

1. Agenda

Documents:

[2022.06.07 WORK SESSION AGENDA.PDF](#)

2. Meeting Materials

Documents:

[2022.06.07 WORK SESSION PACKET.PDF](#)



**Garden
Spot of
Colorado**

WORK SESSION OF THE TOWN BOARD

Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, June 7, 2022 6:30 p.m.

This is an IN-PERSON meeting at the location and time noted above.

You may also join virtually using Zoom:

Phone: 1-346-248-7799 or 301-715-8592

Web: www.zoom.us/join

Use this Meeting ID: 873 2025 5107

- I. WORK SESSION CALLED TO ORDER – Mayor William Karspeck**
- II. PLEDGE OF ALLEGIANCE – Mayor William Karspeck**
- III. ROLL CALL – Mayor William Karspeck**
- IV. 3rd STREET DESIGN DISCUSSION**
- V. METROPOLITAN DISTRICT DISCUSSION**
- VI. ADJOURN**

Town Clerk or Deputy Town Clerk

William Karspeck, Mayor

June 7, 2022 Work Session

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.



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Typical street furniture
Curbless, detectable
warning surface
Diagonal Parking

Street pavers
Splash-Pad
Banners

Parallel Parking
Art-wall
Picnic shelter



WILSON
& COMPANY



Window Planters
Festoon Lights
Pavers

Benches
Planter Pots

Bollards
Wall Murals
Pedestrian Lights with hanging basket



WILSON
& COMPANY



Low-maintenance planting

Custom corner barrier by local artist

Standard Gray Crosswalk

Pavers

Large Planter Pot at corner

Medium sized accent Planter Pots

Bench

Sculpture opportunity

Custom corner barrier by local artist

Canopy shade tree



WILSON
& COMPANY

Concept 1

Parking Breakdown

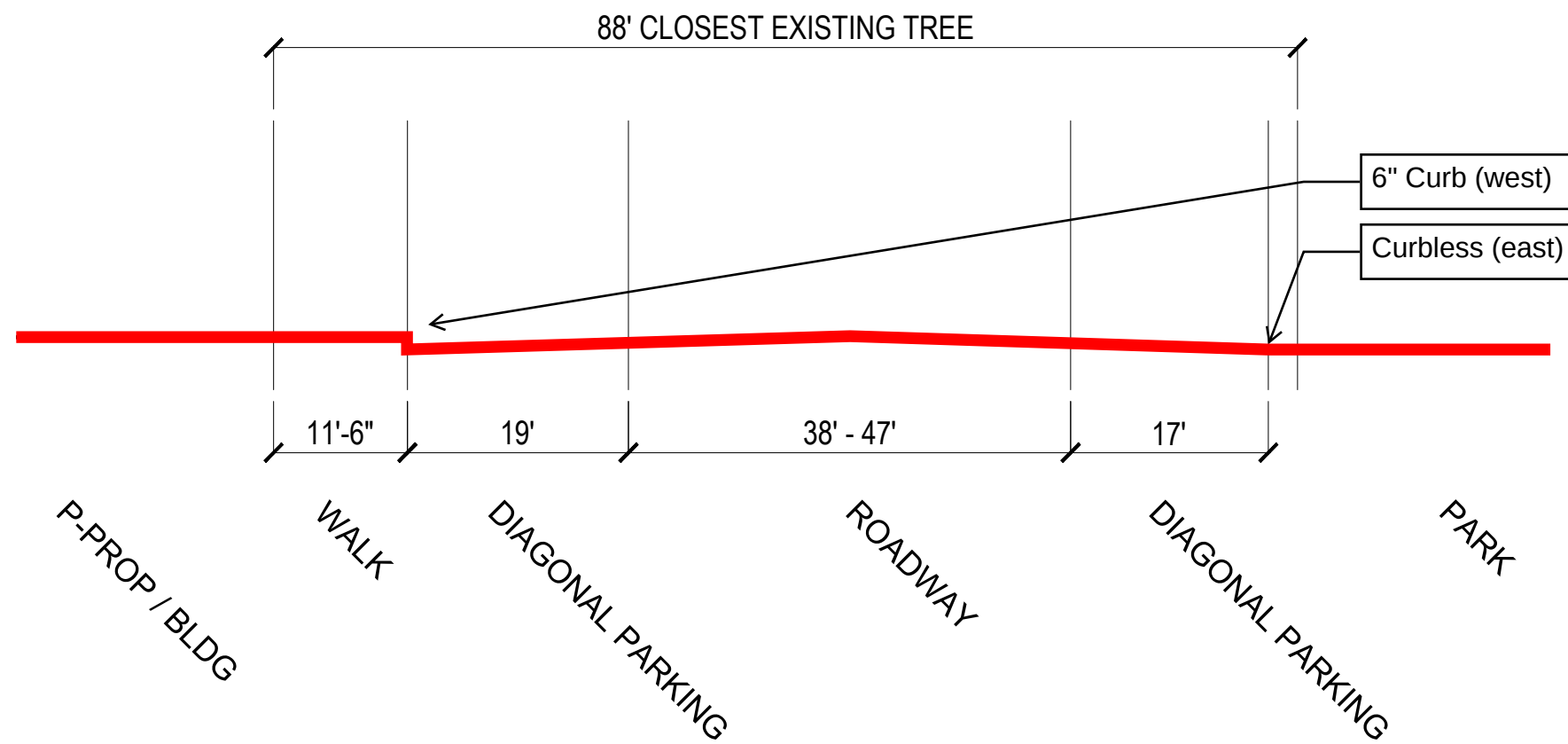
3rd Street
Existing Parking Stalls.....53
Proposed Parking Stalls.....34

Massachusetts
Existing Parking Stalls.....34
Proposed Parking Stalls.....25

Behind Grain Elevator.....34

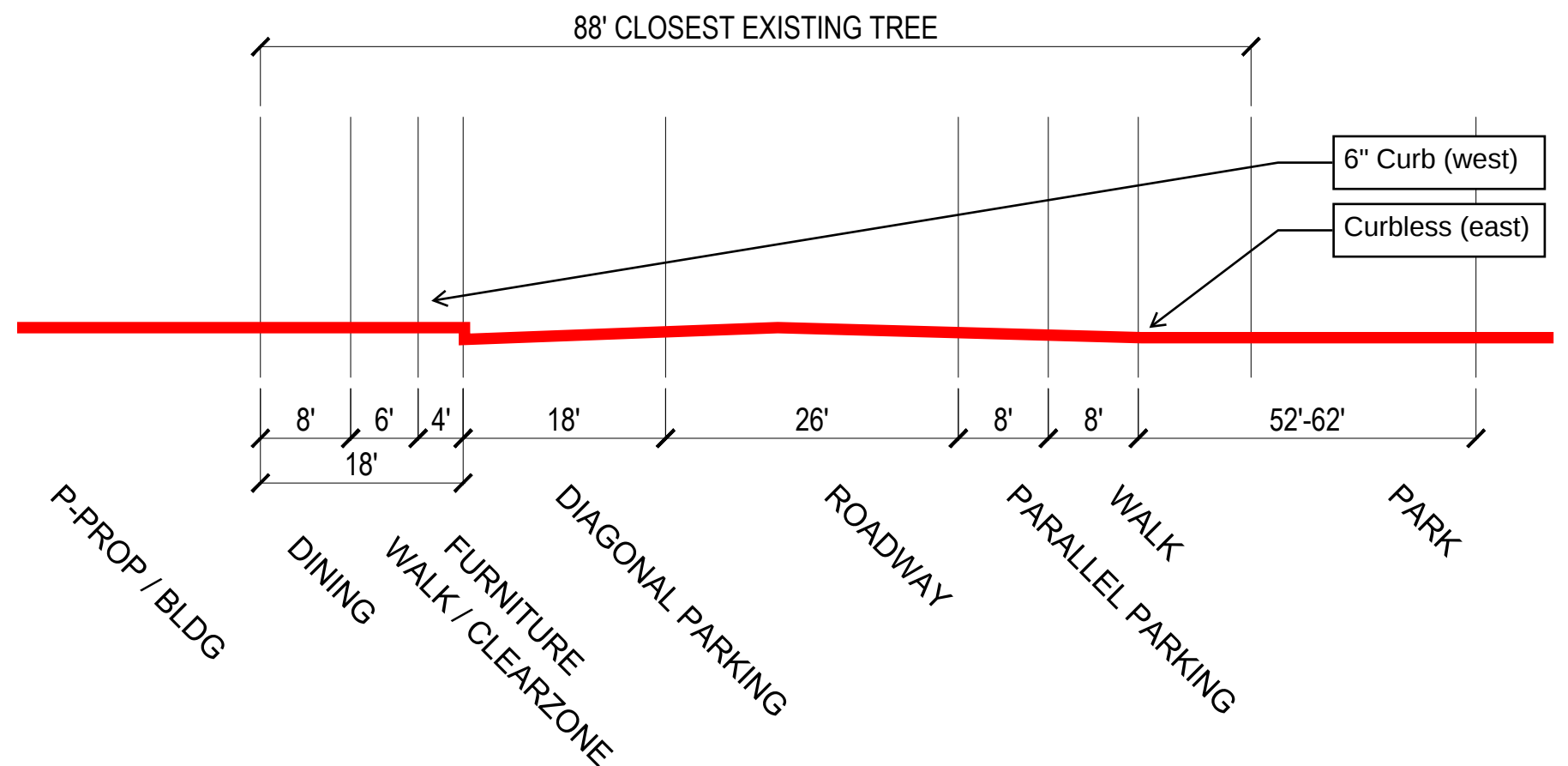
Total Existing Spaces.....87
Total Proposed Spaces.....93

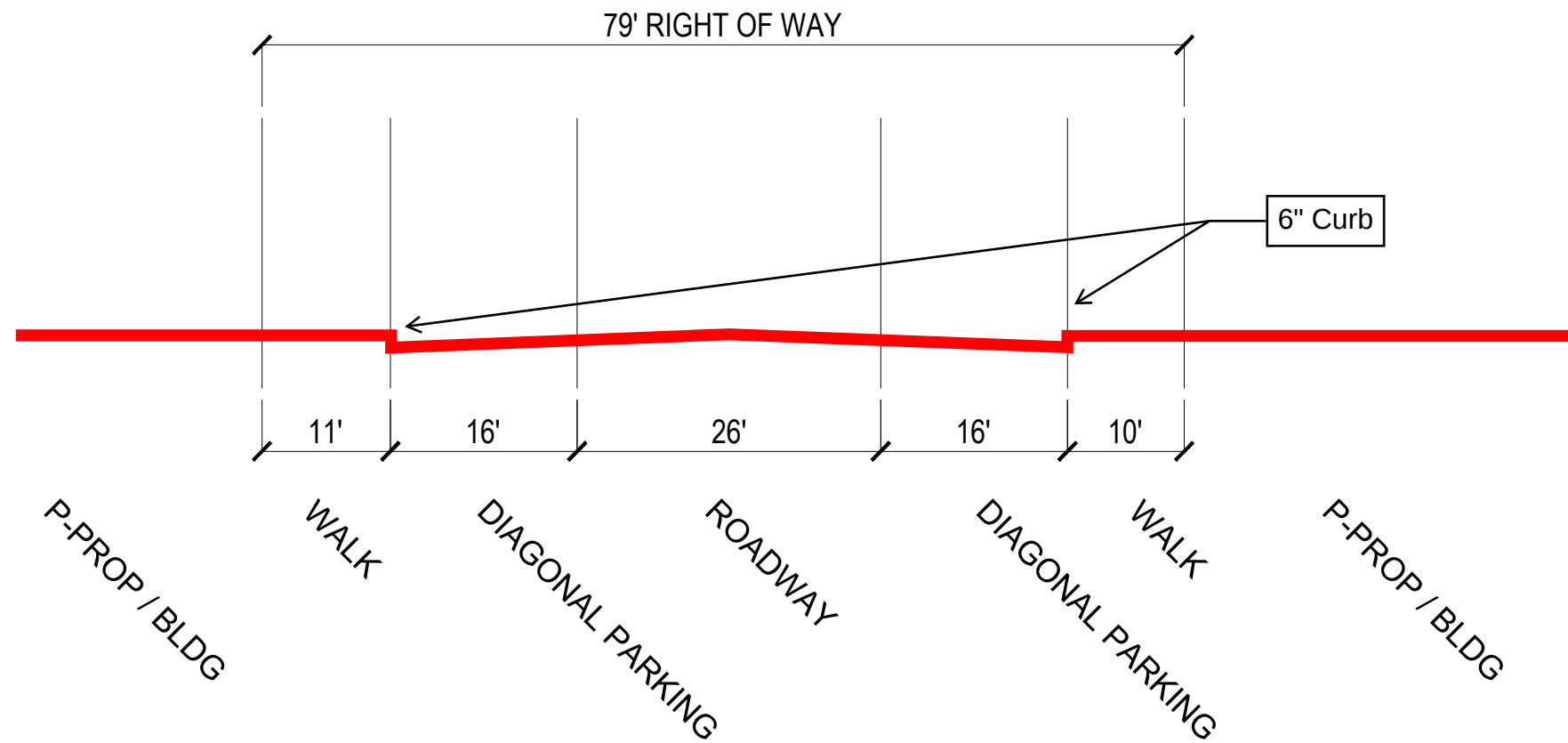




**3rd Street
Existing Cross-Section**

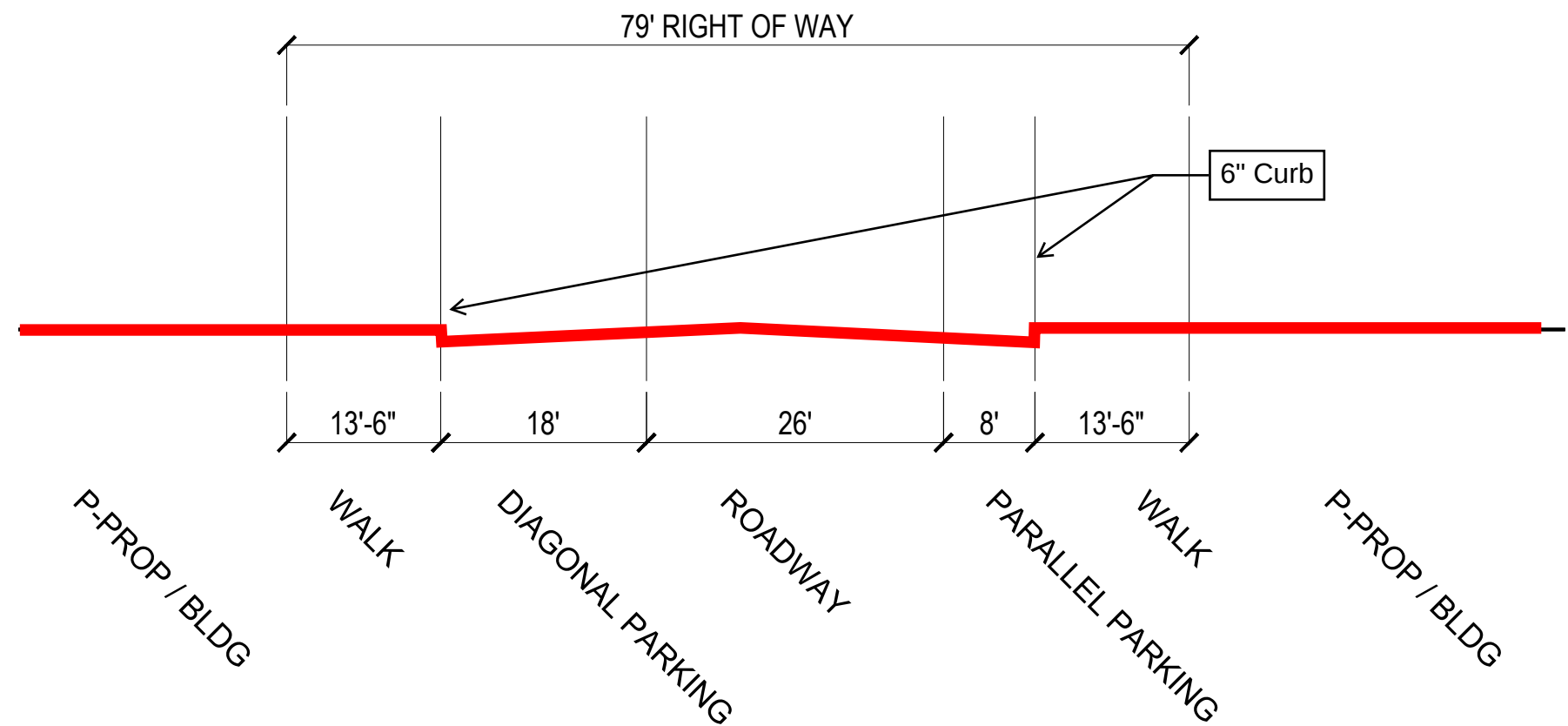
**3rd Street
Proposed Cross-Section**





**Massachusetts Ave
Existing Cross-Section**

**Massachusetts Ave
Proposed Cross-Section**



Concept 2

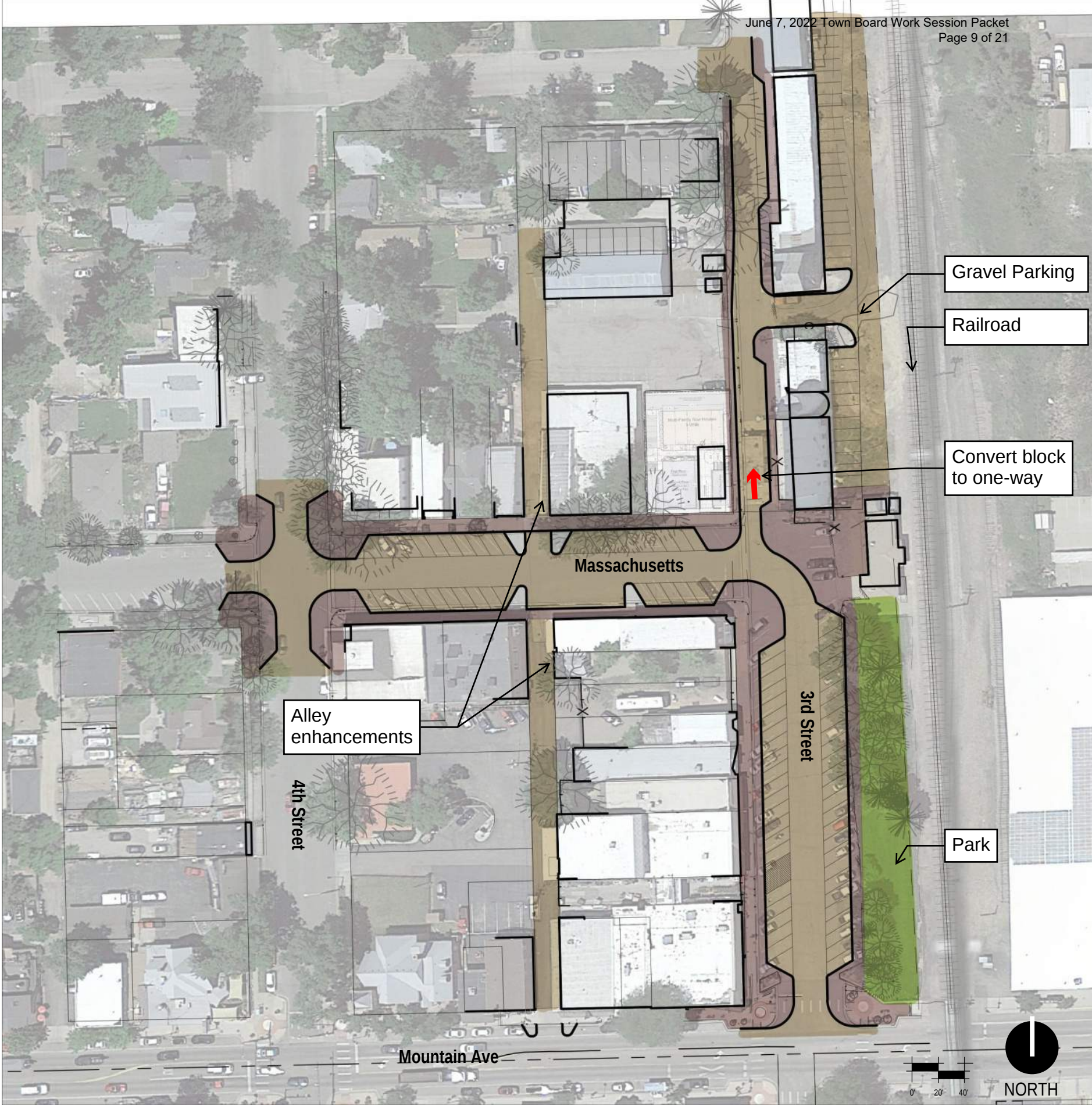
Parking Breakdown

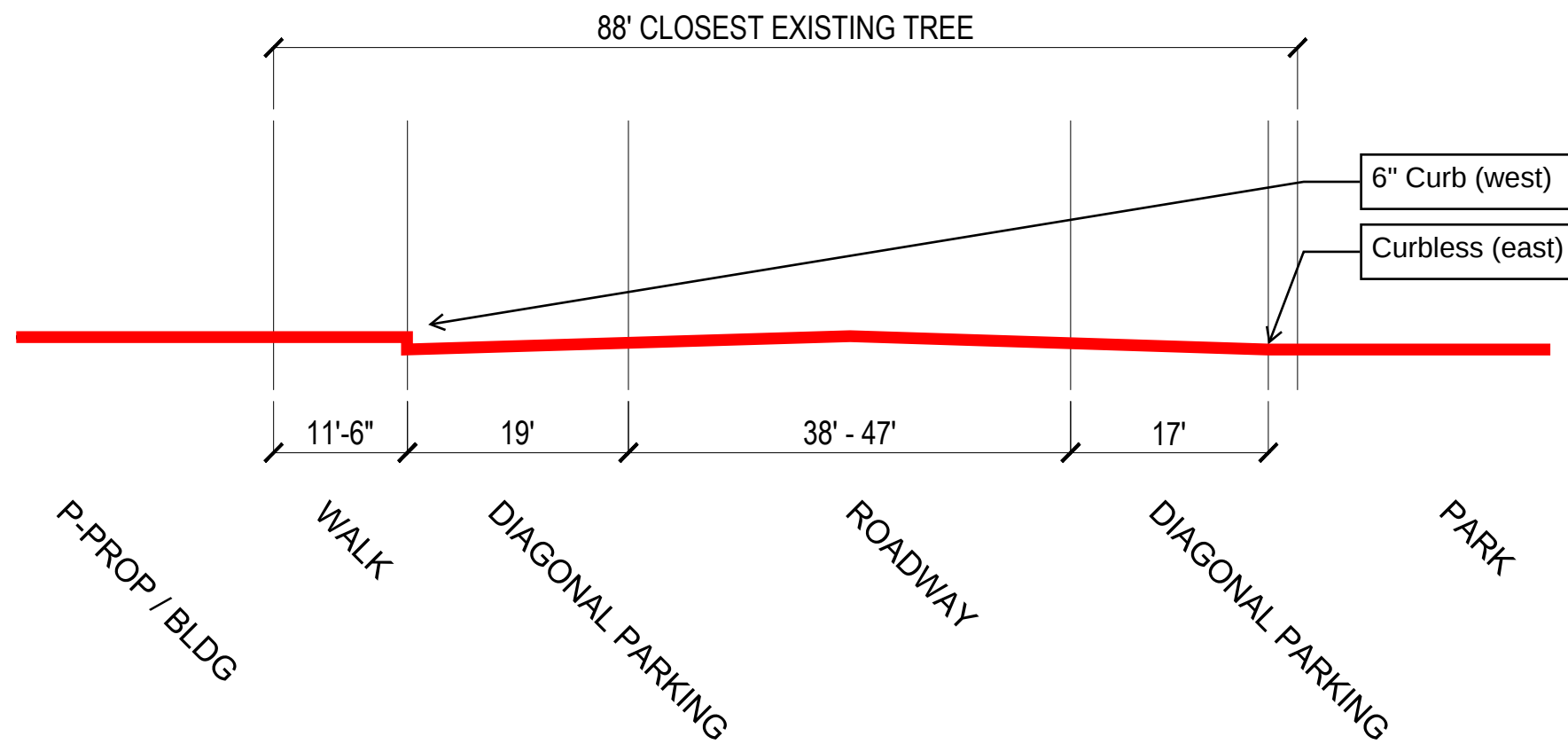
3rd Street
Existing Parking Stalls.....53
Proposed Parking Stalls.....44

Massachusetts
Existing Parking Stalls.....34
Proposed Parking Stalls.....34

Behind Grain Elevator.....34

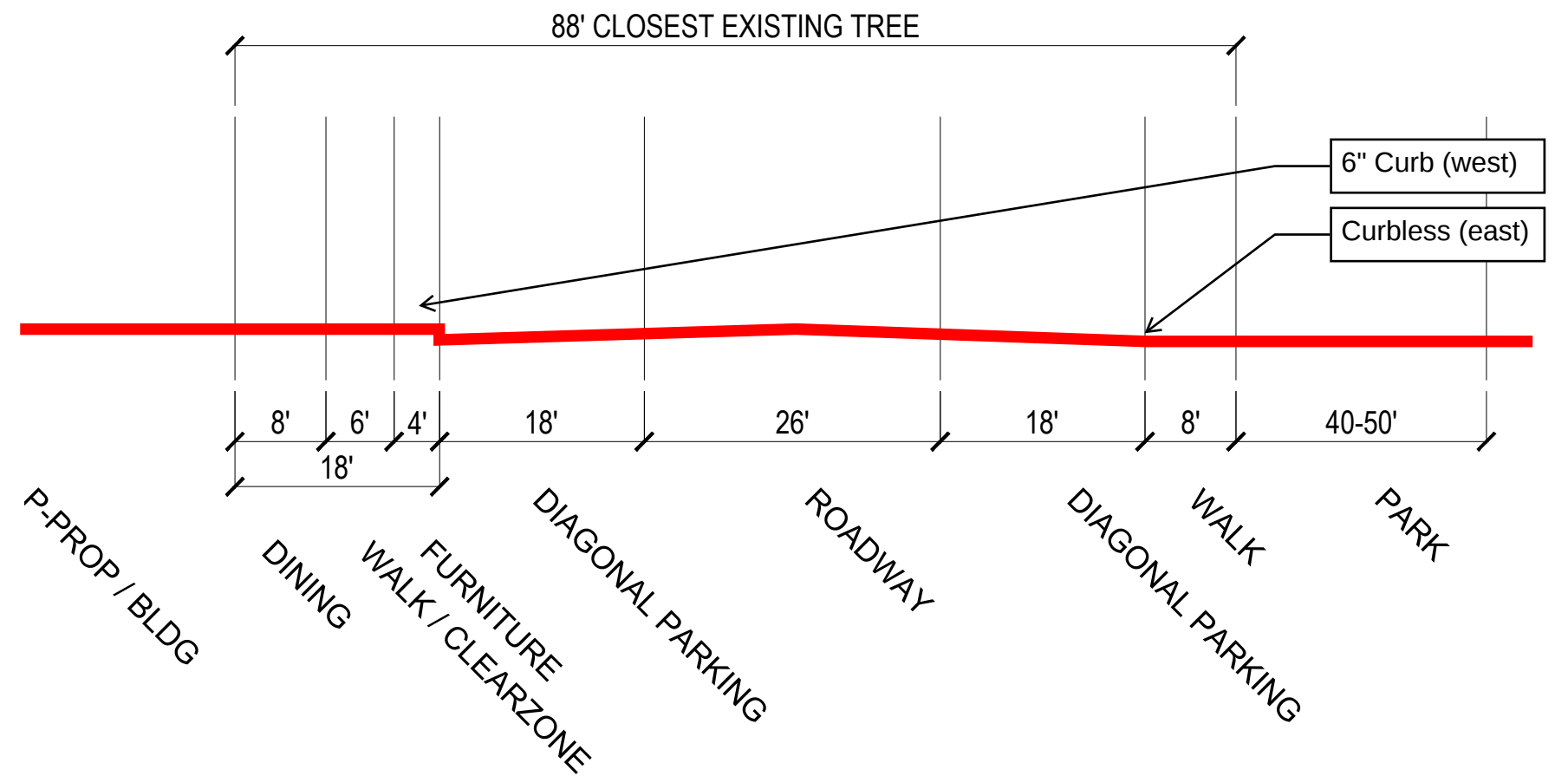
Total Existing Spaces.....87
Total Proposed Spaces.....112

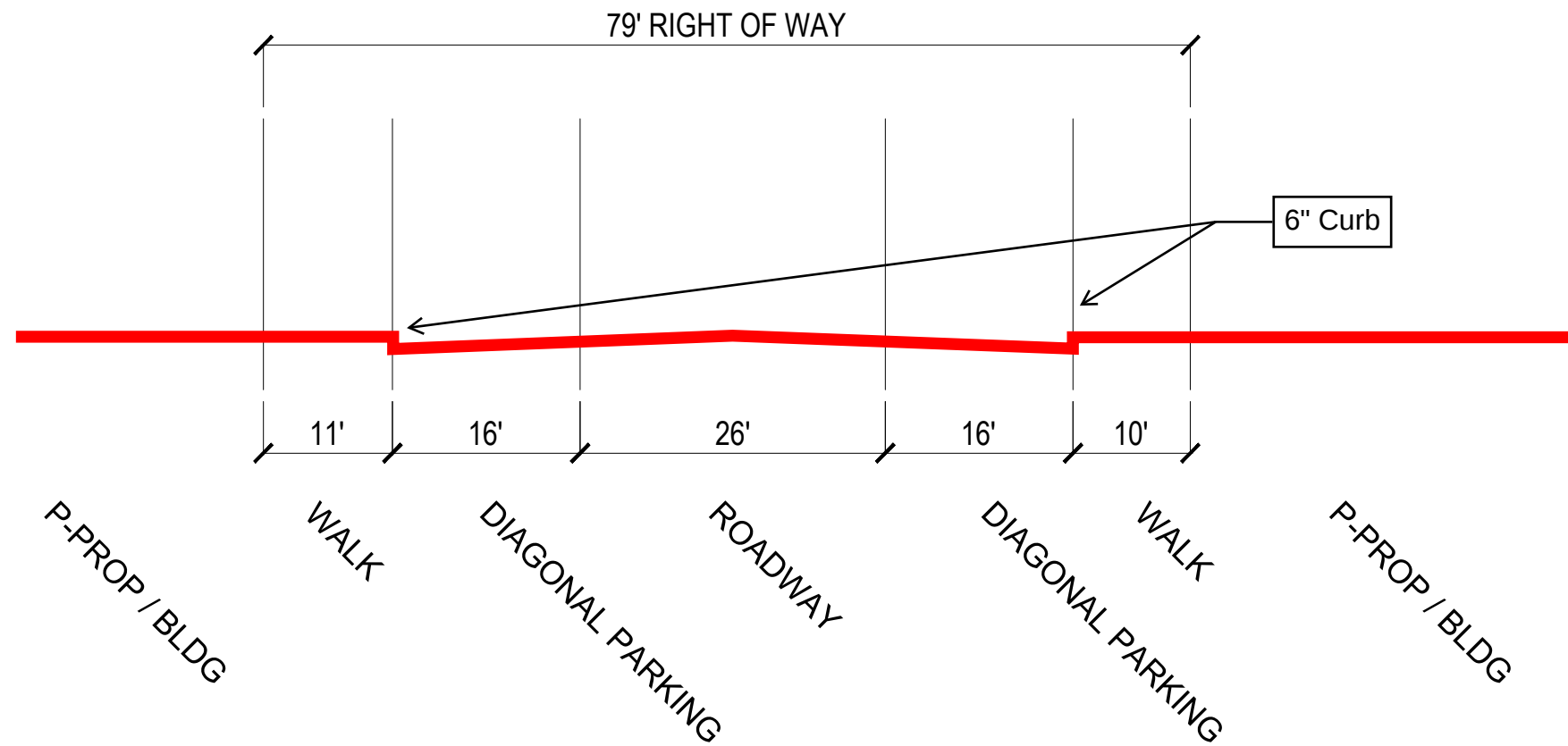




**3rd Street
Existing Cross-Section**

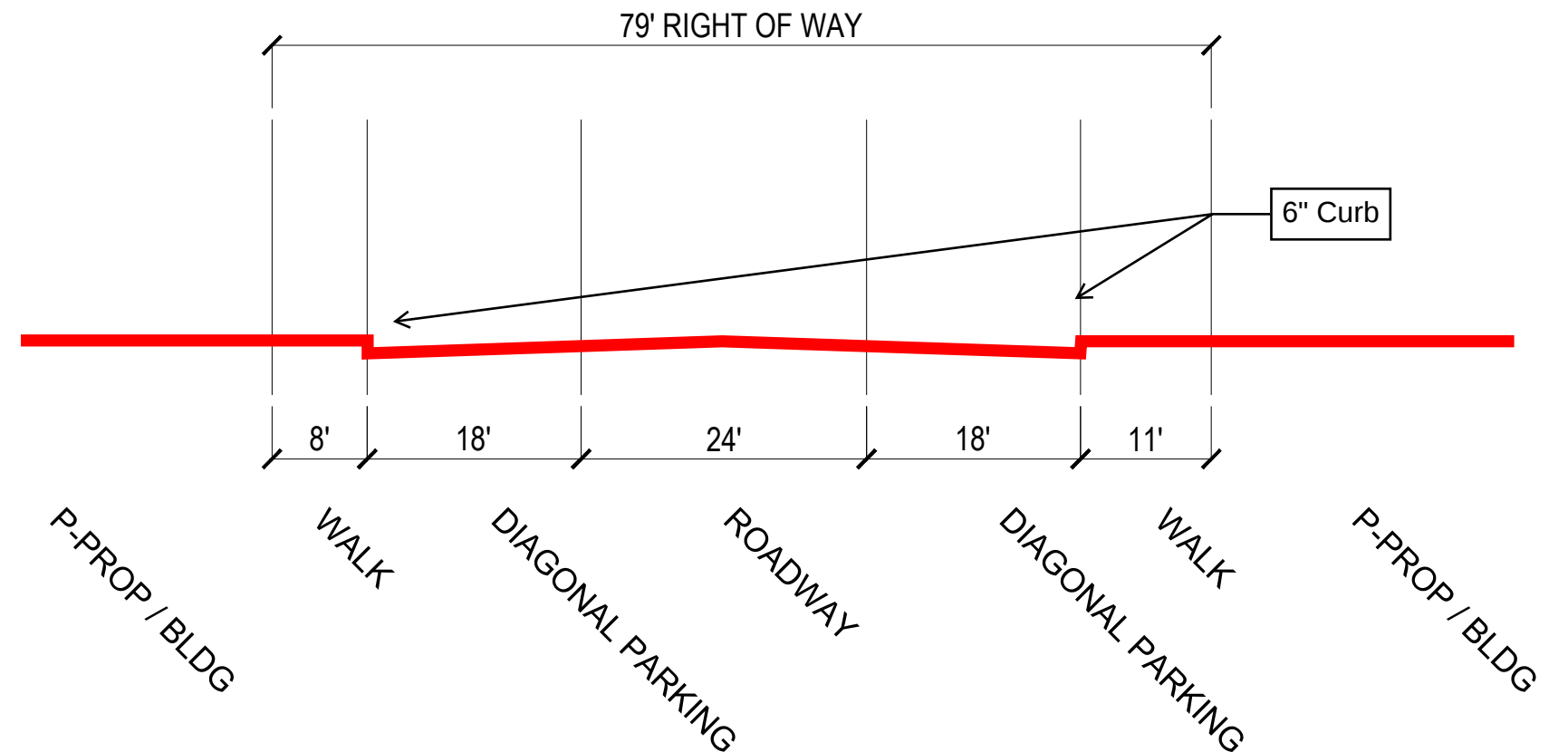
**3rd Street
Proposed Cross-Section**





**Massachusetts Ave
Existing Cross-Section**

**Massachusetts Ave
Proposed Cross-Section**





BOARD OF TRUSTEES INFORMATION

ADMINISTRATION DEPARTMENT

Meeting Date:	June 7, 2022
Agenda Title/Subject:	Metro District Discussion
Type of Item:	Regular Item
Presented by:	Chris Kirk

ATTACHMENTS:

- DRAFT Metro District Service Plan Policy

BACKGROUND:

As the Board is aware, the topic of Metro Districts and their formation has been an ongoing topic of discussion. In early 2022, a study session was held to review the Fort Collins Metro District Policy and to discuss how it could be adapted to meet Berthoud's needs. During that study session, it was determined that ongoing review was needed and that the policy could be simplified to meet Berthoud's unique circumstances. Staff also heard feedback from the Board about a variety of topics surrounding Metro District formation and operation. Staff took that feedback in summary outlined as follows:

- The Board is concerned about approving Metro District formation or Service Plan Amendments without having a clear understanding of what the development is intended to look like.
- The Board is concerned about transparency in the process for new property buyers, especially as it relates to understanding future financial obligations that property owners may be responsible for.
- The Board is concerned about a possible lack of citizen representation on future Board's responsible for managing a district or it's debt.
- The Board is concerned with Metro Districts being formed to only pay for limited, or basic, public services, without providing a higher level of amenity than may be normally required.

There may be other issues the board would like to discuss and review but the attached draft policy attempts to address each of these issues in practical and effective ways.

UPDATE/NEXT STEPS:

The goal of the study session will be to review the draft policy and have a clear understanding of where the policy addresses the outlined issues effectively and where it can be improved. This would include issues not currently addressed in the draft policy.

With that clear understand, staff will prepare a final policy to be circulated to the public and brought back to the Board for comment and possible approval in July 2022.

FISCAL IMPACT AND FUND SOURCE:

There is not a fiscal impact associated with this study session.

COMMUNITY TOUCHSTONES:

Having a clear and effective Metro District policy will allow the community, the Board, and developers a clear expectation for how to be build a sustainable and resilient community using Metro Districts as a tool.

RECOMMENDED ACTION(S):

PROVIDE DIRECTION TO TOWN STAFF

TOWN OF BERTHOUD POLICY FOR REVIEWING SERVICE PLANS FOR METROPOLITAN DISTRICTS

Introduction.

This policy establishes the criteria, guidelines, and processes to be followed by Town Board and Town staff in considering service plans for the organization of metropolitan districts or amendments to those plans ("Policy"), as provided in Colorado's Special District Act in Article 1 of Title 32 of the Colorado Revised Statutes (the "Act"). The Act provides that metropolitan districts are quasi-municipal corporations and political subdivisions of the state of Colorado ("District") that can be organized within the boundaries of a municipality provided the municipality's governing body approves by resolution the proposed service plan for the District. Under the Act, the service plan constitutes the document that delineates the specific powers and functions the District can exercise, including the facilities and services it can provide, the taxes it can impose and its permitted financial arrangements (the "Service Plan"). The Act requires Districts to conform to their Service Plans. "Material modifications" to service plans may be enjoined through court suits brought by the Town or other interested parties.

Section 1 – Policy Objectives and Statements.

- A. This Policy generally supports the formation of a District if it is in the best interests of the area to be served and helps to further the development policies of the Town, as articulated in the Comprehensive Plan, Development Code, development guidelines and other overlay codes as adopted by the Board.
- B. A District, when properly structured, can enhance the quality of development in the Town. The Town is receptive to District formation that provides public benefits which could not be practically provided by the Town or another existing public entity, within a reasonable time and on a comparable basis. It is not the intent of the Town to create multiple entities which would be construed as competing or duplicative.
- C. *The approval of a District Service Plan is at the sole discretion of Town Board*, which may reject, approve, or conditionally approve Service Plans on a case-by-case basis. Nothing in this Policy is intended, nor shall it be construed, to limit this discretion of Town Board, which retains full authority regarding the approval, terms, conditions, and limitations of all Service Plans subject only to the terms of the Act.
- D. The Town wishes to require a high standard of use for Districts thereby limiting their use to situations that provide a true public benefit. An applicant project is expected to deliver extraordinary benefits across four or more of the objectives described in Section 1.E. of this Policy.

- E. It is the intent of the Town that owner/resident control of Districts occur as early as feasible. Service Plans should include governance structures that encourage and accommodate this. Control Districts (also known as “service” or “managing” Districts), without resident representation on the Board of the Control District, that allow developers to control the other Districts that provide the tax revenues beyond the time needed to repay the issued debt, are strongly discouraged

Section 2 – Evaluation Criteria

- A. Prior to considering any proposed Service Plan, or Service Plan Amendment for existing Districts, a Neighborhood Master Plan (“NMP”) must be approved by the Board as outlined in the Town’s Municipal Code Section 30-6-106. This requirement applies to all properties regardless of underlying zoning, including those properties that have an approved Planned Unit Development (“PUD”). The intent of the NMP process is to outline street and utility infrastructure needs, traffic improvements, open space amounts and locations, park amenities and locations, trail networks, land use types and locations, and other items of significance that may provide benefit to the public and the residents of the District. Other issues such as architectural standards and landscaping standards unique to the development may be incorporated in the NMP but are not required.
- B. Following approval of an NMP, the Town will evaluate any proposed District and its Service Plan based on the District’s ability to deliver public benefits through extraordinary development outcomes. The District applicant must provide a “Public Benefits Narrative” which outlines and explains how the proposed District will deliver public benefits through extraordinary development by addressing a minimum of FOUR of the following focus areas:
 - 1. Environmental Sustainability: Development of public improvements that deliver or facilitate the delivery of specific and measurable environmental outcomes, including but not limited to: (i) reduction of Green House Gases (“GHG”), (ii) conservation of water or energy, (iii) encourage multimodal transportation, (iv) enhance community resiliency – against future environmental events (e.g., flooding, drought, etc.); (v) increase renewable energy capacity; and/or (vi) deliver other environmental outcomes.
 - 2. Critical Public Infrastructure: Development of public improvements that address or facilitate addressing significant infrastructure challenges previously identified by the Town, either within or proximate to the District, whether such improvements address a locally-significant challenge or a Town-wide challenge.
 - 3. Smart Growth Management: Development of public improvements that deliver or facilitate the delivery of specific design components that: (i) increase the density of development within the District; (ii) establish, enhance or address the walkability and pedestrian friendliness of the District; (iii) increase the availability of transit and/or multimodal oriented facilities; (iv) create compelling public spaces; and/or (v) encourage mixed-use development patterns.

4. Affordable Housing: Deliver or facilitate the delivery of additional affordable housing units at the Town's defined level of Area Median Income ("AMI") or below. The Town defines Affordable Housing as units affordable to a household earning 80 percent of AMI.
 5. Workforce Housing: Deliver or facilitate the delivery of workforce housing units in the Town's defined range of AMI. For purposes of this policy, Workforce Housing units shall be defined as units affordable to a household earning between 81 percent and 120 percent of AMI.
 6. Infill/Redevelopment: Enable the infill or redevelopment of property within the Town, especially when such development is consistent with Town Plan.
 7. Economic Health Outcomes: Enable delivery of specific and measurable economic outcomes, such as: (i) job growth; (ii) retention of an existing business; and/or (iii) construction of a missing economic resource.
- C. To provide Town Board with information and an assessment consistent with this Policy, staff will also review and report on all District proposals in the following areas:
1. Financial Assessment: All District proposals are required to submit a Financial Plan to the Town for review. Utilizing the District's Financial Plan, and other supporting information which may be necessary, the Town will evaluate a District's debt capacity and servicing ability. This review may be performed by an independent financial firm and the cost of this review will be the sole responsibility of the District Applicant.
 2. Policy Evaluation: All proposals will be evaluated by Town staff against this Policy and a recommendation to approve or deny the request will be made by Town staff to the Board.

Section 3 – Application Process

- A. Process Overview: The application process is designed to provide early feedback to an applicant, adequate time for a comprehensive staff review, and the appropriate steps and meeting opportunities with decision makers.
- B. Letter of Interest: An applicant will provide Town with a Letter of Interest and pay the Letter of Interest fee (refer to fees below). This Letter of Interest may be submitted and considered in parallel with the approval process required for an NMP. The Letter of Interest shall contain the following:
 1. Summary narrative of the proposed development as required in Section 2.B of this policy.
 2. District proposal and Service Plan specifics, including: District powers and purpose; District infrastructure and costs; mill levy rate (both debt and, operations and maintenance); term of District from formation until dissolution or consolidation; forecasted period of build-out; proposed timeline for formation; and current development status of project.
- C. Preliminary Staff Meeting with Applicant: Based on an initial review of the Letter of Interest, staff

shall meet with the applicant to discuss the District proposal, potential public benefits, initial staff feedback, the evaluation process, fees, and other application elements.

- D. Formal Application and Service Plan Submittal: After considering any comments made by Town staff in the Preliminary Staff Meeting the applicant may submit a formal application for consideration including the Public Benefits Narrative, the Service Plan and any associated financial plans, and any proposed intergovernmental agreements between the District and the Town.
- E. Formal Staff Review: An interdisciplinary staff team will review the applicant submittal along with any follow-up documentation that is requested to assess the application according to State Statute, this Policy, and other applicable Town policy. Applicants should expect several rounds of feedback and review from Town staff.
- F. Public Hearing Notice: The Service Plan Applicant must cause a written notice of the public hearing to be mailed by first-class mail to all fee title owners of real property within the boundaries of the proposed District(s) and of any future inclusion area proposed in the Service Plan and such notice shall be mailed no later than thirty (30) days before the scheduled hearing date. A notice shall also be published once in a newspaper of general circulation in the Town no later than thirty (30) days before the scheduled hearing date. The mailed and published notices shall include the following information and shall be in addition to any other statutory notices required by state law:
 - 1. A description of the general nature of the public improvements and services to be provided by the District;
 - 2. A description of the real property to be included in the District and in any proposed future inclusion area, with such property being described by street address, lot and block, metes and bounds if not subdivided, or such other method that reasonably appraises owners that their property will or could be included in the District's boundaries;
 - 3. A statement of the maximum amount of property tax mill levy that can be imposed on property in the District under the proposed Service Plan;
 - 4. A statement that property owners desiring to have the Town Board consider excluding their properties from the District must file a petition for exclusion with the Berthoud Town Clerk's Office no later than ten (10) days before the scheduled hearing date in accordance with Section 32-1-203(3.5) of the Colorado Revised Statutes;
 - 5. A statement that a copy of the proposed Service Plan can be reviewed in the Berthoud Town Clerk's Office; and

6. The date, time, and location of the Town Board's public hearing on the Service Plan.

Board Public Hearing: The Town Board will conduct a noticed public hearing at a regular or special Board meeting to consider a resolution approving the proposed Service Plan. This hearing will occur no later than thirty (30) days prior to the final date For filing the petition with the District Court seeking an order calling an election on the question of organizing the district. Section 4 –Service Plan

- A. Purpose: In addition to the requirements of the Act, a Service Plan should memorialize the understandings and agreements between the District and the Town, as well as the considerations that compelled the Town to authorize the formation of the District. The Service Plan must also include all applicable information required by the Act.
- B. Compliance with Applicable Law: Any Service Plan submitted to the Town for approval must comply with all state, federal and local laws and ordinances, including the Act.
- C. Maximum Mill Levies: The maximum amount of requested mill levy for both debt service, and operations and maintenance, shall be consistent with State statutes.
- D. Debt Term Limit: A District shall be allowed no more than forty (40) years for the levy and collection of taxes used to service debt unless a majority of the Board of Directors of the District imposing the mill levy are residents of such District and have voted in favor of a refunding of a part or all of the Debt and such refunding is for one or more of the purposes authorized in C.R.S. Section 11-56-104. The fortyyear period shall be measured from the date that the District first issues debt.
- E. District Dissolution: Perpetual Districts shall not be allowed except in cases where ongoing operations and maintenance are required. Except where ongoing operations and maintenance has been authorized, a District must be dissolved as soon as practical upon:
 - a. The payment of all debt and obligations; and
 - b. The completion of District development activity.
- F. District Fees: All impact fees, development fees, service fees, and any other fees must be identified with particularity in the District Service Plan.
- G. Notice Requirements: The Service Plan shall require that the District use all reasonable efforts to ensure that all developers of the property located within the District provide written notice to all purchasers of property in the District (and any proposed future inclusion area) regarding the District's existing mill levies, its maximum debt mill levy, any District fees identified in the Service Plan pursuant to Section 4.G, as well as a general description of the District's authority to impose and collect rates, fees, tolls and charges. The form of notice shall be filed with the Town prior to the initial issuance of the debt of the District imposing the mill levy and shall be substantially in the form of **Exhibit E** attached hereto and incorporated by reference.

- H. Annual Report: The Service Plan must obligate the District to file an annual report not later than September 1 of each year with the Town Attorney for the year ending the preceding December 31, the requirements of which may be waived in whole or in part by the Town Manager. Details of the Annual Report are to be included in the Service Plan.
- I. Service Plan Requirements: In addition to all other information required in a Service Plan by the Act, a Service Plan must include the following:
 - 1. Financial Plan: The Service Plan must include debt and operating financial projections prepared by an investment banking firm or financial advisor qualified to make such projections. The financial firm must be listed in the Bond Buyers Marketplace or, in the Town's sole discretion, other recognized publication as a provider of financial projections. The Financial Plan must include debt issuance and service schedules and calculations establishing the District's projected maximum debt capacity (the "Total Debt Limitation") based on assumptions of: (i) Projected Interest Rate on the debt to be issued; (ii) Projected Assessed Valuation of the property within the District; and (iii) Projected Rate of Absorption of the assessed valuation within the District. These assumptions must use market-based, market comparable valuation and absorption data and may use an annual inflation rate of three percent (3%) or the Consumer Price Index for the preceding 12-month period for the Denver-Boulder-Greeley statistical region as prepared by the U.S. Department of Labor Statistics, whichever is lesser.
 - a. Total Debt Limitation: The total debt authorized in the Service Plan must not exceed 100% of the projected maximum debt capacity as shown in the Financial Plan.
 - b. Administrative, Operational and Maintenance Costs: The Financial Plan must also include foreseeable administrative, operational and maintenance costs.
 - 2. Public Improvements and Estimated Costs: Every Service Plan must include, in addition to all materials, plans and reports required by the Act, a summary of public improvements to be constructed and/or installed by the district (the "Public Improvements"). The description of these Public Improvements must include, at a minimum:

1. A map or maps, and construction drawings of such a scale, detail and size as required by the Planning Department, providing an illustration of public improvements proposed to be built, acquired or financed by the District. The NMP may serve this purpose if sufficient detail is provided; and
2. A written narrative and description of the public improvements; and
3. A general description of the District's proposed role with regard to the same.

Due to their preliminary nature, the Service Plan must indicate that the Town's approval of the Public Improvements shall not bind the Town, its boards and commissions, and Town Board in any way relating to the review and consideration of land use applications within the District.

3. Intergovernmental Agreement: Any intergovernmental agreement which is required or known at the time of formation of the District to likely be required, to fulfill the purposes of the District, must be described in the Service Plan, along with supporting rationale. The Service Plan must provide that execution of intergovernmental agreements which are likely to cause substantial increase (of more than 30% of the prior fiscal year) in the District's budget and are not described in the Service Plan will require the prior approval of Town Board.
4. Extraterritorial Service Agreement: The Service Plan must describe any planned extraterritorial service agreement. The Service Plan must provide that any extraterritorial service agreement by the District that are not described in the Service Plan will require prior approval of Town Board.

Section 5 – Fees

- A. No request to create a Metro District shall proceed until the fees set forth herein are paid when required.
 1. Letter of Interest Submittal Fee: A Letter of Interest is to be submitted to the Town's Community Development Department and a non-refundable \$2,500 fee shall be paid at the time of submittal of the Letter.
 2. Application Fee: An application along with a draft Service Plan is to be submitted to the Town's Community Development Department and a \$7,500 non-refundable fee along with a \$7,500 deposit towards the Town's other expenses shall be paid at the time of submittal of the Application and draft Service Plan.
 3. Other Expenses: The applicant for a District shall pay all reasonable consultant, legal, and other fees and expenses incurred by the Town in the process of reviewing the draft Service Plan or amended Service Plan prior to adoption, documents related to a bond issue and such other expenses as may be necessary for the Town to incur to interface with the District. All such fees and expenses shall be paid within 30 days of receipt of an invoice for these additional fees and expenses.

4. Service Plan Amendment Fee: If a proposed amendment to a Service Plan is submitted to the Town's Community Development Department, it should be submitted with a non-refundable \$2,500 fee along with a \$2,500 deposit towards the Town's other expenses and shall be paid at the time of submittal of the application and draft amended Service Plan.