

**BOARD OF TRUSTEES  
REGULAR MEETING  
JUNE 11, 2013  
BOARD ROOM  
7:00 P.M.**

Board Members Present:

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

Board Members Absent:

Trustee Paul Alaback

Staff Members Present:

Town Administrator Mike Hart  
Attorney Greg Bell  
Planner Tim Katers  
Police Chief Glenn Johnson  
Town Clerk Mary Cowdin  
Administrative Clerk Jory Haslett  
Economic Development Director Ron Schneider

The Mayor Gregg led the Pledge of Allegiance.

**Citizen Participation**

None.

**Consent Agenda**

The Consent Agenda consisted of the May 21, 2013 Minutes.

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

**Library Appointment**

Clerk Cowdin explained the timing of the Berthoud Community Library District (BCLD) appointments and that the term that proposed library board appointee Mr. Dart would be filling will end on December 31, 2016. Clerk Cowdin also asked that Board reappoint the current library board members to coordinate with the BCLD terms.

Trustee Bauer asked that the Board be notified of any future vacancies on the BCLD Board.

**Trustee Bauer moved to appoint Mr. Dart to the Berthoud Community Library District Board with a term ending December 31, 2016. Trustee White seconded the motion. The motion passed unanimously.**

**Trustee Bauer moved to appoint the following current members to the Berthoud Community Library District, as a housekeeping measure to coordinate term ending dates with the BCLD terms. All terms will end on December 31<sup>st</sup> of the year listed below.**

**Kathryn Churchill 2013**

**Ken Mathias 2013**

**Margaret Skrobacz 2014**

**Davon Cook 2015**

**Lara Bonilla 2015**

**Mary Tonsing 2016**

**Mayor Pro Tem Dowker seconded the motion. The motion passed unanimously.**

#### **Public Hearing – Hilltop Manor**

The Mayor opened the public hearing at 7:07 PM.

Planner Katers presented the rezoning request from Doug Lindgren and Susan Lenthe for the Hilltop Minor Subdivision.

Mr. Lindgren and Ms. Lenthe would like for .48 acres in the Hilltop Minor Subdivision to be divided into three lots, which requires a zoning change.

The Planning Commission conditionally approved the minor subdivision of this property into 3 lots on May 30<sup>th</sup>, 2013. The approval was conditioned upon the rezoning action before the Town Board, which is required in order to allow 3 lots on this size property instead of 2. There is an existing home and garage on the property.

The applicants are requesting a change from R1 zoning to R2 zoning: Limited Multi-Family District. The properties in the area are a mix of R1, R2 and R3 zoning.

As of Tuesday, June 4, 2013, there were no responses from the public notification for this project.

Doug Lindgren, of 4701 Beverly Drive, addressed the Board and explained his plans for the property. He explained that the utilities are in the street as well as the alley. He feels that it is a great home site and will be a nice in-fill subdivision. He would like to begin building one home this fall, with another home following later.

Trustee Bauer stated that he concurs with the Staff assessment that the zoning change seems consistent with the surrounding area.

Trustee Jones stated that the subdivision will make the neighborhood look more completed and will be a nice addition.

**Trustee Bauer moved to rezone the Hilltop Minor Subdivision to R2: Limited Multi-Family District. Trustee Jones seconded the motion. The motion passed unanimously.**

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

### **Growth Management Area Amendment**

Planner Katers presented information regarding the request from Town staff to modify the Berthoud Growth Management Area to include two properties to the west of Town limits.

The first property is the Town-owned Jaskowski property, which is located south of Larimer County Road 14 and north of Lonetree Reservoir.

The second property is the Haworth property at the Northwest corner of Larimer County Road 8 and County Road 19. The Haworth family recently submitted a request to be annexed into the Town, which requires inclusion into the Growth Management Area (GMA).

The Planning Commission conducted a Public Hearing on the modification on May 30, 2013 and unanimously voted to approve Resolution 1-13 to amend the Town boundary to include the Haworth and Jaskowski properties.

Planner Katers explained that the Town is proposing changing the GMA per a request from a landowner and for a Town-owned property.

John Thompson, 2605 W CR 8, addressed the Board. He lives across the road from the Haworth property. He received a letter from the Planning Commission notifying them of the meeting, but chose not to attend the meeting. However, according to the paper the GMA will go to County Road 21 and then south to the Boulder County line.

Administrative Hart explained the review process of the Comprehensive Plan, and as a part of the process there have been discussions regarding moving the GMA. Any recommendations that come from the review will first go to the Planning Commission and then to the Board, as well as opportunity for public input in that process.

Diane Pollack, 2604 W CR 8, addressed the Board. She is concerned about changing the rural atmosphere in Berthoud and believes that there haven't been any significant events that would cause the GMA to be modified. There are enough building lots in the current GMA to serve building for 20 years. It is unfair to those in west Berthoud to change the character in order to



capture fees. She is outraged at how the Haworth property was handled at the October meeting and believes that the Town has confused the Haworth family.

Mina Cox, 849 NCR 19, addressed the Board. She thinks it is appropriate to have public input on the vision for the west side of Berthoud. She asks that the Board please consider the deal the county has offered to the Town and allow the Comprehensive Plan committee to finish its review and gather public input before acting on the GMA.

Nancy Lamb, 1101 NCR 19, addressed the Board. She stated that people appreciate the rural aspects of the west of Berthoud and feels it balances the Town.

Mayor Gregg stated that the decision tonight only allows an avenue for communication with the landowners subject to the GMA modification.

Trustee Bauer stated that in changing the GMA, the Town is not telling anyone what to do with their property. The Board is following the process per a request from the landowners.

Trustee Shepard thanked Ms. Cox for her participation in the Comprehensive Plan review.

Mayor Pro-Tem Dowker stated that there isn't anything before the Board that will change the rural character of the west side of Berthoud. She feels comfortable moving forward based upon the Planning Commission's recommendation and the wishes of the family.

Trustee White addressed Ms. Pollack and asked how the Town has confused the Haworth family.

Ms. Pollack stated that she reviewed the DVD from the meeting and that the family knows what they want from the property. She stated that the DVD reflected that there were assurances from the Board that they could be annexed within 60 days, which seemed out of line when the Haworth family was already dealing with Larimer County on the issue. She thinks it was underhanded and does not believe the Haworths understand the implications of the annexation.

Trustee White stated that the Board is acting on the wishes of the Haworth family.

Administration Hart stated the Town was noticed by the County regarding the Haworth property. The property would be tied up for 40 years and when the Haworth family came to the Town, they were looking at another solution to what the County was offering.

**Trustee Bauer moved to ratify Planning Commission Resolution 1-13 which amended the boundaries of the Berthoud Growth Management Area. Trustee White seconded the motion. The motion passed unanimously.**

Administrator Hart noted that the Haworth family asked the Town to send a letter to the County asking to delay the process.

### **Ordinance re: Discharge of Firearms**

Chief Johnson explained that there is a firearms dealer in Berthoud, who from time to time needs to test firearms and suppressors. Currently, the dealer needs to leave town to test fire guns and suppressors.

Chief Johnson stated that if test firing guns is allowed in Town, he wants to make sure it is as safe as possible. He also noted that Administrator Hart also inquired about what would be involved in allowing an indoor firing range possibly locating in Berthoud.

Chief Johnson explained the safety measures that would be required for both test firing at a business and at an indoor firing range. Administrator Hart stated that there has been interest in building a firing range in Berthoud.

Chief Johnson stated that an indoor range would also require a zoning change. If the ownership changed, but the equipment stayed the same, the permit would stay in place.

Trustee Bauer asked how often are the bullet traps inspected for safety and should the permits be renewed each year upon inspection.

Attorney Bell stated that the approval letters for the test firing can have expiration dates.

Trustee Jones asked if the noise going to be loud enough to be heard outside the building.

Chief Johnson stated that if the dealer is testing a suppressor, it will not be loud enough to startle anyone. If it is another type of weapon, there might be a sound.

Trustee Shepard asked what kind of permit the dealer expects. Chief Johnson stated that he is expecting a suppressor permit only.

Mayor Gregg stated that Chief Johnson will have discretion about what is allowed to be fired.

**Trustee Shepard moved to approve Ordinance 1159, changing the current Town Code to provide for safe methods for firing weapons for testing and practice in use of firearms. Trustee Bauer seconded the motion. The motion passed unanimously.**

### **Reports**

Trustee Jones reported that the Berthoud Historic Preservation Society is moving forward with the creation of residential historic district and they will be informing the public and the Board soon.



Trustee Bauer asked for clarification on who the Berthoud Historic Preservation Society is using for counsel to insure there is not a conflict of interest. Administrator Hart stated that Planner Katers is the staff liaison with the committee and thus far they have not asked for any assistance from Town counsel.

Trustee Bauer stated that he had a wonderful Berthoud Day and thanked the Town and the Chamber for a great event. He also attended the NFRMPO meeting.

Mayor Pro Tem Dowker stated that CDOT is holding a meeting for Impact 64 regarding roads and transportation and the MPO is invited. She stated that she will not be able to attend both days of the FRONT Event, but that Trustee Bauer will be attending. She also noted that she attended the Planning Commission meeting where the Haworth family spoke to the commission. She asked the family at that time if anyone had spoken to them about the annexation issue. They replied that no one had spoken to them and they had no reservations about annexations.

Trustee White stated that Berthoud Day was a great success with a great crowd and turnout. She also attended 8<sup>th</sup> grade graduation, where many students received commendations for their grades.


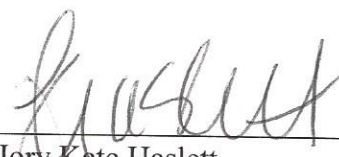
Trustee Shepard thanked the Town Staff, Chamber and all the volunteers for helping to produce a great Berthoud day. He also attended the joint commissioners meeting, which was informative. He also attended the NFRMPO orientation meeting, which was enjoyable and informative.

Attorney Bell stated that he will be addressing an issue with Xcel regarding a proposed gas line. He is working with Town Clerk Cowdin on recodification of the Town Code and they will start sending a few chapters at a time to the Board.

Trustee Shepard asked how the food truck issue is progressing. Clerk Cowdin stated it will be on the agenda at the next meeting.

Administrator Hart stated that the Board retreat has been postponed as there are several issues left to address. He noted that there is a quilt show and historical home tour, as well as an antique tractor parade this weekend.

Mayor Gregg adjourned the meeting at 8:26 PM.

  
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Mayor David Gregg  
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Jory Kate Haslett  
Administrative Clerk