

**BOARD OF TRUSTEES  
REGULAR MEETING  
DECEMBER 10, 2013  
BOARD ROOM  
6:30 P.M.**

Board Members Present:

Mayor David Gregg  
Mayor Pro Tem Jan Dowker  
Trustee Suzie White  
Trustee Dick Shepard  
Trustee Thomas Jones  
Trustee John Bauer  
Trustee Paul Alaback

Staff Members Present:

Town Administrator Mike Hart  
Town Clerk Mary Cowdin  
Deputy Town Clerk Tamiko Brewster  
Planner Tim Katers  
Engineer Stephanie Brothers  
Administrative Clerk Jory Haslett

Mayor Gregg led the Pledge of Allegiance.

**Citizen Participation**

None.

**Consent Agenda**

The consent agenda consisted of the November 19, 2013 minutes and the Bills Allowed for October 2013.

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

**Correction to the 10-22-2013 Minutes**

Clerk Cowdin presented the correction to the October 22, 2013 minutes to amend the minutes to reflect that Becky Justice-Hemmann and Deanne Mulvihill spoke in favor of business and growth, but did not speak for or against the Haworth annexation.

Trustee Bauer asked that Senator Lundburg and Commission Donnelly's comments at that meeting be reviewed as well. Clerk Cowdin stated that Staff will review the tapes.

**Mayor Pro Tem Dowker moved to correct the minutes of 10-22-2013 to reflect that Becky Justice-Hemmann and Deanne Mulvihill spoke in favor of business and growth and remove their names from the list of people who spoke in favor of the Haworth annexation. Trustee Shepard seconded the motion. The motion passed unanimously.**

**Public Hearing: Annexation & Zoning – ProSwing**

Mayor Gregg opened the public hearing at 6:35 PM.

Planner Katers presented the details of the proposed ProSwing annexation and zoning for a baseball training facility on 9.32 acres at the intersection of First Street and US Highway 287. The owners are seeking a zoning designation of C2: General Commercial zoning.

Planner Katers reported that the property conforms to the Town of Berthoud Comprehensive Plan as the property is currently identified as High Density Mixed Use on the Preferred Future Land Use Map.

Planner Katers reported that there were two responses received on the project referrals. One is from Little Thompson Water District stating that the property is within the District service area. The other response was from the owners of the residence adjacent to the property, Thomas and Ruth Noonan.

Deanne Fredrickson, from TGF Design, representing ProSwing Hitting, addressed the Board and gave a brief history of the owners and the business. She reported on the proposed design of the facility and the status of negotiations with the neighbors of the proposed facility and the Handy Ditch.

Tom Dougherty of 2973 Zackary Drive in Loveland addressed the Board and stated that his grandsons play on several of the ProSwing teams. He has been very pleased that his grandsons have been associated with the ProSwing program and he believes that they will be an asset to the community.

Mark Zeller of Loveland addressed the Board and encouraged the Board to approve the annexation and zoning. He believes the facility will be an asset to the community.

Corwin Voggeser of 1204 Steeplechase in Fort Collins, addressed the Board and spoke in favor of the annexation. He believes it will be an asset to the entire region.

Jenny Hines of 1206 Hawkeye Court in Fort Collins spoke in favor of the ProSwing annexation and stated that her son has had a very positive experience in the ProSwing programs.

Mayor Gregg closed the public hearing at 6:56 PM.

**Trustee Shepard moved to approve Resolution 20-13 making certain findings of fact and conclusions based thereon with respect to the annexation of a parcel of land to the Town of Berthoud (ProSwing First Annexation-Serials 1, 2, and 3). Trustee White seconded the motion. The motion passed unanimously.**

**Trustee Shepard moved to approve Ordinance 1173 approving the annexation of the land to the Town of Berthoud, Counties of Larimer and Weld, State of Colorado, to be known and designated as the ProSwing First Annexation-Serials 1, 2, and 3 to the Town of Berthoud. Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.**

**Trustee Shepard moved to approve Ordinance 1174 zoning real property known as the ProSwing First Annexation – Portion of Serial 3 as C2: General Commercial by the Town of Berthoud, Larimer and Weld, Counties, Colorado. Trustee Jones seconded the motion. The motion passed unanimously.**

#### **Emergency Repairs to County Road 44**

Engineer Brothers reported on the status of the repairs on County Road 44. At the September 17, 2013 meeting the Board gave Administrator Hart the authority to award the project at his discretion and subsequently he approved the contract to Coulson Excavation. Coulson Excavation will start on the project later this week. The bid was awarded on an emergency basis.

Engineer Brothers reported that it will be an emergency repair, but FHWA has authorized a permanent repair. The emergency repair will open the road.

**Shepard moved to ratify the bid award to Coulson Excavation. Trustee Bauer seconded the motion. The motion passed unanimously.**

#### **Resolution for the 2014 Fee Schedule**

Clerk Cowdin presented the resolution for the 2014 fee schedule. The new fee schedule will be effective January 1, 2014

**Trustee Shepard moved to approve Resolution 21-13 adopting the 2014 fee schedule. Trustee Bauer seconded the motion. The motion passed unanimously.**

#### **Ordinance to Rescind Ordinances 1104 & 1105**

Administrator Hart presented the proposed ordinance to rescind Ordinances 1104 and 1105. Ordinance 1104 was enacted in February 2009 and temporarily reduced the fees applicable to building permit fees. Ordinance 1105 was approved in April 2009 to limit the reduction of those fees to certain building types. The proposed ordinance will return the fees to the level they were



before February 2009, but the density transfer fee will remain at zero until the impact fee study is completed.

**Trustee Bauer moved to approve Ordinance 1175 rescinding the reduction in municipal fees established under Ordinances 1104 and 1105. Trustee Jones seconded the motion. The motion passed unanimously.**

#### **Public Hearing: Mill Levy Ordinance**

Clerk Cowdin presented the proposed ordinance that will adopt the mill levy 2014. The proposed mill levy within Town property for 2014 is 9.655 mills.

Mayor Gregg opened the public hearing at 7:15 PM.

Mayor Gregg closed the public hearing at 7:17 PM.

**Trustee Bauer moved to approve Ordinance 1176 levying the taxes for the year 2014 to defray the costs of municipal government of Berthoud, Colorado for the fiscal year beginning January 1, 2014 and ending December 31, 2014. Trustee White seconded the motion. The motion passed unanimously.**

#### **Appointment to Library Board**

Clerk Cowdin presented the Library Board appointment. The Library Board has selected Ken Mathias for a second term on the Library Board, which will run from January 1, 2014 through December 31, 2017.

Trustee Bauer expressed some reservations about the appointment of Mr. Mathias.

Mayor Pro Tem Dowker stated that based upon her experience with the applicant and the materials provided to the Board, she supports the appointment.

Mayor Gregg recommended that a memo be prepared for the Library Board reminding them of their stewardship to the public.

**Trustee Bauer moved to appoint Ken Mathias to a four year term on the Library Board, with the term to run from January 1, 2014 through December 31, 2014. Trustee Jones seconded the motion. The motion passed unanimously.**

#### **Reports**

Trustee Bauer reported that he will be attending a C-DOT ICSPLT meeting on the 18<sup>th</sup> regarding interconnectivity in the region.

Trustee Jones reported that he and Accountant Smith attended the emergency preparedness meeting held by FEMA. He also attended a CML meeting in Loveland where he received some materials that he would be willing to share with the Board.

Administrator Hart reported on the Xcel meeting held last night where Xcel presented an alternative plan that will satisfy all affected property owners.

Administrator Hart also reported that January 14, 2014 will be the first meeting of the year. The meetings will continue to be at 6:30 PM.

Administrator Hart further reported that the Comprehensive Plan should be completed after the first of the year. He also stated that the Town is now treating its own water and things are going well.

Clerk Cowdin updated the Board on the sewer bill issue raised during the citizen participation portion of the last meeting. Staff has followed up with Little Thompson Water District and the resident.

Clerk Cowdin reported on the cat issue that was raised at the last meeting. She stated that Staff recommends that the regulations remain the same. The Board concurred. Mayor Gregg will contact Ms. Baca and let her know the status.

Attorney Bell reported on the citizen initiative petition that has been filed. He also reported on the tire collection issue that has been raised. He also stated that there are a number of development agreements that are currently under review that will soon come to the Board.

Trustee Shepard reported on Christmas in Berthoud last weekend. It was well attended despite the cancellation of the parade. He also pointed out some items of interest in the recent CML magazine.

Mayor Pro Tem Dowker reported on the CDOT Region 4 meeting held earlier today. There will also be a Statewide Transportation Advisory meeting on Friday. She reported that Berthoud will have the NFRMPO Chairmanship and that Berthoud will also have a seat on the CML and Colorado Counties joint "Special Highway Committee".

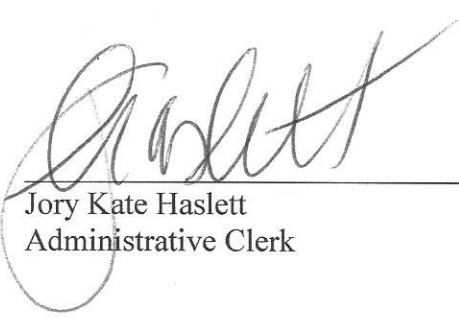
Mayor Gregg stated that he appreciated the efforts of Staff and the Board for their assistance to the county residents affected by the Xcel issue.

Jack Balas of 825 N. 4<sup>th</sup> Street addressed the Board regarding his water bill. He feels that the late fee of \$10 on the water bill is excessive and he would like to have an automatic payment

system set up for utility billing. He also expressed concern regarding the man selling popcorn in Fickel Park. He does not feel that it is appropriate that there should be vendor in a public park unless there a special event. Mayor Gregg asked that staff look into the issues Mr. Balas presented.

**Trustee Bauer moved to adjourn to Executive Session to discuss matters that may be subject to negotiations, strategy or instruction of negotiators and to adjourn the meeting from Executive Session. Trustee Jones seconded the motion. The motion passed unanimously.**

Mayor Gregg adjourned the meeting to Executive Session at 7:52 PM.

  
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Mayor David Gregg  
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Jory Kate Haslett  
Administrative Clerk