MEETING OF THE TOWN BOARD
Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, March 10, 2020 6:30 p.m.

The Town Board may take action on any of the following agenda items as presented or modified prior to or during the meeting, and items necessary or convenient to effectuate the agenda items.

I. REGULAR MEETING CALLED TO ORDER – Mayor William Karspeck

II. PLEDGE OF ALLEGIANCE – Mayor William Karspeck

III. ROLL CALL – Mayor William Karspeck

IV. CITIZEN PARTICIPATION

V. SCHEDULED ITEMS
1. Consent Agenda (Christian Samora)
   Consent Agenda items are considered to be routine by the Town Board and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.
   a) March 10, 2020 Meeting Agenda
   b) February 25, 2020 Meeting Minutes
   c) March 3, 2020 Meeting Minutes
   d) Berthoud Library District Appointment
   e) Resolution 2020-06 Perpetual Water Contract and Temporary Use Permits

2. Youth Advisory Commission Survey Presentation (Youth Advisory Committee)

3. Berthoud Public Library at Waggener Farm Park (Chris Kirk)

4. Impact Fee Update (Chris Kirk)

VI. ELECTED OFFICIAL REPORTS
1. Town Board – Jeff Hindman, Brian Laak, Maureen Dower, Tim Hardy, Paul Alaback, and Kelsey Byron
2. Mayor Pro Tem Hindman
3. Mayor – William Karspeck

VII. EXECUTIVE SESSION
Pursuant to C.R.S. § 24-6-402 (f)(I) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body of any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. And the following is provided for informational purposes: Town Administrator Annual Evaluation

VII. ADJOURN

__________________________________
Town Clerk or Deputy Town Clerk

__________________________________
William Karspeck, Mayor

March 10, 2020
The order of agenda items listed above are approximate and intended as a guideline for the Town Board. Individuals needing special accommodation may request assistance by contacting the Town Clerk, 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.
ADMINISTRATION DEPARTMENT

TOWN BOARD OF TRUSTEES INFORMATION SHEET

MEETING DATE:   March 10, 2020
ITEM:   Consent Agenda

ATTACHMENTS:
• March 10, 2020 Meeting Agenda
• February 25, 2020 Meeting Minutes
• March 3, 2020 Meeting Minutes
• Berthoud Library District Appointment

"Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Board Member wishes to remove an item for separate discussion. Items removed from the consent agenda should be considered immediately following adoption of the amended Consent Agenda.

SUGGESTED MOTION:
A member of the Town Board should make a “Motion to combine and approve the items on the Consent Agenda.”

Followed by a second and a vote.
MEETING MINUTES OF THE TOWN BOARD  
Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Tuesday, February 25, 2020 6:30 p.m.

The full discussion of the Agenda items can be found by going to the Video archives on https://www.berthoud.org/government/board-of-trustees/trustee-meeting-videos/archived-trustee-meeting-videos

I. REGULAR MEETING CALLED TO ORDER – Mayor Karspeck called into session at 6:29 p.m.

II. PLEDGE OF ALLEGIANCE – Mayor Karspeck lead the Pledge of Allegiance.

III. ROLL CALL – Town Clerk Samora called the roll.

The following were present:
Mayor Karspeck
Mayor Pro Tem Hindman
Trustees: Byron, Dower, Hardy, Laak

The following were absent:
Trustees: Alaback

IV. SCHEDULED ITEMS

1. Consent Agenda
   a) February 25, 2020 Meeting Agenda
   b) February 11, 2020 Meeting Minutes
   c) Ratification of Resolution 2020.04

Trustee Byron Motioned to combine and approve the items on the Consent Agenda. Trustee Laak seconded the motion.
WITH ALL IN FAVOR THE MOTION PASSES.

2. Introduction of Information Specialist

   Town Administrator Kirk: Introduced Colleen Cutshaw our new Public Information Specialist. This is in response to the Boards concern for better communication efforts with the public. Colleen will be taking a strong leadership role in how we do public information, education outreach, marketing and working with our current communications consultants Slate Communications.

   Public Information Specialist Cutshaw: Stated that she is excited for this opportunity. She already thinks this place is a gem and excited for the future success of Berthoud.

3. Hydraulic Fracking Presentation

   Mayor Karspeck introduced: He is involved with the North Front Range Metropolitan Planning Organization which deals with air quality as well as transportation planning. His has been to some great presentations on air quality in the Front Range. In that process he has met some great individuals. He introduced Dr Detlev Helmick with CSU research scientist, Natalie Eddie from Earthworks and Dr. Stephanie A. Malin an Environmental Sociologist at CSU as guest speakers.

   These three speakers each gave a presentation to the board on their knowledge of Oil and Gas and the impact it has on air quality.

   The Board would like staff to get a monitoring proposal for monitoring air quality. They would also like to know from staff if the planning department has considered the abandoned well sites near future development or past developments in their reviews.
4. **Veteran Flags on Mountain Avenue**

   Laurel Downer President of the American Legion Auxiliary introduced: The street of flags came to fruition seven years ago. They are flags that honors a veteran currently serving or past veteran by a dog tag. They would like to expand the street of flags. They want to expand on honoring our veterans.

   The Board would like a little more research on what other communities are doing to be able to make a better a decision on how they can expand on what we currently have already. The Board was good with adding the decals to the poles for the existing flags.

5. **Emerald Ash Borer Cost Share Program**

   **Town Forester Embrey introduced:** He presented to the Board an updated proposal to the emerald ash borer cost share program, that the town currently offers.

   Mayor Pro Tem Hindman Motioned to treat all Emerald Ash Trees in town that are suitable for treatment, that are over 12 inches in DBH (Diameter at breast height), with the option to opt out. Trustee Hardy seconded the motion. WITH ALL IN FAVOR THE MOTION PASSES.

6. **Spartan Railroad Crossing Update**

   **Public Works Director Brothers introduced:** The town has acquired the VanMeter property which would be the future crossing of Spartan and tie into Nebraska through Mary’s Farm then Farmstead future neighborhood. It is a future collector and has been identified in the master plans over the last couple of years.

   The Town is working with HDR Engineering who is working with BNSF (Burlington Northern Santa Fe Railroad). They are working on crossing plan for Spartan and the Spartan/Nebraska future corridor plan.

   **Eleanor with HDR** gave an update to the Board about the conversation with BNSF.

   The Board would like staff to research what Fort Collins did in their approach with the railroad crossings. Staff needs to go back and offer a Close one crossing to get one crossing. They would also like staff to research what would be required for the quiet zone and the approximate cost.

7. **Licensing Authority Interview Committee**

   **Town Clerk Samora introduced:** We have a licensing authority that considers both liquor, as well as marijuana applications for the Town of Berthoud. The authority operates with a quorum of two members. However, a conversation with our municipal judge, as well as our new legal counsel, as to that current practice. What we need to do to really be operating by the letter of the law is to have three members on that authority. We need to fill that citizen position. We are looking for two members of the Board that would like to serve on that interview committee. That way when we do get applicants, they can interview them and bring their recommendation to the Board.

   Mayor Karspeck volunteered to be on the interview committee and it was agreed that one member of the Board would be sufficient doing interviews with Town Clerk Samora.

V. **ELECTED OFFICIAL REPORTS**

   **Town Administrator Kirk:** An email was sent from Community Development Director Freese about the Comp Plan Committee Meeting on March 25, 2020. That will be notice as a meeting of the Board, so the Board can attend. Staff and the Public Information Specialist are working on a tentative Dog Park Grand Opening date. They are looking towards the end of March for that. The groundbreaking for Waggener Farm Park beginning of April. An email will go out about that as well. Economic Development Director Elish wanted him to give an update on Mayor Summit Entrepreneurship. They had fifty-six people registered from seventeen communities, represented ten mayors. This is going to be a great event coming up in March that we are hosting. We will be hosting the Business Appreciation Breakfast in May. Anyone who owns a business in Berthoud is invited. This will be during Small Business Week and will be a great opportunity to recognize and appreciate local businesses.

   **Attorney Smith:** Had nothing to report.

   **Trustee Dower:** The P.O.R.T. Tour had to be rescheduled to March 3, 2020 due to inclement weather. For those who want to attend we will meet at Town Hall and it would be best to arrive at 2:30 p.m. to 2:45 p.m. We will be taking off right at 3 p.m. The tour should take about two hours. The tour is going to focus on selected areas that are a focus of the P.O.R.T. Committee.
Mayor Pro Tem Hindman: Had nothing to report.

Mayor Karspeck: He thanked staff for the Mission Homes Tour. He had a group conference call with Historic Preservation Mainstream and Professionals for Foursquare grant. The next step will be getting everyone together for a Historic Preservation Advisory Committee Meeting on how they can work together to save the building. He also attended a Larimer County Planning and Zoning meeting on Fracking. The Northern Colorado Bike and Ped Collaborative they had an interesting conversation on electric bikes. Larimer County wants to ban them, and Fort Collins wants to go the other way and create speed limits and legitimize it. They also discussed electric scooters. He also attended the CML Legislative workshop in Denver at the Colorado History Museum.

Trustee Laak: Ramey Environmental sent out a questionnaire to have a better understanding of what is going on.

Trustee Byron: She would like to see a pointer be used in presentations for Board and Planning Commission meetings.

Trustee Hardy: Had nothing to report.

VI. ADJOURNED FROM REGULAR MEETING AT 10:45 P.M
MEETING MINUTES FOR A SPECIAL MEETING OF THE TOWN BOARD
Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, March 3, 2020 5:30 p.m.

I. REGULAR MEETING CALLED TO ORDER – Mayor Pro-Tem Hindman

Mayor Pro-Tem Hindman called the meeting to order.

II. PLEDGE OF ALLEGIANCE – Mayor William Karspeck

Mayor Pro-Tem Hindman led the pledge of allegiance.

III. ROLL CALL – Mayor William Karspeck

The following Board Members were present: Jeff Hindman, Mayor Pro-Tem
Brian Laak, Trustee
Tim Hardy, Trustee
Maureen Dower, Trustee
Kelsey Byron, Trustee
Paul Alaback, Trustee

The following Board Members were absent: William Karspeck, Mayor

The following were also present: Chris Kirk, Town Administrator
Christian Samora, Town Clerk
Erin Smith, Town Attorney
Charles Norton, Norton & Smith, P.C.

IV. SCHEDULED ITEMS

1. Metro District Study Session (Chris Kirk)

Administrator Kirk gave a presentation and provided background information. Kirk explained the purpose of the discussion and introduced Charles Norton from Norton & Smith, P.C.

Charles Norton provided additional detail and explained his prior experience working with metro districts. Norton described various reasons that a metro district may be used.

Following the presentation and questions by the Board, the public was invited to speak regarding the matter.

Ellen Allen of Berthoud stated that she lived in the PrairieStar Neighborhood. She asked if she lived in a special tax district, if the service plan for the neighborhood was already in place and how many more
service plans there would be. Administrator Kirk stated that PrairieStar was a special taxing district that already had their service plan in place.

Ryan Berry of Berthoud expressed concern over the prices of homes in metro districts. Berry asked if the Board was confident that they could create a plan and referenced Longmont not allowing metro districts.

There was a 5-minute break.

Following additional discussion, the Town Board gave direction to staff and the Town Attorney to draft a model service plan. The Board suggested that the Town Attorney review various examples of model service plans that are known to work well in other communities. Attorney Smith stated that it will take time, but the work will be completed as soon as possible.

VII. EXECUTIVE SESSION

Trustee Dower motioned to enter into Executive Session Pursuant to C.R.S. § 24-6-402 (f)(I) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body of any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. And the following is provided for informational purposes: Town Administrator Annual Evaluation

Trustee Byron seconded the motion. With all in favor, THE MOTION CARRIED.

No action was taken following the Executive Session.

V. ADJOURN

The meeting adjourned following the Executive Session.

__________________________________  ____________________________________
Town Clerk or Deputy Town Clerk      William Karspeck, Mayor
March 5, 2020

Mr. Christian Samora  
Town Clerk  
PO Box 1229  
Berthoud, CO 80513-2229

Dear Mr. Samora:

On February 22, 2020 the Berthoud Community Library District Board of Trustees selected Melissa Robinson to fill a four-year library trustee term, 1/1/2020 – 12/31/2023.

Please consider Ms. Robinson for formal appointment to the Berthoud Community Library District Board of Trustees. This will be Ms. Robinson’s first term as a trustee. Her application is attached.

Ms. Robinson and I will be happy to meet with you and any Town Trustees and/or attend the meeting at which her appointment will be on the agenda. Please contact me if you need any further information beyond her application.

Thank you for your attention to this matter.

Sincerely,

Amie Pilla  
Library CEO

Enclosure
Board of Trustees Member Application

We are a center for sharing resources to educate, enrich, and connect you with the world.

Please complete the information below and attach a resume if you wish. Applications should be returned to: Berthoud Community Library District, 236 Welch Avenue, Berthoud, CO 80513, attention Amie Pilla.

Any questions concerning typical meeting commitments or general trustee responsibilities may be directed to the Library CEO, Amie Pilla, at 970-532-2757 or ceo.bcld@gmail.com. You may also contact Lorna Greene, Library Board President, 970-532-2121 or lg.bcld@gmail.com.

Date 11/27/2019

Name Melissa S. Robinson  H: 970-344-5227
Email: bruceandmelissa@gmail.com  Phone: 970-459-5360
Address 315 E. Iowa Ave. Berthoud, CO 80513

How long have you lived in this area? Six years

Occupation Retired

Employer ___________________________ Title ___________________________

- Term being applied for is January 2020 – December 2023
- The Berthoud Community Library District (BCLD) Board of Trustees normally meets on the 2nd Wednesday of each month at 7:00 pm. Are you able to meet at that time?  yes  no
- The term for this appointment is four years. Are you able to commit to serving this term?  yes  no
- Are you a library cardholder?  yes  no
- How did you learn of this Library Board of Trustees opening? Sign at the library

Why do you want to learn of this Library Board of Trustees?

I love our library. I have been a volunteer for several years. I have a strong desire to help foster reading and participation. I have been a volunteer at the Berthoud Elementary School helping students with reading and writing.
What strengths would you bring to the Board of Trustees?

I have a degree in Journalism and write fiction. I have been a part of several non-profit organizations where I have helped with fundraising and development.

What services do you feel the library district should provide for this community? Of these, which do you feel is the most important?

Besides the usual books in all categories, research materials, movies, computer access, classes, tutoring and social events, book clubs, story time for children, and advice on what books to read and why...

Please list any past or present affiliations, e.g. other boards, community groups, civic involvement, professional organizations, and/or volunteer groups.

I am on the Leadership Council for the Longmont Shambhala meditation group and am the senior teacher in the Shambhala/Buddhist tradition.

I have been volunteering at Berthoud Elementary for five years and Habitat for Humanity Restore for two years.

Any other comments?

I have participated in drawing and water color classes.

I am a participant in the writers' group.

Thank you for your interest in serving on the Berthoud Community Library District Board of Trustees.
TOWN OF BERTHOUD
BOARD OF TRUSTEE AGENDA ITEM
Board Meeting Date: March 10, 2020

SUBJECT: CONSENT AGENDA

Consideration of Resolution 2020-06; A Resolution Authorizing An Application to the Northern Colorado Water Conservancy District for an Annually Renewable Perpetual Water Contract for the Right to Use Colorado Big Thompson Project Water under C.R.S. § 37-45-131 and an Application to the Northern Colorado Water Conservancy District for Cancellation of Temporary Use Permit; And, Setting Forth Details In Relation Thereto.

DEPARTMENT: Town Administrator

PRESENTER: Chris Kirk, Town Administrator

FISCAL INFORMATION:

Cost as Recommended: $ N/A  
Balance Available: $ N/A  
Budget Line Item Number: 000  
New Appropriation Required: ☐ Yes ☑ No

STAFF RECOMMENDATION: 
Adopt Resolution 2020-06, authorizing the Mayor and Town Clerk to execute said application.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

In 2019, the Town of Berthoud acquired 12 Units in the Colorado Big Thompson Project ("CBT Units").

The Northern Colorado Water Conservancy District (NCWCD) operates pursuant to a procedure under which municipalities are granted temporary use permits when CBT Units are acquired. At the beginning of each calendar year, municipalities are required to convert those temporary use permits to perpetual water contracts by applying to cancel the temporary use permits and entering into a perpetual contract. This procedure must be completed as soon as possible, and it applies to the subject 12 CBT Units which were transferred to the Town.

It is recommended that the Board of Trustees pass and adopt Resolution 2020-06 authorizing an Application to the Northern Colorado Water Conservancy District for an Annually Renewable Perpetual Water Contract for the Right to Use Colorado Big Thompson Project Water under C.R.S. § 37-45-131 and an Application to NCWCD for the Cancellation of Temporary Use Permit.

Approved by:

Chris Kirk  
Town Administrator

ATTACHMENTS:
a. Resolution 2020-06  
b. Application for Annually Renewable Perpetual CBT Contract.  
c. Application for Cancellation of CBT Temporary Use Permits
RESOLUTION NO. 06  
SERIES OF 2020  
TOWN OF BERTHOUD, COLORADO  

A RESOLUTION TO APPLY FOR AN ANNUALLY RENEWABLE PERPETUAL WATER CONTRACT FOR THE RIGHT TO USE COLORADO BIG THOMPSON PROJECT WATER AND FOR CANCELLATION OF TEMPORARY USE PERMITS  

WHEREAS, the Town of Berthoud relies upon water from the Colorado Big Thompson ("CBT") Project to provide water within the Town; and  

WHEREAS, the Northern Colorado Water Conservancy District operates pursuant to a procedure under which municipalities are granted Temporary Use Permits when CBT Units are acquired. At the beginning of each calendar year, municipalities are required to convert those Temporary Use Permits to Annually Renewable Perpetual Water Contracts by applying to cancel the Temporary Use Permits and entering into a Perpetual Contract; and  

WHEREAS, this procedure is required for a total of 12 CBT Units acquired during 2019.  

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, AS FOLLOWS:  

Section 1. The Board of Trustees for the Town of Berthoud ("Board") hereby authorizes the Mayor and Town Clerk to execute an Application to the Northern Colorado Water Conservancy District for an Annually Renewable Perpetual Water Contract for the Right to Use Colorado Big Thompson Project Water under C.R.S. § 37-45-131, which contract shall be entered into in the name of the Town of Berthoud acting by and through its Town of Berthoud Water Activity Enterprise.  

Section 2. The Board hereby authorizes the Mayor and Town Clerk to execute an Application to the Northern Colorado Water Conservancy District for cancellation of Temporary Use Permits for 12 acre feet.  

Section 3. The Board hereby authorizes the Mayor and Town Clerk to also execute any other necessary documentation prescribed by the Northern Colorado Water Conservancy District to complete the transactions described herein.  

PASSED, ADOPTED AND APPROVED this ______ day of ________________, 2020 by the Board of Trustees of the Town of Erie, Colorado.  

TOWN OF BERTHOUD  

By: ______________________________________  
William Karspeck, Mayor  

Attest:  

________________________________  
Christian Samora, Town Clerk  

S:/berthoud/Resolutions/Resolution, Section 131 (2020).doc
APPLICATION TO
NORTHERN COLORADO WATER CONSERVANCY DISTRICT
FOR ANNUALLY RENEWABLE
PERPETUAL WATER CONTRACT FOR RIGHT TO USE
COLORADO-BIG THOMPSON PROJECT WATER
UNDER C.R.S. 37-45-131

Applicant, Town of Berthoud, a Colorado municipal corporation acting in its governmental capacity or a water activity enterprise (circle capacity in which applicant is acting), hereby applies to Northern Water, a political subdivision of the State of Colorado, organized and existing by virtue of Title 37, Article 45, Colorado Revised Statutes, for a contract for the right to beneficially use Colorado-Big Thompson Project water under the following terms and conditions:

1. The quantity of water herein requested by Applicant for annual application to beneficial use is 12 acre-feet to be used so long as the Applicant fully complies with all of the terms, conditions, and obligations hereinafter set forth.

2. It is understood and agreed by the Applicant that any water provided for use under this contract by the Board of Directors of Northern Water shall be primarily for municipal, domestic, irrigation, or industrial use within or through facilities or upon lands owned or served by said Applicant, provided however, that all lands, facilities, and serviced areas which receive benefit from the use of water (whether water service is provided by direct delivery, by exchange, or otherwise) shall be situated within the boundaries of Northern Water.

3. Applicant agrees that an acre-foot of water as referred to herein is defined as being one-three-hundred-thousandth (1/310,000) of the quantity of water annually declared by the Board of Directors of Northern Water to be available for delivery from the water supplies of Northern Water. Applicant agrees that such water shall be delivered from the works of Northern Water at such existing Northern Water delivery point or points as may be specified by the Applicant and that the water delivery obligation of Northern Water shall terminate upon release of water from said works. Further, the Applicant agrees that on November 1 of each year, any water undelivered from the annual quantity made available to the Applicant shall revert to the water supplies of Northern Water.

4. Applicant agrees to pay annually in advance for the amount of water herein provided for use under this contract by the Board of Directors of Northern Water at a price per acre-foot to be fixed annually by said Board; and, further, agrees that the initial annual payment shall be made, in full, within fifteen (15) days after the date of notice from Northern Water that the initial payment is due hereunder. Said notice will advise the Applicant, among other things, of the water year to which the initial payment shall apply and the price per acre-foot which is applicable to that year. Annual payments for each water year thereafter shall be made in advance by the Applicant on or before each October 1, 31 days prior to the start of the water year, at the rate per acre-foot...
established by the Board for municipal water use in that water year. For the purpose of this water contract, the water year is defined to be from November 1 to October 31 of the following year.

If an annual payment as herein provided is not made by due date, written notice thereof, by certified mail, will be given by Northern Water to the Applicant at the following address: P.O. Box 1229, Berthoud, Colorado 80513.

Water deliveries shall be suspended as of November 1 of the new water year until payment of the delinquency is made. If payment is not made within ninety (90) days after the date of mailing of said written notice, Applicant shall have no further right, title, or interest under this contract; and the right of use of water as herein made, shall be disposed of at the discretion of the Board of Directors of Northern Water. Any proceeds from any sale of the right of use to another allottee shall be paid to Applicant over and above Northern Water’s actual expense in terminating and disposing of the contract right of use.

5. This right of use shall be perpetual on an annually renewable basis. If the annual payment is made as provided in this application, the right of use shall be automatically renewed another water year without any further notice of Northern Water; if the annual payment is not timely made, as provided above, the right of use shall terminate.

6. Applicant agrees that the water allocation shall be beneficially used for the purposes and in the manner specified herein, and that this right of use is made for the exclusive benefit of the Applicant and shall not inure to the benefit of any successors or assigns of said Applicant without prior specific approval of the Board of Directors of Northern Water.

7. Applicant agrees to be bound by the provisions of the Water Conservancy Act of Colorado; the rules, regulations and policies of the Board of Directors of Northern Water as they now exist or as they exist in the future; and by the Repayment Contract of July 5, 1938, between Northern Water and the United States and all amendments thereof and supplements thereto.

8. Applicant agrees, as a condition of this contract, to enter into an “Operating Agreement” with Northern Water if and when the Board of Northern Water finds and determines that such an agreement is required by reason of additional or special services requested by the Applicant and provided by Northern Water. Said agreement may contain, but not be limited to, provision for water delivery at times or by means not provided within the terms of standard contracts of Northern Water; additional annual monetary consideration for extension of Northern Water delivery services and for additional administration, operation and maintenance costs; or for other costs to Northern Water which may arise through provision of services to the Applicant.
9. Acquisition of this annually renewable perpetual right of use water contract for the Colorado-Big Thompson Project water from Northern Water and the right to the beneficial use of water thereunder by the Applicant is necessary; the continued acquisition and use of this water supply is essential for the well-being of the community and for the preservation of the public peace, health, and safety; and the adequate protection of the health of the inhabitants of the community.

10. The governing body of Applicant has duly approved this Application in accordance with all legally required procedures.

Signed this ______ day of __________________, A.D., 20_____.

TOWN OF BERTHOUD

By______________________________

ATTEST:

______________________________
(SEAL)
ORDER ON APPLICATION

Application having been made by or on behalf of all parties interested in this allocation of the right to use Colorado-Big Thompson Project water and after a Hearing by the Board, it is hereby ORDERED that the above application be granted and an allotment contract for 12 acre-feet of water is hereby made to the Town of Berthoud, a Colorado municipal corporation, for the beneficial uses set forth in said application upon the terms, conditions, and manner of payment as therein specified.

NORTHERN COLORADO WATER CONSERVANCY DISTRICT

By________________________________________

President

I hereby certify that the above Order was entered by the Directors of Northern Colorado Water Conservancy District on the _____ day of _____________________, A.D., ________.

ATTEST:____________________________________

Secretary
APPLICATION TO
NORTHERN COLORADO WATER CONSERVANCY DISTRICT
FOR CANCELLATION OF TEMPORARY USE PERMIT

The Town of Berthoud hereby applies for the cancellation of the following Temporary Use Permit:

<table>
<thead>
<tr>
<th>Permit Dated</th>
<th>Acre-Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 18, 2019</td>
<td>12</td>
</tr>
</tbody>
</table>

**Total Quantity to be Released**: 12

Dated at Berthoud, Colorado this __________ day of ______________________, 20____.

TOWN OF BERTHOUD

By____________________________

ATTEST:

_______________________________
(SEAL)

ORDER ON APPLICATION

Application having been made by the Town of Berthoud for the cancellation of the above Temporary Use Permit, and Hearing having been held by the Board of Directors of Northern Colorado Water Conservancy District, it is hereby ORDERED that the above Temporary Use Permit be canceled.

Dated the __________ day of ______________________, 20____.

NORTHERN COLORADO WATER
CONSERVANCY DISTRICT

_______________________________
President

ATTEST:

_______________________________
Secretary
As the Board is aware, the Town hired Raftelis, Inc. to prepare a model for analyzing and updating the Town's non-utility impact fees (i.e. Parks, Public Facilities, Transportation). The draft report was initially presented to the Board on September 24, 2019 and provided a detailed explanation of the methodology for calculating the fees. At the meeting, the Board expressed a desire for Town trails from the Trails Master Plan to be included in the calculation of the Parks and Recreation fee, including some grade separated crossings. As a result, staff negotiated an increase in the scope and fee for Raftelis to update the model accordingly.

Utilizing that model, Town staff updated the fee study to include the following capital improvements identified and implied in the Trails Master Plan, looking at a 15-year planning horizon:

<table>
<thead>
<tr>
<th>Location</th>
<th>Linear Feet</th>
<th>Trail Type</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Welch Reservoir</td>
<td>8,900</td>
<td>Regional (concrete)</td>
<td>$450,340</td>
</tr>
<tr>
<td>Knievel Property</td>
<td>2,300</td>
<td>Regional (concrete)</td>
<td>$116,380</td>
</tr>
<tr>
<td>Waggoner Park (along Berthoud Pkwy)</td>
<td>2,700</td>
<td>Regional (concrete)</td>
<td>$136,620</td>
</tr>
<tr>
<td>Connection to Jaskowski Property</td>
<td>5,100</td>
<td>Open Space (crusher)</td>
<td>$91,800</td>
</tr>
<tr>
<td>Welch Reservoir</td>
<td>7,500</td>
<td>Open Space (crusher)</td>
<td>$135,000</td>
</tr>
<tr>
<td>Richardson Property</td>
<td>7,700</td>
<td>Open Space (crusher)</td>
<td>$138,600</td>
</tr>
<tr>
<td>Heron Lakes</td>
<td>7,200</td>
<td>Local (concrete)</td>
<td>$322,560</td>
</tr>
<tr>
<td>10E Trail Bridge Overpass</td>
<td>400</td>
<td>Regional (concrete)</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Berthoud Pkwy Grade Sep. Crossing</td>
<td>100</td>
<td>Regional (concrete)</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>Berthoud Pkwy (south of Mountain Ave)</td>
<td>1,700</td>
<td>Local (concrete)</td>
<td>$76,160</td>
</tr>
</tbody>
</table>

Total => 43,600 $5,967,460

As with all the impact fee categories, the improvements identified are not 100% burdened to new development. Rather, the model suggests that existing development is responsible for 56% of the cost of these improvements and the remaining 44% of the cost is built into the impact fee for new development within the planning horizon.
In addition to adding the proposed improvements, Town staff also updated the model to reflect fund balance totals from November 2019. The resulting proposed fee changes are summarized as follows:

<table>
<thead>
<tr>
<th>Townwide Service Area</th>
<th>Roads</th>
<th>Parks &amp; Recreation</th>
<th>Public Facilities</th>
<th>PROPOSED TOTAL</th>
<th>Existing Total</th>
<th>Increase or Decrease</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Berthoud, CO</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential (per dwelling) by Size Range (square feet of heated living space)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,250 or less</td>
<td>$2,083</td>
<td>$3,398</td>
<td>$581</td>
<td>$6,062</td>
<td>$5,452</td>
<td>$610</td>
<td>11%</td>
</tr>
<tr>
<td>1,251 to 2,700</td>
<td>$2,973</td>
<td>$4,806</td>
<td>$822</td>
<td>$8,601</td>
<td>$7,781</td>
<td>$820</td>
<td>11%</td>
</tr>
<tr>
<td>2,701 or more</td>
<td>$3,657</td>
<td>$5,892</td>
<td>$1,007</td>
<td>$10,556</td>
<td>$7,781</td>
<td>$2,775</td>
<td>36%</td>
</tr>
<tr>
<td>Nonresidential (per 1,000 square foot of building)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>$961</td>
<td>$0</td>
<td>$3,263</td>
<td>$4,224</td>
<td>$3,168</td>
<td>$1,056</td>
<td>33%</td>
</tr>
<tr>
<td>Retail/Restaurant</td>
<td>$4,025</td>
<td>$0</td>
<td>$4,684</td>
<td>$8,709</td>
<td>$11,296</td>
<td>($2,587)</td>
<td>-23%</td>
</tr>
<tr>
<td>All Other Nonresidential</td>
<td>$1,888</td>
<td>$0</td>
<td>$5,945</td>
<td>$7,833</td>
<td>$4,121</td>
<td>$3,712</td>
<td>90%</td>
</tr>
</tbody>
</table>

**2019 Parks & Recreation Impact Fees**

<table>
<thead>
<tr>
<th>Residential (per housing unit)</th>
<th>Proposed</th>
<th>Current</th>
<th>Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,250 or less</td>
<td>$3,398</td>
<td>$2,800</td>
<td>$598</td>
<td>21%</td>
</tr>
<tr>
<td>1,251 to 2,700</td>
<td>$4,806</td>
<td>$4,000</td>
<td>$806</td>
<td>20%</td>
</tr>
<tr>
<td>2,701 or more</td>
<td>$5,892</td>
<td>$4,000</td>
<td>$1,892</td>
<td>47%</td>
</tr>
</tbody>
</table>

**2019 Public Facilities Impact Fees**

<table>
<thead>
<tr>
<th>Residential (per housing unit)</th>
<th>Proposed</th>
<th>Current</th>
<th>Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,250 or less</td>
<td>$581</td>
<td>$1,067</td>
<td>($486)</td>
<td>-46%</td>
</tr>
<tr>
<td>1,251 to 2,700</td>
<td>$822</td>
<td>$1,524</td>
<td>($702)</td>
<td>-46%</td>
</tr>
<tr>
<td>2,701 or more</td>
<td>$1,007</td>
<td>$1,524</td>
<td>($517)</td>
<td>-34%</td>
</tr>
<tr>
<td>Nonresidential (per 1,000 square foot of building)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>$3,263</td>
<td>$1,524</td>
<td>$1,739</td>
<td>114%</td>
</tr>
<tr>
<td>Retail/Restaurant</td>
<td>$4,684</td>
<td>$1,524</td>
<td>$3,160</td>
<td>207%</td>
</tr>
<tr>
<td>All Other Nonresidential</td>
<td>$5,945</td>
<td>$1,524</td>
<td>$4,421</td>
<td>290%</td>
</tr>
</tbody>
</table>

**2019 Road Impact Fees**

<table>
<thead>
<tr>
<th>Residential (per housing unit)</th>
<th>Proposed</th>
<th>Current</th>
<th>Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,250 or less</td>
<td>$2,083</td>
<td>$1,585</td>
<td>$498</td>
<td>31%</td>
</tr>
<tr>
<td>1,251 to 2,700</td>
<td>$2,973</td>
<td>$2,257</td>
<td>$716</td>
<td>32%</td>
</tr>
<tr>
<td>2,701 or more</td>
<td>$3,657</td>
<td>$2,257</td>
<td>$1,400</td>
<td>62%</td>
</tr>
<tr>
<td>Nonresidential (per 1,000 square foot of building)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>$961</td>
<td>$1,644</td>
<td>($683)</td>
<td>-42%</td>
</tr>
<tr>
<td>Retail/Restaurant</td>
<td>$4,025</td>
<td>$9,772</td>
<td>($5,747)</td>
<td>-59%</td>
</tr>
<tr>
<td>All Other Nonresidential</td>
<td>$1,888</td>
<td>$2,597</td>
<td>($709)</td>
<td>-27%</td>
</tr>
</tbody>
</table>

**SUGGESTED ACTION:**

DIRECT STAFF TO BRING BACK AN ORDINANCE APPROVING THE IMPACT FEE UPDATE AT THE MARCH 24, 2020 REGULAR MEETING OF THE BOARD