 year term expires 2016
Pat Karspeck	3 year term expires 2016
Jan Nichols	2 year term expires 2015
Allen Owen	2 year term expires 2015

**Trustee Jones seconded the motion. The motion passed unanimously.**

Clerk Cowdin reported that the Board has the authority to appoint a Trustee to the Liquor Licensing/Medical Marijuana Licensing Authority, whose term on the Authority would expire when their term as a Trustee expired. Trustee Bauer stated that he would have an interest both as a Trustee and as a private citizen.

Trustee Shepard noted that he had concerns with a Trustee serving on a quasi-judicial board, especially as the Board serves as the appeal board for the Liquor Licensing/Medical Marijuana Licensing Authority.

Bill Gilmore, of 520 8<sup>th</sup> Street, addressed the Board and stated that if going outside the Board for a Licensing Authority member, there is a chance that a citizen from the community at large could have an agenda, whereas a Trustee would not.

Mayor Pro Tem Dowker asked that this issue be added to a future agenda.

### **Reports**

Planner Katers reported on the Larimer County Planning Commission meeting where the regulation of medical marijuana facilities was discussed. Planner Katers testified in support of the property line to property line method of measuring distances between medical marijuana facilities. That recommendation moved forward to the Commission.

Attorney Bell reported on the Xcel matter and the upcoming meeting scheduled for Thursday. He has also continued the title work on Town owned lands and working on the Municipal Code. Attorney Bell also reported on his review of the IGA with Larimer County and that the ALFA issue has been totally resolved.

Clerk Cowdin reported that due to repeated fingerprint reading issues, the Town has requested a background check by name from the FBI for one of the owners of Herb's Medicinals.

Trustee Alaback reported on the Sprawl Alert flyer that was in Berthoud mailboxes today and stated that it is a good opportunity for the Town to communicate better with the community.

Administrator Hart reported that staff is working on getting bids to revamp the website in order to communicate better with the community and briefly reported on the Sprawl Alert flyer.

Mayor Pro Tem Dowker stated that a communication plan would be a good item for discussion at the Board retreat.

Trustee Jones reported that Historic Preservation Committee will soon be communicating with property owners in the proposed district.

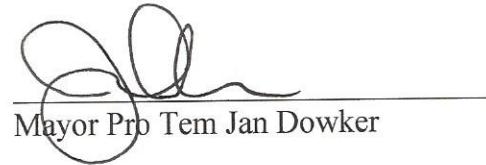
Trustee Bauer asked if furnace updates for Town Hall were scheduled for this winter. Clerk Cowdin stated that money is in the budget every year for replacement, but the hope is that the furnaces will continue to be able to be repaired when issues arise.

Trustee Shepard reported that communication issues always seems to come down to the Town's website. He suggested that Administrator Hart give his reports at the beginning of the Board meetings.

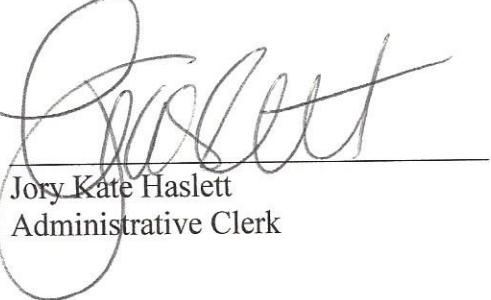
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Mayor Pro Tem Dowker stated that tomorrow night is the Elected Officials meeting and she will send out information to the rest of the Board.

Mayor Pro Tem Dowker adjourned the meeting at 9:53 PM.



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Mayor Pro Tem Jan Dowker



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Jory Kate Haslett  
Administrative Clerk