



**Garden
Spot of
Colorado**

**MEETING OF THE TOWN BOARD
Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, March 28, 2023, 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: 210 035 9423

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.

1. Regular Meeting Called To Order - Mayor William Karspeck
2. Pledge Of Allegiance - Mayor William Karspeck
3. Roll Call - Mayor William Karspeck
4. Citizen Participation
5. Scheduled Items And Estimated Time For Discussion
 - 5.I. Consent Agenda
Introduction By: Christian Samora

Documents:

[INFORMATION SHEET - CONSENT AGENDA.PDF](#)
[A. MARCH 28, 2023 TOWN BOARD AGENDA.PDF](#)
[B. MARCH 14, 2023 MEETING MINUTES.PDF](#)
[C. JANUARY 2023 FINACIAL INFORMATION.PDF](#)

- 5.II. Water Rights Acquisition - Purchase Of 50 C-BT Units
Introduction by: Chris Kirk

Documents:

[INFORMATION SHEET - AGREEMENT FOR PURCHASE 50 CBT UNITS.PDF](#)

[PURCHASE AGREEMENT - 50 CBT UNITS.PDF](#)

5.III. Sale Of Old Town Hall

Introduction By: Walt Elish

Ordinance 1317 - An ordinance of the Town of Berthoud, Colorado, regarding uses of the property located at 328 Massachusetts Avenue, Berthoud, Colorado

Documents:

[INFORMATION SHEET - OTH REDEVELOPMENT.PDF](#)
[ORDINANCE 1317 OLD TOWN HALL REDEVELOPMENT.PDF](#)

5.IV. Ludlow Neighborhood Master Plan And Rezoning - Hearing Continuance

Introduction By: Anne Johnson

This hearing is expected to be continued to April 25, 2023

Documents:

[INFORMATION SHEET - LUDLOW CONTINUANCE.PDF](#)
[LUDLOW APPLICANT CONTINUANCE REQUEST.PDF](#)

5.V. Harvest West Annexation Substantial Compliance

Introduction By: Anne Johnson

Resolution 2023-05 - A resolution of the Town Board of the Town of Berthoud, Colorado, regarding petition for annexation filed by HT Land Partners, LLC and setting the matter for a Public Hearing

Documents:

[INFORMATION SHEET - HARVEST WEST ANNEXATION.PDF](#)
[RESOLUTION 05 2023.PDF](#)
[HARVEST WEST ANNEXATION MAP.PDF](#)

5.VI. Heron Lakes 17th Filing Preliminary Plat - Public Hearing

Introduction By: Anne Johnson

Documents:

[INFORMATION SHEET - HERON LAKES 17TH FILING STAFF REPORT.PDF](#)
[03 09 2023 PLANNING COMMISSION MINUTES.PDF](#)
[HERON LAKES 17TH FILING APPLICATION MATERIALS.PDF](#)
[CR 14 WAIVER MEMO.PDF](#)

5.VII. Oil And Gas Tranche II

Introduction By: Mike Foote

Documents:

[INFORMATION MEMORANDUM - TRANCHE 2 OIL AND GAS.PDF](#)

6. Elected Official Reports

1. Town Board - Tim Hardy, May Soricelli, Mike Grace, Sean Murphy, Karl Ayers, and Jeff Butler.
2. Mayor - William Karspeck
3. Staff - Town Administrator, Attorney

7. Executive Session

Pursuant to C.R.S. Section 24-6-402 (f)(I) for discussion of a personnel matter not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or 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.

The following details are provided: Town Administrator Evaluation.

8. Adjourn

The order of agenda items listed above is 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.

BOARD OF TRUSTEES INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	March 28, 2023
Agenda Title/Subject:	Consent Agenda
Type of Item:	Regular Item
Purpose:	The Consent Agenda contains routine items that can be approved with a single action by the Board.
Presented by:	Christian Samora

ATTACHMENTS:

- a) March 28, 2023, Meeting Agenda
- b) March 14, 2023, Meeting Minutes
- c) January 2023 Financial Information

BACKGROUND:

"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.

UPDATE/NEXT STEPS:

Any updates or next steps for the items on the Consent Agenda will be articulated in the information sheet provided for each item on the Consent Agenda.

FISCAL IMPACT AND FUND SOURCE:

Any fiscal information for the items on the Consent Agenda will be articulated in the information sheet provided for each item on the Consent Agenda.

COMMUNITY TOUCHSTONES:

Any Community Touchstones for the items on the Consent Agenda will be articulated in the information sheet provided for each item on the Consent Agenda.

RECOMMENDED ACTION(S):

"Move to combine and approve the items on the Consent Agenda."

Followed by a second and a vote.



MEETING OF THE TOWN BOARD

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Use this Meeting ID: 210 035 9423

Please note that you will need to call into the meeting if you wish to speak and do not have a microphone on your computer. If you are using a mobile device, it is highly recommended that you download the Zoom app.

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 and ESTIMATED TIMES FOR DISCUSSION**
 - 1. Consent Agenda** (Christian Samora) (5 Min)
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 28, 2023, Meeting Agenda
 - b) March 14, 2023, Meeting Minutes
 - c) January 2023 Financial Information
 - 2. Water Rights Acquisition – Purchase of 50 C-BT Units** (Chris Kirk) (5 Min)
 - 3. Sale of Old Town Hall – Public Hearing** (Walt Elish) (10 Min)
Ordinance 1317 – An ordinance of the Town of Berthoud, Colorado, regarding uses of the property located at 328 Massachusetts Avenue, Berthoud, Colorado.
 - 4. Ludlow Neighborhood Master Plan and Rezoning – Hearing Continuance** (Anne Johnson) (10 Min)
Hearing is expected to be continued to April 25, 2023
 - 5. Harvest West Annexation Substantial Compliance** (Anne Johnson) (10 Min)
Resolution 2023-05 – A resolution regarding petition for annexation filed by HT Land Partners, LLC and setting the matter for a Public Hearing
 - 6. Heron Lakes 17th Filing Preliminary Plat – Public Hearing** (Anne Johnson) (30 Min)

March 28, 2023, Meeting Agenda

The order of agenda items listed above is 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.

(60 Min)

(10 Min)

- ## VII. EXECUTIVE SESSION

VIII. ADJOURN

William Karspeck, Mayor



MEETING MINUTES OF THE TOWN BOARD

Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, March 14, 2023, 6:30 p.m.

I. REGULAR MEETING CALLED TO ORDER – Mayor William Karspeck

Mayor Karspeck called the meeting to order.

II. PLEDGE OF ALLEGIANCE – Mayor William Karspeck

Mayor Karspeck led the Pledge of Allegiance.

III. ROLL CALL – Mayor William Karspeck

The following Board Members were present:

William Karspeck, Mayor
Mike Grace, Mayor Pro-Tem
Sean Murphy, Trustee
Tim Hardy, Trustee
Jeff Butler, Trustee

The following Board Members were Absent:

May Soricelli, Trustee
Karl Ayers, Trustee

The following were also present:

Chris Kirk, Town Administrator
Christian Samora, Town Clerk
Alicia Garcia, Town Attorney
Michelle Adams, Deputy Town Clerk
Brian Dubois, Assistant to the Town Administrator
Paul Furnas, Town Forester
Walt Elish, Business Development Director

IV. CITIZEN PARTICIPATION

Kelly McLaughlin spoke regarding the condition of 2nd Street and the Ludlow Farm development.

V. SCHEDULED ITEMS and ESTIMATED TIMES FOR DISCUSSION

1. Consent Agenda

(Christian Samora) (5 Min)

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 14, 2023, Meeting Agenda
- b) February 28, 2023, Meeting Minutes
- c) July 3, 2023 Fireworks Contract
- d) Our Lands – Our Future Open Lands Study Update
- e) December 2022 Financial Information
- f) Congressionally Directed Spending Request for Micro Transit Pilot Project

Trustee Butler moved to combine and approve the items on the Consent Agenda with exception of item “f”. Mayor Pro-Tem Grace seconded the motion. In a 5-0 roll call vote, THE MOTION CARRIED.

March 14, 2023, Meeting Minutes

Brian Dubois provided clarification regarding the funding process for the Micro Transit Pilot Project.

Trustee Butler moved to approve item “f” from the Consent Agenda. Trustee Murphy seconded the motion. In a 5-0 roll call vote, THE MOTION CARRIED.

2. Data Transparency Project (Gordon McLaughlin) (15 Min)

District Attorney Gordon McLaughlin provided an update regarding case statistics and case trends at the District Attorney’s Office. McLaughlin indicated that he will be visiting each municipality to provide an annual update.

3. Arbor Day Proclamation (Paul Furnas) (5 Min)

Furnas provided an introduction and background information.

Mayor Karspeck read the proclamation aloud to the Members of the Town Board and audience present to proclaim April 29, 2023 as Arbor Day in the Town of Berthoud.

4. Sale of Old Town Hall – Introduction (Walt Elish) (15 Min)

Ordinance 1317 – An ordinance of the Town of Berthoud, Colorado, Regarding uses of the property located at 328 Massachusetts Avenue, Berthoud, Colorado

Elish gave an introduction and provided background information.

The Board gave direction to bring the ordinance back for consideration at the March 28, 2023 Town Board Meeting.

VI. ELECTED OFFICIAL REPORTS (10 Min)

1. Town Board – Tim Hardy, May Soricelli, Mike Grace, Sean Murphy, Karl Ayers, and Jeff Butler.

Trustee Hardy Reported:

There are two vacancies on the Historic Preservation Advisory Committee.

Trustee Murphy Reported:

The Tree Committee is preparing for Arbor Day.

Trustee Butler Reported:

Butler enjoyed the Ursa Major tour.

Butler asked for a project update regarding the Bike Park, Pickle Ball Courts, and Town Park.

Mayor Pro-Tem Grace Reported:

The Youth Advisory Commission is planning Scorch Fest.

2. Mayor – William Karspeck

Mayor Karspeck Reported:

Karspeck enjoyed the Ursa Major Tour.

Karspeck asked for clarification of banner placement in the parks and sponsorship.

3. Staff – Town Administrator, Attorney

Deputy Administrator Olinger provided updates regarding:

July 3rd event.

Flowerpots along Mountain Ave.

5 Year Sidewalk Master Plan.

Annual Committee Reports.

Joint Work Session on March 21st.

VII. EXECUTIVE SESSION

Mayor Pro-Tem Grace moved to enter into Executive Session pursuant to C.R.S. Section 24-6-402(4)(f) for discussion of a personnel matter and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or 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 details are provided: Town Administrator Annual Evaluation.

Trustee Hardy seconded the motion. In a 5-0 roll call vote, THE MOTION CARRIED.

VIII. ADJOURN

The meeting adjourned at 9:38 PM.

Town Clerk or Deputy Town Clerk

William Karspeck, Mayor

TOWN OF BERTHOUD AT A GLANCE

Monthly Report JANUARY 2023

- Sales & Use Tax revenue is 42% **over** budget for the month of January; \$1,050,319 was received and \$739,250 was budgeted.
- Town Revenue through January including transfers between funds is 39% **under** budget for 2023.
- Town Expenditures through January are 61% **under** budget for 2023.

Sales Tax Review

JANUARY	Berthoud Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined Total
2023	769,358.29	187,031.19	93,929.65	1,050,319.13
2022	706,110.47	114,167.99	158,943.40	979,221.86
2021	482,581.83	129,820.83	230,511.79	842,914.45
2020	380,388.79	111,861.31	175,731.68	667,981.78

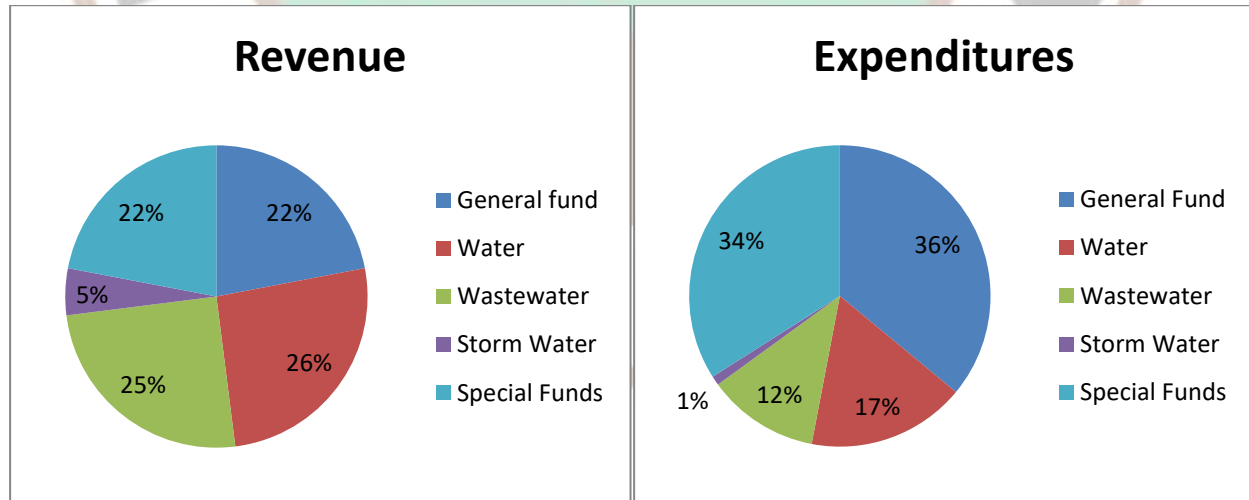
SALES TAX YEAR-TO-DATE FOR 2023

\$ 1,050,319.13

COMBINED STATEMENT OF REVENUES AND EXPENDITURES
JANUARY 2023

REVENUE	Current Month	YTD Actual	YTD Budget	% of YTD Budget	% of Annual Budget
General Fund	382,885	382,885	859,547	45%	4%
Water	450,942	450,942	698,741	65%	5%
Wastewater	408,948	408,948	410,876	100%	8%
Storm Water	87,673	87,673	78,133	112%	9%
Special Funds	385,730	385,730	777,788	50%	4%
TOTAL REVENUE	1,716,178	1,716,178	2,825,085	61%	5%

EXPENDITURES	Current Month	YTD Actual	YTD Budget	% of YTD Budget	% of Annual Budget
General Fund	723,174	723,174	1,481,775	49%	4%
Water	330,888	330,888	1,232,513	27%	2%
Wastewater	239,264	239,264	728,340	33%	3%
Storm Water	4,794	4,794	57,364	8%	1%
Special Funds	668,685	668,685	1,487,073	45%	4%
TOTAL EXPENDITURES	1,966,805	1,966,805	4,987,045	39%	3%

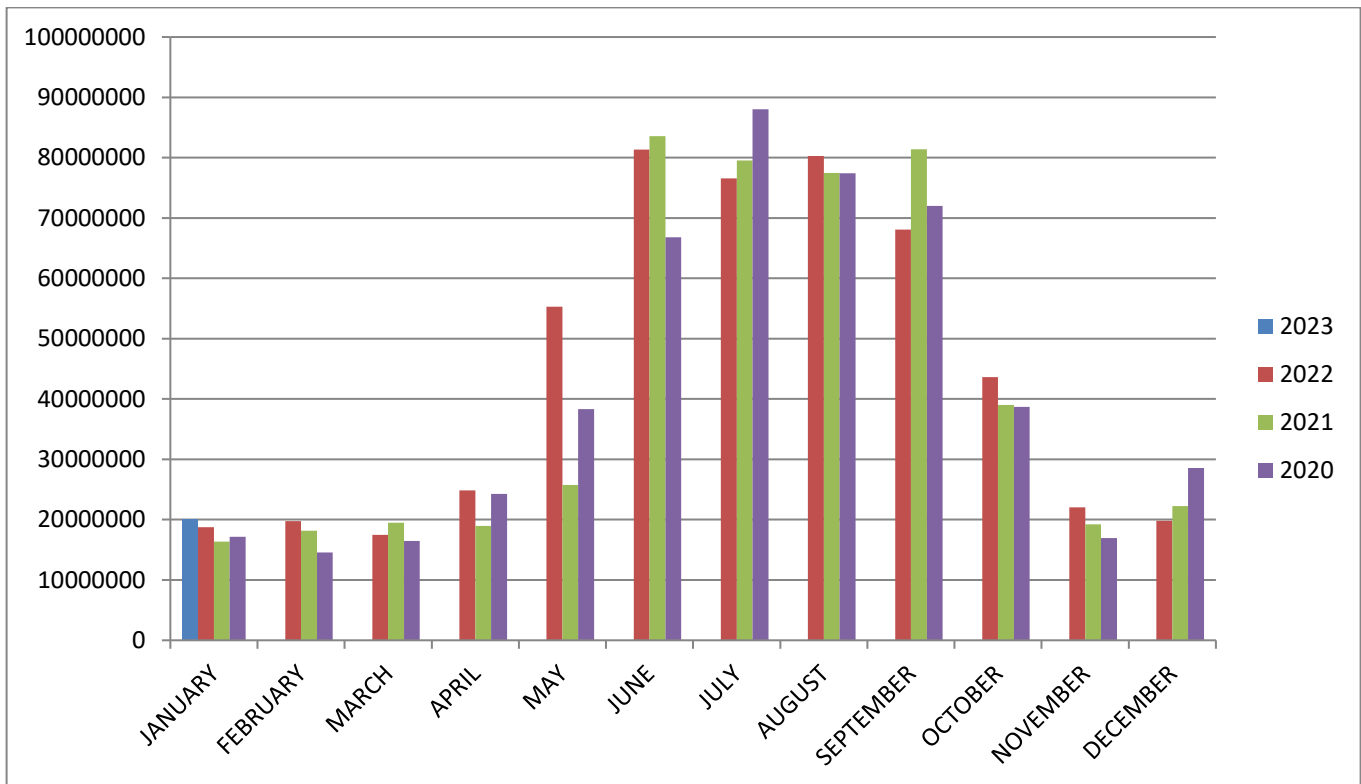


2023

	YEAR TO DATE TOTALS THRU JANUARY 2023
Single Family Permits	6
Overall Permit Total	23
Water Gallons Billed	20,061,000
Passports	136
Cemetery	3 Funerals

Building Permit & Permit Valuation by Year & 2023 YTD					
	2019	2020	2021	2022	2023 YTD
Single-Family home permits	341	499	511	215	6
All permits (roofing, decks, additions, etc.)	752	934	1110	809	23
Total Permit Value	\$124,840,545	\$119,451,932	\$238,661,288	\$164,526,847	\$ 4,870,672

BERTHOUD WATER USAGE



Personnel Summary

	Full-time	Part-time	Seasonal
Administration	12		
Code Enforcement	1		
Economic Development	1		
Planning-Building	3		
Streets	4		
Recreation	4		
Rec Center	6	74	
Parks-Forestry	8		
BATS	1	1	
Water-Wastewater	5		

Town of Berthoud
807 Mountain Ave
PO Box 1229
Berthoud, CO 80513-1229
Phone 970.532.2643 Fax 970.532.0640



BILLS SUMMARY
JANUARY 2023 FINAL

BILLS ALLOWED

TOTAL BILLS	\$	1,134,062
NET PAYROLL	\$	246,495

Mayor William Karspeck

Mayor Pro-Tem Mike Grace

Trustee Karl Ayers

Trustee Jeff Butler

Trustee Tim Hardy

Trustee Sean Murphy

Trustee May Soricelli

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
1100200400							
73435							
01/23	01/17/2023	73435	Pickard, Sam	01172023	11-00-200400	Insurance Payable	23.43
10123300							
01/23	01/02/2023	101233	Allstate	JANUARY 20	11-00-200400	Insurance Payable	831.66
10123301							
01/23	01/02/2023	101233	CIGNA	JANUARY 20	11-00-200400	Insurance Payable	37,603.20
10123302							
01/23	01/02/2023	101233	Guardian	JANUARY 20	11-00-200400	Insurance Payable	4,790.88
Total 1100200400:							43,249.17
1101501001							
73310							
01/23	01/17/2023	73310	Midwest Connect	Multiple	11-01-5010.01	Office Supplies-General Office	1,680.27
73412							
01/23	01/02/2023	73412	Digital Print Resources Inc	21345	11-01-5010.01	Office Supplies-General Office	896.70
73461							
01/23	01/31/2023	73461	Pioneer Press of Greeley	88683	11-01-5010.01	Office Supplies-General Office	413.00
Total 1101501001:							2,989.97
1101501101							
73410							
01/23	01/02/2023	73410	Comcast	JANUARY 20	11-01-5011.01	Telephone-General Office	15.94
73415							
01/23	01/02/2023	73415	Voice Exchange (Paragon	JANUARY 20	11-01-5011.01	Telephone-General Office	38.00
Total 1101501101:							53.94
1101501501							
73306							
01/23	01/17/2023	73306	CIRSA	222160	11-01-5015.01	Insurance	15.41
73413							
01/23	01/02/2023	73413	Healthiest You	2023013243	11-01-5015.01	Insurance	700.00
Total 1101501501:							715.41
1101501804							
73405							
01/23	01/02/2023	73405	Berthoud Weekly Surveyor	37168	11-01-5018.04	Publications/Legal Notice	45.00
Total 1101501804:							45.00
1101502801							
73408							
01/23	01/02/2023	73408	CivicPlus	248831	11-01-5028.01	Records Management	1,245.00
73422							
01/23	01/04/2023	73422	ArchiveSocial	25814	11-01-5028.01	Records Management	2,988.00
Total 1101502801:							4,233.00
1101503800							
73334							
01/23	01/26/2023	73334	Dance Department	71965	11-01-5038.00	Administrative Expenses	143.50
73455							
01/23	01/25/2023	73455	Employers Council Service	0000447042	11-01-5038.00	Administrative Expenses	20.74

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
73460							
01/23	01/31/2023	73460	Hays Market	JAN23	11-01-5038.00	Administrative Expenses	34.99
Total 1101503800:							199.23
1101503901							
73385							
01/23	01/09/2023	73385	CAMCA	2023A	11-01-5039.01	Dues/Subscriptions-Admin	30.00
73406							
01/23	01/02/2023	73406	CAMCA	2023	11-01-5039.01	Dues/Subscriptions-Admin	20.00
73426							
01/23	01/04/2023	73426	Colorado Municipal League	11012022	11-01-5039.01	Dues/Subscriptions-Admin	3,945.00
Total 1101503901:							3,995.00
1101504004							
73308							
01/23	01/17/2023	73308	Foots Law Firm	288	11-01-5040.04	Attorney-Board Meetings	275.00
Total 1101504004:							275.00
1101509501							
73421							
01/23	01/04/2023	73421	Anchor Network Solutions,	Multiple	11-01-5095.01	Computer Maintenance/Replace	13,081.38
Total 1101509501:							13,081.38
1102503404							
73449							
01/23	01/24/2023	73449	Larimer Humane Society	1023	11-02-5034.04	Animal Control	3,826.83
Total 1102503404:							3,826.83
1103501101							
73307							
01/23	01/17/2023	73307	Complete Wireless Technol	102515	11-03-5011.01	Telephone	165.00
Total 1103501101:							165.00
1103501202							
73311							
01/23	01/17/2023	73311	Poudre Valley REA	70676001-D	11-03-5012.02	Utilities-Street Lights	174.24
73321							
01/23	01/18/2023	73321	XCEL Energy	Multiple	11-03-5012.02	Utilities-Street Lights	220.50
Total 1103501202:							394.74
1103504205							
73459							
01/23	01/31/2023	73459	GMCO Corporation	23-2475	11-03-5042.05	Snow/Ice Removal	25,536.00
Total 1103504205:							25,536.00
1103504704							
73315							
01/23	01/17/2023	73315	Safety & Construction Sup	9363	11-03-5047.04	Signs & Signage	829.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 1103504704:							829.00
1105501001							
73323							
01/23	01/23/2023	73323	Anchor Network Solutions,	41272	11-05-5010.01	Office Supplies	450.27
Total 1105501001:							450.27
1105508000							
73340							
01/23	01/31/2023	73340	Ohlson Lavoie Corporation	114717	11-05-5080.00	Remove old swimming pool	22,000.00
Total 1105508000:							22,000.00
1106510106							
73423							
01/23	01/04/2023	73423	Berthoud Area Chamber Of	2268	11-06-5101.06	Memberships	10,000.00
73464							
01/23	01/31/2023	73464	Upstate Colorado Economi	PSI2023-43	11-06-5101.06	Memberships	10,000.00
Total 1106510106:							20,000.00
1107501101							
73467							
01/23	01/31/2023	73467	Hilltop Broadband	1489-202301	11-07-5011.01	Telephone	261.56
Total 1107501101:							261.56
1107501209							
73332							
01/23	01/25/2023	73332	XCEL Energy	812016087	11-07-5012.09	Utilities-facilities/gen parks	12.32
73388							
01/23	01/09/2023	73388	Poudre Valley REA	JANUARY 20	11-07-5012.09	Utilities-facilities/gen parks	1,419.74
Total 1107501209:							1,432.06
1107505710							
73320							
01/23	01/18/2023	73320	Poudre Valley REA	Multiple	11-07-5057.10	Repair/Supplies-Farm Lease	278.11
Total 1107505710:							278.11
1108500903							
73327							
01/23	01/23/2023	73327	Tooley, Shana	01102023	11-08-5009.03	Travel/Training	92.70
Total 1108500903:							92.70
1108521502							
73313							
01/23	01/17/2023	73313	ProCode, Inc.	95022	11-08-5215.02	Contract Inspections	36,756.33
Total 1108521502:							36,756.33
1110525200							

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
73448							
01/23	01/23/2023	73448	Skyline Lighting & Electric	2475	11-10-5252.00	Electric Vehicle Charging Stat	22,796.88
Total 1110525200:							22,796.88
1110572000							
73338							
01/23	01/31/2023	73338	Jones Excavating & Plumbi	2434	11-10-5720.00	Fickel Park Bathroom	600.06
Total 1110572000:							600.06
1111501006							
73314							
01/23	01/17/2023	73314	Quadient Finance USA, Inc	1-12-2023	11-11-5010.06	Office Supplies	1,450.00
Total 1111501006:							1,450.00
1111518902							
73312							
01/23	01/17/2023	73312	Prairie Mountain Media	334811	11-11-5189.02	DEVELOPMENT REVIEW	161.90
73451							
01/23	01/24/2023	73451	Baseline Engineering Corp.	Multiple	11-11-5189.02	DEVELOPMENT REVIEW	55,388.33
Total 1111518902:							55,550.23
1112501201							
73328							
01/23	01/23/2023	73328	XCEL Energy	Multiple	11-12-5012.01	Utilities	962.72
Total 1112501201:							962.72
1112502001							
73339							
01/23	01/31/2023	73339	Larimer Co Treasurer	1608973 202	11-12-5020.01	Property Tax	11,027.53
73342							
01/23	01/31/2023	73342	Larimer Co Treasurer	1458035 202	11-12-5020.01	Property Tax	13,068.93
Total 1112502001:							24,096.46
1112503901							
73424							
01/23	01/04/2023	73424	Berthoud Village Shopping	01012023	11-12-5039.01	HOA Fees	3,860.86
Total 1112503901:							3,860.86
1113510301							
73466							
01/23	01/31/2023	73466	Digital Print Resources Inc	21366	11-13-5103.01	Printing-Community Outreach	1,795.50
Total 1113510301:							1,795.50
1115516600							
73458							
01/23	01/31/2023	73458	Berthoud Historical Society	01242023	11-15-5166.00	Historical Society	25,000.00
Total 1115516600:							25,000.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
2000504002							
73444							
01/23	01/23/2023	73444	Vranesh & Raisch	Multiple	20-00-5040.02	Attorney Fees	20,018.75
Total 2000504002:							20,018.75
2000510700							
73452							
01/23	01/24/2023	73452	Leonard Rice Engineers In	21958	20-00-5107.00	New Water Storage design	24,776.68
Total 2000510700:							24,776.68
2000520802							
73441							
01/23	01/23/2023	73441	Providence Infrastructure C	00005	20-00-5208.02	Raw Line Maintenance	33,984.32
Total 2000520802:							33,984.32
2100441000							
73390							
01/23	01/02/2023	73390	DYNNESON, DENNIS & S	9673.3	21-00-4410-00	Sale of Water	133.82
73391							
01/23	01/05/2023	73391	CB Signature Homes LLC	Multiple	21-00-4410-00	Sale of Water	682.81
73392							
01/23	01/17/2023	73392	HAMILTON, CHARLES A.	961.3	21-00-4410-00	Sale of Water	59.07
73394							
01/23	01/18/2023	73394	Mission Ventures LLC	12069.1	21-00-4410-00	Sale of Water	37.81
73395							
01/23	01/23/2023	73395	Blue Top Construction	HM0666	21-00-4410-00	Sale of Water	1,364.63
73396							
01/23	01/23/2023	73396	WT Excavating	HM0644	21-00-4410-00	Sale of Water	2,201.48
73397							
01/23	01/23/2023	73397	Ortiz Brothers Excavating	HM0683	21-00-4410-00	Sale of Water	621.32
73398							
01/23	01/23/2023	73398	READ, TYLER	445.4	21-00-4410-00	Sale of Water	10.15
73399							
01/23	01/23/2023	73399	MOESCH, FRANK & VIKI	2206.1	21-00-4410-00	Sale of Water	211.43
73400							
01/23	01/24/2023	73400	IAMS, HELEN DRAKE	2502.2	21-00-4410-00	Sale of Water	207.86
73401							
01/23	01/25/2023	73401	MCIVER, JAMES D & KAR	2330.2	21-00-4410-00	Sale of Water	124.07
73402							
01/23	01/31/2023	73402	KOLBERG, ASHLEY & JO	8893.5	21-00-4410-00	Sale of Water	56.66
Total 2100441000:							5,711.11
2100501101							
73324							
01/23	01/23/2023	73324	Comcast	5494 FEBRU	21-00-5011.01	Telephone	436.12
73409							
01/23	01/02/2023	73409	Comcast	JANUARY 20	21-00-5011.01	Telephone	414.53
Total 2100501101:							850.65
2100501203							
73457							
01/23	01/25/2023	73457	XCEL Energy	JAN23	21-00-5012.03	Utilities-Treatment	13,236.22

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 2100501203:							13,236.22
2100503901							
73447							
01/23	01/23/2023	73447	North Front Range Water	202321	21-00-5039.01	Dues	3,150.00
Total 2100503901:							3,150.00
2100505601							
73304							
01/23	01/02/2023	73304	Cardmember Service	JAN23	21-00-5056.01	Facility Maintenance	3,116.85
Total 2100505601:							3,116.85
2100505703							
73329							
01/23	01/25/2023	73329	MTech Mechanical	111479	21-00-5057.03	Repair, Maint, Supp Treat	360.00
73443							
01/23	01/23/2023	73443	Smith Power Products	Multiple	21-00-5057.03	Repair, Maint, Supp Treat	4,722.60
Total 2100505703:							5,082.60
2100508103							
73438							
01/23	01/23/2023	73438	Fluid Design and Build, LL	000426	21-00-5081.03	SCADA	1,914.87
Total 2100508103:							1,914.87
2100510802							
73436							
01/23	01/23/2023	73436	City of Fort Collins	97052	21-00-5108.02	Lab Testing	180.00
Total 2100510802:							180.00
2100512401							
73383							
01/23	01/10/2023	73383	Consolidated Home Supply	3480	21-00-5124.01	Water Assessments	470.00
Total 2100512401:							470.00
2100528403							
73336							
01/23	01/30/2023	73336	Handy Ditch Company	Multiple	21-00-5284.03	Contract Water Treatment	2,387.50
Total 2100528403:							2,387.50
2300441000							
73393							
01/23	01/18/2023	73393	PRICE, PAUL & DEBORA	2138.1	23-00-4410-00	Wastewater Charges	37.31
Total 2300441000:							37.31
2300501004							
73428							
01/23	01/04/2023	73428	USPS-Berthoud	JAN23	23-00-5010.04	Office Supplies	2,426.44

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 2300501004:							2,426.44
2300501101							
73331							
01/23	01/25/2023	73331	CenturyLink	FEBRUARY	23-00-5011.01	Telephone	405.18
73335							
01/23	01/30/2023	73335	Comcast	FEBRUARY	23-00-5011.01	Telephone	1,343.65
73407							
01/23	01/02/2023	73407	CenturyLink	JANUARY 20	23-00-5011.01	Telephone	395.24
73411							
01/23	01/02/2023	73411	Comcast	JANUARY 20	23-00-5011.01	Telephone	1,329.43
73454							
01/23	01/25/2023	73454	AT&T Mobility	JAN23	23-00-5011.01	Telephone	682.98
Total 2300501101:							4,156.48
2300501201							
73316							
01/23	01/17/2023	73316	XCEL Energy	810868213	23-00-5012.01	Utilities	53.03
73319							
01/23	01/18/2023	73319	Little Thompson Water Dist	Multiple	23-00-5012.01	Utilities	188.32
73450							
01/23	01/24/2023	73450	Poudre Valley REA	JAN23	23-00-5012.01	Utilities	5,821.99
73470							
01/23	01/31/2023	73470	Poudre Valley REA	JAN23-2	23-00-5012.01	Utilities	17,577.50
Total 2300501201:							23,640.84
2300501203							
73468							
01/23	01/31/2023	73468	Little Thompson Water Dist	JAN23	23-00-5012.03	Utilities	81.50
Total 2300501203:							81.50
2300501504							
73425							
01/23	01/04/2023	73425	CIRSA	Multiple	23-00-5015.04	Insurance	367,890.77
Total 2300501504:							367,890.77
2300505701							
73440							
01/23	01/23/2023	73440	MTech Mechanical	110324	23-00-5057.01	Repair, Maint. & Supplies	540.00
73442							
01/23	01/23/2023	73442	Ramey Environmental	25018	23-00-5057.01	Repair, Maint. & Supplies	689.48
Total 2300505701:							1,229.48
2300508101							
73427							
01/23	01/04/2023	73427	OmniSite	87955	23-00-5081.01	SCADA	3,536.00
Total 2300508101:							3,536.00
2300511401							

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
73325							
01/23	01/23/2023	73325	Denali Water Solutions	382289	23-00-5114.01	Sludge Hauling	710.73
Total 2300511401:							710.73
2300521405							
11523400							
01/23	01/19/2023	115234	Caselle Inc.	JANUARY 20	23-00-5214.05	Computer Maint/Replacement	1,728.00
Total 2300521405:							1,728.00
2400501900							
13123350							
01/23	01/31/2023	131233	Alfa Construction LLC	Multiple	24-00-5019.00	ALFA Line Reimbursement	3,300.00
Total 2400501900:							3,300.00
2900504201							
73387							
01/23	01/09/2023	73387	Jones Excavating & Plumbi	5068	29-00-5042.01	Snow & Ice Removal	2,160.00
73446							
01/23	01/23/2023	73446	Jones Excavating & Plumbi	5084	29-00-5042.01	Snow & Ice Removal	2,822.50
Total 2900504201:							4,982.50
3100522000							
73445							
01/23	01/23/2023	73445	Wenk Associates, Inc.	501037	31-00-5220.00	Waggener Farm Construction	20,701.00
Total 3100522000:							20,701.00
3100525100							
73437							
01/23	01/23/2023	73437	DTJ Design	64827	31-00-5251.00	Richardson Park	1,230.65
Total 3100525100:							1,230.65
3200517100							
73453							
01/23	01/24/2023	73453	Welborn Sullivan Meck & T	12312022	32-00-5171.00	Land Acquisition	2,457.50
Total 3200517100:							2,457.50
3600430600							
73359							
01/23	01/31/2023	73359	Larimer County Sales Tax	Multiple	36-00-4306.00	County Open Space Revenue	24,371.70
Total 3600430600:							24,371.70
3600522000							
73341							
01/23	01/31/2023	73341	Wenk Associates, Inc.	500905	36-00-5220.00	Waggener Farm Park Const	9,127.75
Total 3600522000:							9,127.75
3700471000							

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
73333							
01/23	01/26/2023	73333	Anderson, Steven Charles	K45 AND K4	37-00-4710-00	Lot Sales	1,800.00
Total 3700471000:							1,800.00
3700502001							
73309							
01/23	01/17/2023	73309	Jones Excavating & Plumbi	5072	37-00-5020.01	Professional Fees	930.00
Total 3700502001:							930.00
3700505702							
73439							
01/23	01/23/2023	73439	Green Hills Sod Farm Inc	72946	37-00-5057.02	Repair & Maintenance	215.50
Total 3700505702:							215.50
3900501102							
73414							
01/23	01/02/2023	73414	Hilltop Broadband	3582-202212	39-00-5011.02	Telephone	194.70
Total 3900501102:							194.70
3900511402							
13123400							
01/23	01/31/2023	131234	WEX BANK	JANUARY 20	39-00-5114.02	Gas & Oil	1,967.95
Total 3900511402:							1,967.95
4000508700							
73463							
01/23	01/31/2023	73463	Transwest Truck Trailer RV	DE-03893-2	40-00-5087.00	Plow Truck	154,867.68
Total 4000508700:							154,867.68
4100522100							
73305							
01/23	01/17/2023	73305	BHA Design, Inc.	Multiple	41-00-5221.00	Downtown Sidewalk Replacement	17,127.50
Total 4100522100:							17,127.50
5100461000							
73358							
01/23	01/31/2023	73358	Town of Johnstown	JANUARY 20	51-00-4610-00	Sales Tax Revenue	6,666.59
Total 5100461000:							6,666.59
5201501201							
73465							
01/23	01/31/2023	73465	XCEL Energy	JAN23-2	52-01-5012.01	Utilities	34,220.43
Total 5201501201:							34,220.43
5201502004							
73337							
01/23	01/30/2023	73337	Xerox Business Solutions	Multiple	52-01-5020.04	Purchased Services	3,621.62

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
73386							
01/23	01/09/2023	73386	Hilltop Broadband	4872-202301	52-01-5020.04	Purchased Services	390.58
Total 5201502004:							4,212.20
5201505404							
73389							
01/23	01/09/2023	73389	Republic Services	JANUARY 20	52-01-5054.04	Trash Service	2,178.00
Total 5201505404:							2,178.00
5206502004							
73330							
01/23	01/25/2023	73330	Wellbeats	70059	52-06-5020.04	Purchased Services	249.00
Total 5206502004:							249.00
5207502004							
73317							
01/23	01/18/2023	73317	Choose Well Nutrition, LLC	WINTER202	52-07-5020.04	Purchased Services	91.00
73318							
01/23	01/18/2023	73318	Colorado Salsa	926	52-07-5020.04	Purchased Services	154.00
73429							
01/23	01/04/2023	73429	101 Sports	923	52-07-5020.04	Purchased Services	1,050.00
Total 5207502004:							1,295.00
5208502031							
73326							
01/23	01/23/2023	73326	Northern Colorado Sports	9088	52-08-5020.31	Officials-Adult Volleyball	520.00
73384							
01/23	01/10/2023	73384	Northern Colorado Sports	9064	52-08-5020.31	Officials-Adult Volleyball	280.00
73456							
01/23	01/25/2023	73456	Northern Colorado Sports	9113	52-08-5020.31	Officials-Adult Volleyball	870.00
73469							
01/23	01/31/2023	73469	Northern Colorado Sports	9155	52-08-5020.31	Officials-Adult Volleyball	905.00
Total 5208502031:							2,575.00
5209504612							
73462							
01/23	01/31/2023	73462	Scheels	TSA020	52-09-5046.12	Uniforms-Youth Basketball	2,102.06
Total 5209504612:							2,102.06
Grand Totals:							1,134,062.22

January 2023

Beginning and ending fund balances are not included in YTD and TOTAL Budget columns.

	GENERAL FUND				PERCENTAGE	
	REVENUE				YTD ACTUAL vs	
	CURRENT MONTH	YTD ACTUAL	YTD BUDGET	TOTAL 2023 BUDGET	YTD BUDGET	
TAXES	\$ 44,245.63	\$ 44,245.63	\$ 623,800.00	\$ 7,485,600.00	7.1%	
LICENSES & PERMITS	\$ 14,120.50	\$ 14,120.50	\$ 20,333.33	\$ 244,000.00	69.4%	
INTERGOVERNMENTAL REVENUE	\$ 12,804.00	\$ 12,804.00	\$ 32,590.33	\$ 391,084.00	39.3%	
FINES	\$ 1,367.00	\$ 1,367.00	\$ 1,291.67	\$ 15,500.00	105.8%	
MISCELLANEOUS	\$ 269,666.34	\$ 269,666.34	\$ 130,666.67	\$ 1,568,000.00	206.4%	
TRANSFERS	\$ 28,507.51	\$ 28,507.51	\$ 29,692.75	\$ 356,313.00	96.0%	
PROPERTY SALES & DONATIONS & INS CLAIM	\$ -	\$ -	\$ -	\$ -	0.0%	
RECREATION	\$ 3,601.50	\$ 3,601.50	\$ 12,987.92	\$ 155,855.00	27.7%	
PARKS	\$ 181.00	\$ 181.00	\$ 641.67	\$ 7,700.00	28.2%	
LEASE REVENUE	\$ 8,391.97	\$ 8,391.97	\$ 7,542.50	\$ 90,510.00	111.3%	
TOTAL REVENUE GENERAL FUND	\$ 382,885.45	\$ 382,885.45	\$ 859,546.83	\$ 10,314,562.00	44.5%	

<u>ADMINISTRATION</u>					<u>PERCENTAGE</u>
					<u>YTD ACTUAL vs</u>
<u>EXPENDITURES</u>	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
ADMIN SALARIES/TAXES/BENEFITS	\$ 113,968.97	\$ 113,968.97	\$ 121,471.58	\$ 1,457,659.00	93.8%
GENERAL OFFICE OTHER	\$ 157,818.25	\$ 157,818.25	\$ 55,112.92	\$ 661,355.00	286.4%
ELECTIONS	\$ -	\$ -	\$ 500.00	\$ 6,000.00	0.0%
MUNICIPAL COURT	\$ 1,965.05	\$ 1,965.05	\$ 3,650.00	\$ 43,800.00	53.8%
BOARD & BOARD MEETINGS	\$ 11,660.90	\$ 11,660.90	\$ 5,341.67	\$ 64,100.00	218.3%
FINANCE	\$ 2,999.00	\$ 2,999.00	\$ 1,666.67	\$ 20,000.00	179.9%
BUILDING MAINTENANCE	\$ 6,775.19	\$ 6,775.19	\$ 8,833.33	\$ 106,000.00	76.7%
COMMUNITY SUPPORT	\$ -	\$ -	\$ 583.33	\$ 7,000.00	0.0%
NON-ENTITLEMENT FUNDS	\$ -	\$ -	\$ 190,481.25	\$ 2,285,775.00	0.0%
TRANSFERS	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 20,000.00	100.0%
TOTAL ADMIN EXPENDITURES	\$ 296,854.03	\$ 296,854.03	\$ 389,307.42	\$ 4,671,689.00	76.3%
<u>PUBLIC SAFETY DEPARTMENT</u>					<u>PERCENTAGE</u>
					<u>YTD ACTUAL vs</u>
<u>EXPENDITURES</u>	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
CODE ENFORCEMENT (INCLUDES SALARY)	\$ 4,454.11	\$ 4,454.11	\$ 7,218.00	\$ 86,616.00	61.7%
TELEPHONE/OFFICE SUPPLIES/ADMIN	\$ -	\$ -	\$ 625.00	\$ 7,500.00	0.0%
ANIMAL CONTROL	\$ 3,826.83	\$ 3,826.83	\$ 3,833.33	\$ 46,000.00	99.8%
TRAFFIC CONTROL/PEDESTRIAN SAFETY	\$ -	\$ -	\$ 83.33	\$ 1,000.00	0.0%
DRUG EDUCATION	\$ -	\$ -	\$ 1,416.67	\$ 17,000.00	0.0%
LARIMER COUNTY SHERIFF	\$ -	\$ -	\$ 188,750.00	\$ 2,265,000.00	0.0%
TOTAL PUBLIC SAFETY EXPENDITURES	\$ 8,280.94	\$ 8,280.94	\$ 201,926.33	\$ 2,423,116.00	4.1%
<u>STREETS DEPARTMENT</u>					<u>PERCENTAGE</u>
					<u>YTD ACTUAL vs</u>
<u>EXPENDITURES</u>	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
SALARIES/TAXES/BENEFITS	\$ 30,225.18	\$ 30,225.18	\$ 41,730.50	\$ 500,766.00	72.4%
ADMINISTRATION OTHER	\$ 975.51	\$ 975.51	\$ 4,000.00	\$ 48,000.00	24.4%
STREET REPAIR/MAINTENANCE	\$ 11,546.90	\$ 11,546.90	\$ 18,708.33	\$ 224,500.00	61.7%
WEED CONTROL	\$ -	\$ -	\$ 250.00	\$ 3,000.00	0.0%
SIGNAGE	\$ 1,083.85	\$ 1,083.85	\$ 3,333.33	\$ 40,000.00	32.5%
SNOW REMOVAL	\$ 27,339.00	\$ 27,339.00	\$ 9,583.33	\$ 115,000.00	285.3%
SHOP & VEHICLE MAINTENANCE	\$ 6,354.10	\$ 6,354.10	\$ 12,250.00	\$ 147,000.00	51.9%
TOTAL STREETS EXPENDITURES	\$ 77,524.54	\$ 77,524.54	\$ 89,855.50	\$ 1,078,266.00	86.3%

RECREATION DEPARTMENT**PERCENTAGE****YTD ACTUAL vs**

EXPENDITURES	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
ADMIN SALARIES/TAXES/BENEFITS	\$ 24,055.47	\$ 24,055.47	\$ 28,919.08	\$ 347,029.00	83.2%
ADMINISTRATION (SUPPLIES, CONCESSIONS)	\$ 881.21	\$ 881.21	\$ 5,840.00	\$ 70,080.00	15.1%
FLAG FOOTBALL	\$ -	\$ -	\$ 1,045.83	\$ 12,550.00	0.0%
TRACK	\$ -	\$ -	\$ 400.83	\$ 4,810.00	0.0%
TENNIS	\$ -	\$ -	\$ 715.00	\$ 8,580.00	0.0%
ADULT SOFTBALL	\$ -	\$ -	\$ 428.33	\$ 5,140.00	0.0%
YOUTH BASEBALL	\$ 80.97	\$ 80.97	\$ 1,475.00	\$ 17,700.00	5.5%
YOUTH SOFTBALL	\$ -	\$ -	\$ 888.17	\$ 10,658.00	0.0%
ADULT KICKBALL	\$ -	\$ -	\$ 318.33	\$ 3,820.00	0.0%
SOCCER	\$ -	\$ -	\$ 1,796.67	\$ 21,560.00	0.0%
CAMPS/TOURNAMENTS	\$ -	\$ -	\$ 525.00	\$ 6,300.00	0.0%
ADDITIONAL PROGRAMS	\$ -	\$ -	\$ 602.50	\$ 7,230.00	0.0%
TOTAL RECREATION EXPENDITURES	\$ 25,017.65	\$ 25,017.65	\$ 42,954.75	\$ 515,457.00	58.2%

PARKS DEPARTMENT**PERCENTAGE****YTD ACTUAL vs**

EXPENDITURES	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
SALARIES/TAXES/BENEFITS	\$ 20,530.75	\$ 20,530.75	\$ 52,093.08	\$ 625,117.00	39.4%
ADMINISTRATION OTHER	\$ 1,046.76	\$ 1,046.76	\$ 3,129.17	\$ 37,550.00	33.5%
INSECT CONTROL	\$ -	\$ -	\$ 3,750.00	\$ 45,000.00	0.0%
FACILITIES MAINTENANCE	\$ 10,256.41	\$ 10,256.41	\$ 3,125.00	\$ 37,500.00	328.2%
TURF/BALLFIELDS	\$ 3,057.71	\$ 3,057.71	\$ 7,250.00	\$ 87,000.00	42.2%
GENERAL PARKS	\$ 1,093.96	\$ 1,093.96	\$ 7,208.33	\$ 86,500.00	15.2%
FLEET MAINTENANCE	\$ 2,979.77	\$ 2,979.77	\$ 1,916.67	\$ 23,000.00	155.5%
SEASONAL DECORATIONS/BANNERS	\$ -	\$ -	\$ 1,833.33	\$ 22,000.00	0.0%
TRANSFER TO FORESTRY	\$ 41,666.67	\$ 41,666.67	\$ 41,666.67	\$ 500,000.00	100.0%
TOTAL PARKS EXPENDITURES	\$ 80,632.03	\$ 80,632.03	\$ 121,972.25	\$ 1,463,667.00	66.1%

ECONOMIC DEVELOPMENT**PERCENTAGE****YTD ACTUAL vs**

EXPENDITURES	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
SALARIES/TAXES/BENEFITS	\$ 11,377.62	\$ 11,377.62	\$ 12,888.83	\$ 154,666.00	88.3%
ADMINISTRATION OTHER	\$ 239.50	\$ 239.50	\$ 815.83	\$ 9,790.00	29.4%
BUSINESS DEVELOPMENT/MARKETING	\$ 21,151.20	\$ 21,151.20	\$ 8,059.17	\$ 96,710.00	262.4%
GRANTS - MARKET STUDY & FAÇADE/SIGN	\$ -	\$ -	\$ 4,166.67	\$ 50,000.00	0.0%
TOTAL ECONOMIC DEV EXPENDITURES	\$ 32,768.32	\$ 32,768.32	\$ 25,930.50	\$ 311,166.00	126.4%

BUILDING DEPARTMENT**PERCENTAGE****YTD ACTUAL vs**

EXPENDITURES	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
SALARIES/TAXES/BENEFITS	\$ 16,453.62	\$ 16,453.62	\$ 18,436.17	\$ 221,234.00	89.2%
ADMINISTRATION OTHER	\$ 336.35	\$ 336.35	\$ 1,061.25	\$ 12,735.00	31.7%
INSPECTIONS	\$ 23,002.74	\$ 23,002.74	\$ 44,000.00	\$ 528,000.00	52.3%
TOTAL BUILDING DEPARMENT EXPENDITURES	\$ 39,792.71	\$ 39,792.71	\$ 63,497.42	\$ 761,969.00	62.7%

PLANNING DEPARTMENT**PERCENTAGE****YTD ACTUAL vs**

EXPENDITURES	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
SALARIES/TAXES/BENEFITS	\$ 9,776.00	\$ 9,776.00	\$ 22,324.00	\$ 267,888.00	43.8%
ADMINISTRATION OTHER	\$ 2,417.66	\$ 2,417.66	\$ 1,757.50	\$ 21,090.00	137.6%
COMMISSION SUPPORT	\$ -	\$ -	\$ 958.33	\$ 11,500.00	0.0%
DEVELOPMENT REVIEW	\$ 57,588.00	\$ 57,588.00	\$ 5,000.00	\$ 60,000.00	0.0%
COMPREHENSIVE PLANNING	\$ 17,177.63	\$ 17,177.63	\$ 7,750.00	\$ 93,000.00	221.6%
TOTAL PLANNING DEPARTMENT EXPENDITURES	\$ 86,959.29	\$ 86,959.29	\$ 37,789.83	\$ 453,478.00	230.1%

COMMUNITY OUTREACH**PERCENTAGE****YTD ACTUAL vs**

EXPENDITURES	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
SALARIES/TAXES/BENEFITS	\$ 5,710.95	\$ 5,710.95	\$ 5,304.25	\$ 63,651.00	107.7%
ADMINISTRATION OTHER	\$ 795.00	\$ 795.00	\$ 370.42	\$ 4,445.00	214.6%
COMMUNITY SUPPORT	\$ 2,013.75	\$ 2,013.75	\$ 3,158.33	\$ 37,900.00	63.8%
TOTAL ECONOMIC DEV EXPENDITURES	\$ 8,519.70	\$ 8,519.70	\$ 8,833.00	\$ 105,996.00	96.5%

TOWN HALL-MOUNTAIN AVE**PERCENTAGE****YTD ACTUAL vs**

EXPENDITURES	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
INSURANCE AND TAXES	\$ -	\$ -	\$ 2,333.33	\$ 28,000.00	0.0%
BUILDING MAINTENANCE	\$ 1,373.90	\$ 1,373.90	\$ 591.67	\$ 7,100.00	232.2%
BUILDING REPAIRS	\$ -	\$ -	\$ -	\$ -	0.0%
HOA FEES	\$ 3,860.86	\$ 3,860.86	\$ 4,000.00	\$ 48,000.00	96.5%
PURCHASE/DEVELOPMENT EXPENSE	\$ -	\$ -	\$ -	\$ -	0.0%
ADMINISTRATION FEES	\$ -	\$ -	\$ -	\$ -	0.0%
TOTAL MOUNTAIN AVE EXPENDITURES	\$ 5,234.76	\$ 5,234.76	\$ 6,925.00	\$ 83,100.00	75.6%

PERCENTAGE**YTD ACTUAL vs**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
TOTAL G.F.C.I. EXPENDITURES	\$ 36,589.77	\$ 36,589.77	\$ 481,500.00	\$ 5,778,000.00	7.6%
TOTAL CONTRIBUTION EXPENDITURES	\$ 25,000.00	\$ 25,000.00	\$ 11,283.33	\$ 135,400.00	221.6%

TOTAL EXPENDITURES GENERAL FUND	\$ 723,173.74	\$ 723,173.74	\$ 1,481,775.33	\$ 17,781,304.00
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TOTAL REVENUE OVER EXPENDITURES	\$ (340,288.29)	\$ (340,288.29)	\$ (622,228.50)	\$ (7,466,742.00)
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WATER FUND**SOURCE OF SUPPLY****PERCENTAGE****YTD ACTUAL vs**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
TOTAL SOURCE OF SUPPLY REVENUE	\$ 153,516.35	\$ 153,516.35	\$ 174,458.33	\$ 2,093,500.00	88.0%
TOTAL SOURCE OF SUPPLY EXPENDITURES	\$ 58,480.92	\$ 58,480.92	\$ 709,537.50	\$ 8,514,450.00	8.2%
NET REVENUE OVER EXPENDITURES	\$ 95,035.43	\$ 95,035.43	\$ (535,079.17)	\$ (6,420,950.00)	

WATER OPERATIONS & MAINTENANCE**PERCENTAGE****YTD ACTUAL vs**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
TOTAL WATER OPERATING REVENUE	\$ 227,670.42	\$ 227,670.42	\$ 328,500.00	\$ 3,942,000.00	69.3%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 31,140.47	\$ 31,140.47	\$ 62,680.08	\$ 752,161.00	49.7%
ADMINISTRATION OTHER	\$ 121,714.97	\$ 121,714.97	\$ 35,900.00	\$ 430,800.00	339.0%
DISTRIBUTION	\$ 27,384.77	\$ 27,384.77	\$ 40,133.33	\$ 481,600.00	68.2%
TREATMENT	\$ 29,829.85	\$ 29,829.85	\$ 66,083.33	\$ 793,000.00	45.1%
PROFESSIONAL SERVICES	\$ 40,260.70	\$ 40,260.70	\$ 49,583.33	\$ 595,000.00	81.2%
UTILITY BILLING	\$ 583.75	\$ 583.75	\$ 1,100.00	\$ 13,200.00	53.1%
IMPROVEMENTS	\$ (1,040.00)	\$ (1,040.00)	\$ 112,500.00	\$ 1,350,000.00	-0.9%
TRANSFER	\$ 18,375.00	\$ 18,375.00	\$ 54,990.33	\$ 659,884.00	33.4%
TOTAL WATER OPERATING EXPENDITURES	\$ 268,249.51	\$ 268,249.51	\$ 422,970.42	\$ 5,075,645.00	63.4%
NET REVENUE OVER EXPENDITURES	\$ (40,579.09)	\$ (40,579.09)	\$ (94,470.42)	\$ (1,133,645.00)	

WATER PLANT CAPITAL IMPROVEMENTS**PERCENTAGE****YTD ACTUAL vs**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
TOTAL WATER PLANT CAPITAL REVENUE	\$ 69,755.42	\$ 69,755.42	\$ 195,782.83	\$ 2,349,394.00	35.6%
TOTAL WATER PLANT CAPITAL EXPENDITURES	\$ 4,157.66	\$ 4,157.66	\$ 100,005.00	\$ 1,200,060.00	4.2%
NET REVENUE OVER EXPENDITURES	\$ 65,597.76	\$ 65,597.76	\$ 95,777.83	\$ 1,149,334.00	

TOTAL WATER FUND REVENUE	\$ 450,942.19	\$ 450,942.19	\$ 698,741.16	\$ 8,384,894.00	64.5%
TOTAL WATER FUND EXPENDITURES	\$ 330,888.09	\$ 330,888.09	\$ 1,232,512.92	\$ 14,790,155.00	26.8%
NET REVENUE OVER EXPENDITURES	\$ 120,054.10	\$ 120,054.10	\$ (533,771.76)	\$ (6,405,261.00)	

WASTEWATER FUND**WASTEWATER OPERATIONS & MAINTENANCE**

					PERCENTAGE
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD ACTUAL vs</u>
					<u>YTD BUDGET</u>
TOTAL WASTEWATER REVENUE	\$ 323,421.11	\$ 323,421.11	\$ 252,541.67	\$ 3,030,500.00	128.1%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 9,586.40	\$ 9,586.40	\$ 14,328.75	\$ 171,945.00	66.9%
ADMINISTRATION OTHER	\$ 118,525.78	\$ 118,525.78	\$ 15,502.50	\$ 186,030.00	764.6%
MAIN WASTEWATER TREATMENT PLANT	\$ 30,630.32	\$ 30,630.32	\$ 45,479.17	\$ 545,750.00	67.4%
REGIONAL I-25 TREATMENT PLAN	\$ 2,173.63	\$ 2,173.63	\$ 7,187.50	\$ 86,250.00	30.2%
COLLECTION SYSTEM	\$ 513.20	\$ 513.20	\$ 16,875.00	\$ 202,500.00	3.0%
PROFESSIONAL SERVICES	\$ 46,400.47	\$ 46,400.47	\$ 45,916.67	\$ 551,000.00	101.1%
UTILITY BILLING	\$ 399.75	\$ 399.75	\$ 1,100.00	\$ 13,200.00	36.3%
TRANSFER	\$ 8,750.00	\$ 8,750.00	\$ 8,750.00	\$ 105,000.00	100.0%
IMPROVEMENTS	\$ 7,620.00	\$ 7,620.00	\$ 142,083.33	\$ 1,705,000.00	5.4%
BOND	\$ -	\$ -	\$ 75,695.83	\$ 908,350.00	0.0%
TOTAL WASTEWATER EXPENDITURES	\$ 224,599.55	\$ 224,599.55	\$ 372,918.75	\$ 4,475,025.00	60.2%
NET REVENUE OVER EXPENDITURES	\$ 98,821.56	\$ 98,821.56	\$ (120,377.08)	\$ (1,444,525.00)	

WASTEWATER CAPITAL IMPROVEMENTS

					PERCENTAGE
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD ACTUAL vs</u>
					<u>YTD BUDGET</u>
TOTAL WASTEWATER CAPITAL REVENUE	\$ 85,527.31	\$ 85,527.31	\$ 158,334.17	\$ 1,900,010.00	54.0%
TOTAL WASTEWATER CAPITAL EXPENDITURES	\$ 14,664.95	\$ 14,664.95	\$ 355,421.67	\$ 4,265,060.00	4.1%
NET REVENUE OVER EXPENDITURES	\$ 70,862.36	\$ 70,862.36	\$ (197,087.50)	\$ (2,365,050.00)	
TOTAL WASTEWATER FUND REVENUE	\$ 408,948.42	\$ 408,948.42	\$ 410,875.84	\$ 4,930,510.00	99.5%
TOTAL WASTEWATER FUND EXPENDITURES	\$ 239,264.50	\$ 239,264.50	\$ 728,340.42	\$ 8,740,085.00	32.9%
TOTAL REVENUE OVER EXPENDITURES	\$ 169,683.92	\$ 169,683.92	\$ (317,464.58)	\$ (3,809,575.00)	

STORM WATER FACILITIES FUND**STORM WATER OPERATIONS & MAINTENANCE****PERCENTAGE****YTD ACTUAL vs**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
TOTAL STORM WATER REVENUE	\$ 60,609.29	\$ 60,609.29	\$ 40,083.33	\$ 481,000.00	151.2%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 361.05	\$ 361.05	\$ -	\$ -	#DIV/0!
ADMINISTRATION OTHER	\$ 875.00	\$ 875.00	\$ 1,942.50	\$ 23,310.00	45.0%
STREET CLEANING	\$ -	\$ -	\$ 7,083.33	\$ 85,000.00	0.0%
PROFESSIONAL SERVICES	\$ 3,557.50	\$ 3,557.50	\$ 6,666.67	\$ 80,000.00	53.4%
IMPROVEMENTS	\$ -	\$ -	\$ -	\$ -	#DIV/0!
TOTAL STORM WATER EXPENDITURES	\$ 4,793.55	\$ 4,793.55	\$ 15,692.50	\$ 188,310.00	30.5%
NET REVENUE OVER EXPENDITURES	\$ 55,815.74	\$ 55,815.74	\$ 24,390.83	\$ 292,690.00	

STORM WATER CAPITAL IMPROVEMENTS**PERCENTAGE****YTD ACTUAL vs**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
TOTAL STORM WATER CAPITAL REVENUE	\$ 27,064.13	\$ 27,064.13	\$ 38,050.00	\$ 456,600.00	71.1%
TOTAL STORM WATER CAPITAL EXPENDITURES	\$ -	\$ -	\$ 41,671.67	\$ 500,060.00	0.0%
NET REVENUE OVER EXPENDITURES	\$ 27,064.13	\$ 27,064.13	\$ (3,621.67)	\$ (43,460.00)	
TOTAL STORM WATER FUND REVENUE	\$ 87,673.42	\$ 87,673.42	\$ 78,133.33	\$ 937,600.00	112.2%
TOTAL STORM WATER FUND EXPENDITURES	\$ 4,793.55	\$ 4,793.55	\$ 57,364.17	\$ 688,370.00	8.4%
TOTAL REVENUE OVER EXPENDITURES	\$ 82,879.87	\$ 82,879.87	\$ 20,769.16	\$ 249,230.00	

SPECIAL REVENUE FUNDS**PARK DEVELOPMENT**

	<u>CURRENT MONTH</u>		<u>YTD ACTUAL</u>		<u>YTD BUDGET</u>		<u>TOTAL 2023 BUDGET</u>		<u>PERCENTAGE</u> <u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
TOTAL PARK DEVELOPMENT REVENUE	\$ 30,616.14	\$	30,616.14	\$	54,866.67	\$	658,400.00		55.8%
TOTAL PARK DEVELOPMENT EXPENDITURES	\$ 46,184.00	\$	46,184.00	\$	100,005.00	\$	1,200,060.00		46.2%
NET REVENUE OVER EXPENDITURES	\$ (15,567.86)	\$	(15,567.86)	\$	(45,138.33)	\$	(541,660.00)		

PARK DEDICATION

	<u>CURRENT MONTH</u>		<u>YTD ACTUAL</u>		<u>YTD BUDGET</u>		<u>TOTAL 2023 BUDGET</u>		<u>PERCENTAGE</u> <u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
TOTAL PARK DEDICATION REVENUE	\$ 7,737.54	\$	7,737.54	\$	16,666.67	\$	200,000.00		46.4%
TOTAL PARK DEDICATION EXPENDITURES	\$ -	\$	-	\$	128,380.00	\$	1,540,560.00		0.0%
NET REVENUE OVER EXPENDITURES	\$ 7,737.54	\$	7,737.54	\$	(111,713.33)	\$	(1,340,560.00)		

PUBLIC FACILITIES

	<u>CURRENT MONTH</u>		<u>YTD ACTUAL</u>		<u>YTD BUDGET</u>		<u>TOTAL 2023 BUDGET</u>		<u>PERCENTAGE</u> <u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
TOTAL PUBLIC FACILITIES REVENUE	\$ 13,633.18	\$	13,633.18	\$	38,516.67	\$	462,200.00		35.4%
TOTAL PUBLIC FACILITIES EXPENDITURES	\$ -	\$	-	\$	29,171.67	\$	350,060.00		0.0%
NET REVENUE OVER EXPENDITURES	\$ 13,633.18	\$	13,633.18	\$	9,345.00	\$	112,140.00		

CONSERVATION TRUST/FORESTRY**PERCENTAGE****YTD ACTUAL vs**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
TOTAL CONSERVATION TRUST REVENUE	\$ 42,853.56	\$ 42,853.56	\$ 49,208.33	\$ 590,500.00	87.1%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 21,496.00	\$ 21,496.00	\$ 27,746.50	\$ 332,958.00	77.5%
ADMINISTRATION OTHER	\$ 1,835.31	\$ 1,835.31	\$ 2,150.83	\$ 25,810.00	85.3%
PARK MAINTENANCE & IMPROVEMENTS	\$ -	\$ -	\$ 7,416.67	\$ 89,000.00	0.0%
TREE MAINTENANCE	\$ -	\$ -	\$ 5,791.67	\$ 69,500.00	0.0%
EAB RESPONSE	\$ -	\$ -	\$ 3,750.00	\$ 45,000.00	0.0%
TOTAL CONSERVATION TRUST EXPENDITURES	\$ 23,331.31	\$ 23,331.31	\$ 46,855.67	\$ 562,268.00	49.8%
NET REVENUE OVER EXPENDITURES	\$ 19,522.25	\$ 19,522.25	\$ 2,352.66	\$ 28,232.00	

LARIMER COUNTY OPEN SPACE TAX**PERCENTAGE****YTD ACTUAL vs**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
TOTAL LARIMER COUNTY REVENUE	\$ 4,943.54	\$ 4,943.54	\$ 43,583.33	\$ 523,000.00	11.3%
TOTAL LARIMER COUNTY EXPENDITURES	\$ 209,515.04	\$ 209,515.04	\$ 93,755.00	\$ 1,125,060.00	223.5%
NET REVENUE OVER EXPENDITURES	\$ (204,571.50)	\$ (204,571.50)	\$ (50,171.67)	\$ (602,060.00)	

CEMETERY ENDOWMENT**PERCENTAGE****YTD ACTUAL vs**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD BUDGET</u>
TOTAL CEMETERY ENDOWMENT REVENUE	\$ 12,434.20	\$ 12,434.20	\$ 5,875.00	\$ 70,500.00	211.6%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 2,973.44	\$ 2,973.44	\$ 5,382.67	\$ 64,592.00	55.2%
FUNERALS	\$ 930.00	\$ 930.00	\$ 250.00	\$ 3,000.00	0.0%
MAINTENANCE	\$ 732.60	\$ 732.60	\$ 2,300.83	\$ 27,610.00	31.8%
IMPROVEMENTS	\$ -	\$ -	\$ 2,916.67	\$ 35,000.00	0.0%
TOTAL CEMETERY ENDOWMENT EXPENDITURES	\$ 4,636.04	\$ 4,636.04	\$ 10,850.17	\$ 130,202.00	42.7%
NET REVENUE OVER EXPENDITURES	\$ 7,798.16	\$ 7,798.16	\$ (4,975.17)	\$ (59,702.00)	

<u>BATS</u>					<u>PERCENTAGE</u>
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
TOTAL BATS REVENUE	\$ 17,513.30	\$ 17,513.30	\$ 6,208.33	\$ 74,500.00	282.1%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 10,776.11	\$ 10,776.11	\$ 8,485.83	\$ 101,830.00	127.0%
ADMINISTRATION OTHER	\$ 438.69	\$ 438.69	\$ 421.25	\$ 5,055.00	104.1%
DRIVING	\$ 679.75	\$ 679.75	\$ 2,475.00	\$ 29,700.00	27.5%
SERVICES	\$ -	\$ -	\$ 7,166.67	\$ 86,000.00	0.0%
TOTAL BATS EXPENDITURES	\$ 11,894.55	\$ 11,894.55	\$ 18,548.75	\$ 222,585.00	64.1%
NET REVENUE OVER EXPENDITURES	\$ 5,618.75	\$ 5,618.75	\$ (12,340.42)	\$ (148,085.00)	
<u>ROAD IMPACT FEES</u>					<u>PERCENTAGE</u>
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
TOTAL ROAD IMPACT REVENUE	\$ 33,252.42	\$ 33,252.42	\$ 57,091.67	\$ 685,100.00	58.2%
TOTAL ROAD IMPACT EXPENDITURES	\$ 163,179.38	\$ 163,179.38	\$ 106,281.08	\$ 1,275,373.00	153.5%
NET REVENUE OVER EXPENDITURES	\$ (129,926.96)	\$ (129,926.96)	\$ (49,189.41)	\$ (590,273.00)	
<u>RECREATIONAL MMJ</u>					<u>PERCENTAGE</u>
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
TOTAL RECREATIONAL MMJ REVENUES	\$ 5,367.14	\$ 5,367.14	\$ 33,500.00	\$ 402,000.00	16.0%
TOTAL RECREATIONAL MMJ EXPENDITURES	\$ 14,080.00	\$ 14,080.00	\$ 105,838.33	\$ 1,270,060.00	13.3%
NET REVENUE OVER EXPENDITURES	\$ (8,712.86)	\$ (8,712.86)	\$ (72,338.33)	\$ (868,060.00)	

<u>1998 1% SALES TAX</u>					<u>PERCENTAGE</u>
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
TOTAL 1998 1% REVENUE	\$ 35,999.14	\$ 35,999.14	\$ 185,479.17	\$ 2,225,750.00	19.4%
TOTAL 1998 1% EXPENDITURES	\$ 14,389.42	\$ 14,389.42	\$ 329,171.67	\$ 3,950,060.00	4.4%
NET REVENUE OVER EXPENDITURES	\$ 21,609.72	\$ 21,609.72	\$ (143,692.50)	\$ (1,724,310.00)	
<u>2019 1% SALES TAX</u>					<u>PERCENTAGE</u>
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2023 BUDGET</u>	<u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
RECREATION CENTER REVENUE	\$ 137,670.83	\$ 137,670.83	\$ 101,812.50	\$ 1,221,750.00	135.2%
SALES TAX REVENUE/INTEREST	\$ 43,708.96	\$ 43,708.96	\$ 184,979.17	\$ 2,219,750.00	23.6%
TOTAL 2019 1% REVENUE	\$ 181,379.79	\$ 181,379.79	\$ 286,791.67	\$ 3,441,500.00	63.2%
RECREATION CENTER OPERATING EXPENSES	\$ 181,252.11	\$ 181,252.11	\$ 173,715.50	\$ 2,084,586.00	104.3%
COP PAYMENT AND OTHER EXPENSES	\$ 223.50	\$ 223.50	\$ 344,500.00	\$ 4,134,000.00	0.1%
TOTAL 2019 1% EXPENDITURES	\$ 181,475.61	\$ 181,475.61	\$ 518,215.50	\$ 6,218,586.00	35.0%
NET REVENUE OVER EXPENDITURES	\$ (95.82)	\$ (95.82)	\$ (231,423.83)	\$ (2,777,086.00)	
TOTAL SPECIAL FUNDS REVENUE	\$ 385,729.95	\$ 385,729.95	\$ 777,787.51	\$ 9,333,450.00	
TOTAL SPECIAL FUNDS EXPENDITURES	\$ 668,685.35	\$ 668,685.35	\$ 1,487,072.83	\$ 17,844,874.00	
TOTAL REVENUE OVER EXPENDITURES	\$ (282,955.40)	\$ (282,955.40)	\$ (709,285.32)	\$ (8,511,424.00)	

TOTAL REVENUE	\$ 1,716,179.43	\$ 1,716,179.43	\$ 2,825,084.67	\$ 33,901,016.00	
TOTAL EXPENDITURES	\$ 1,966,805.23	\$ 1,966,805.23	\$ 4,987,065.67	\$ 59,844,788.00	

BOARD OF TRUSTEES INFORMATION



UTILITIES

Meeting Date:	March 28, 2023
Agenda Title/Subject:	Water Rights Acquisition – Purchase of 50 C-BT Units
Type of Item:	Regular Item
Purpose:	Approve Contract to purchase 50 C-BT Water Units
Presented by:	Chris Kirk/Pete Johnson

ATTACHMENTS:

- Agreement for Sale and Purchase of C-BT Units

BACKGROUND:

Town Staff has offered to purchase a block of 50 Units in the Colorado Big Thompson Project (“C-BT Units”) operated by the Northern Colorado Water Conservancy District. This purchase would increase the Town’s total amount of C-BT Units to 1,138 Units, which is enough water to supply approximately 1,707 single-family homes. The water from the 50 C-BT Units would be deliverable on a year-round basis to the Town’s water treatment plant via the existing water supply pipeline from Carter Lake, which will increase the Town’s firm water supply without any additional infrastructure costs. The 50 C-BT Units will also increase the Town’s ability to “carry over” C-BT Units from one water year to the next, which provides additional water security and drought protection benefits.

Although Town Staff is not actively seeking purchases of additional C-BT Units at this time, this offer presents a rare opportunity to secure a substantial block of C-BT Units in a single transaction at a lower price than a similar transaction in 2022, and will be a valuable addition to the Town’s water resources portfolio.

FISCAL IMPACT AND FUND SOURCE:

The total purchase price is \$3,230,000 (or \$65,000 per C-BT Unit). This will be funded from the Town’s Source of Supply budget. The Water Purchase budget established in the 2023 Fiscal Year budget was \$3,000,000. Agreeing to purchase this water will require a mid-year budget adjustment. Currently, the total fund balance in the Source of Supply account is just over \$30,000,000.

COMMUNITY TOUCHSTONES:

This item relates to the *Sustainability* and *Resiliency* touchstones. C-BT water is an integral part of the Town’s overall water portfolio and increasing the amount of total

water the Town owns provides a more sustainable and resilient long-term water supply to serve current and future residents.

RECOMMENDED ACTION(S):

Approve the Agreement for Sale and Purchase of C-BT Units and direct staff to allocate additional funds for the purchase in the 2023 Annual Budget during the mid-year budget adjustment process

AGREEMENT FOR SALE AND PURCHASE OF CBT UNITS

This Agreement is made and entered into this 31st day of March, 2023 by and between THE TOWN OF BERTHOUD, with a mailing address of 807 Mountain Ave., Berthoud, Colorado 80513, hereinafter referred to as "Purchaser," and ELDON AND MARTHA BOWER FAMILY 1992 REVOCABLE TRUST, ESTABLISHED APRIL 15, 1992, with a mailing address of 2730 Montgomery Wy, Sacramento, CA 95818, hereinafter referred to as "Seller." Purchaser and Seller are referred to individually as a "Party" and collectively as the "Parties."

For and in consideration of the mutual promises and covenants herein contained, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. CBT UNITS TO BE TRANSFERRED. The Purchaser agrees to buy and the Seller agrees to sell Fifty (50) Units in the Colorado Big Thompson Project ("CBT Units"), as evidenced by an allotment contract from the Northern Colorado Water Conservancy District ("Northern"). Said CBT Units are currently allocated to the property that is described in **Exhibit A** attached hereto and incorporated by reference herein. The CBT Units shall be transferred by Seller in accordance with this Agreement, free and clear of all liens and encumbrances, including but not limited to all deeds of trust, liens, security interests, prior or preemptive rights to purchase, encumbrances and assessments, leases or other pending sale's agreements or first rights of refusal ("Liens").

2. PURCHASE PRICE AND PAYMENT TERMS. The purchase price per CBT Unit shall be \$65,000.00, for a total purchase price for all fifty CBT Units of \$3,250,000.00. Upon the execution of this Agreement, purchaser shall deposit the sum of \$20,000.00 with Stewart Title ("Escrow Agent") as earnest money (the "Earnest Money Deposit"). Purchaser shall deposit the remainder of the purchase price in the amount of \$3,230,000.00 with Escrow Agent on or before April 14, 2023. The transfer of the CBT Units to the Purchaser shall be considered and acted upon at the regularly scheduled Northern Board meeting on June 8, 2023 (the "Northern Board Meeting") The Purchase Price shall be released from escrow to Seller pursuant to the terms of the Escrow Agreement attached hereto as **Exhibit**

B, upon the occurrence of all of the following conditions (the “Closing Conditions”):

- a) written approval by Northern of an Allotment Contract issued to the Purchaser for the CBT Units, subject to payment of assessments by the Purchaser;
- b) delivery by Seller to Purchaser of an updated (through the date of the Northern Board Meeting) Ownership and Encumbrance Report and separate Uniform Commercial Code (“UCC”) Report, indicating ownership of the Real Property in Seller and indicating (i) no Liens against the Real Property or the CBT Units, or (ii) Liens that will be released at “Closing,” as hereinafter defined;
- c) delivery by Seller to Purchaser of executed originals of releases of any Liens; and
- d) confirmation by Northern that the remaining water allotted to the CBT Units will be transferred to the Purchaser for use in the 2023 Water Year.

Unless all of the Closing Conditions have been satisfied by July 10, 2023, Escrow Agent shall return all funds to Purchaser, and Purchaser shall diligently pursue the execution of all necessary documentation, if any, to transfer the CBT Units to Seller.

3. ESCROW AGENT. The parties agree and appoint Stewart Title as Escrow Agent pursuant to the terms of the Escrow Agreement attached hereto as **Exhibit B**. Purchaser and Seller shall each pay half of any escrow fees.

4. CLOSING. Upon issuance of written approval of an Allotment Contract to the Purchaser covering the CBT Units at the Northern Board Meeting, subject to payment of assessments by the Purchaser and issuance of updated Ownership and Encumbrance and UCC Reports current through the date of the Northern Board Meeting indicating free and clear title in Seller, or

only encumbrances that will be released at Closing, the parties shall arrange a reasonable time and location for Closing. Closing shall be held no later than July 10, 2023, unless a written extension is executed by the parties hereto.

5. **APPROVAL OF THIRD PARTIES.** Time is of the essence. Both Purchaser and Seller recognize the need for obtaining necessary signatures from various third Parties, including Northern, to accomplish this transfer; and it is agreed that both Purchaser and Seller will cooperate and exercise their timely and best efforts to obtain same. If after that effort, either Party is unable to obtain the signatures, then the Escrow Agent shall return all money deposited to the Purchaser and this Agreement shall become null and void and all rights and obligations hereunder shall terminate. All matters required for Northern's approval must be submitted to Northern by May 1, 2023, unless that date is extended by Northern, and ready for presentation to Northern's Board of Directors at the Northern Board meeting. At the Northern Board Meeting, the CBT Units shall be transferred to the Purchaser, free and clear of all Liens or subject only to Liens that will be released at Closing.

6. **WARRANTY TO TITLE.** Seller warrants that title to the CBT Units will be conveyed free and clear of all Liens. Said warranty shall survive the closing hereof and the transfer of the allocation of the CBT Units by Northern to Purchaser.

7. **DEFAULT.** In the event that Purchaser defaults in making or performing any covenant provided for in this Agreement, Seller shall give written notice of the default by mailing or delivering same to the Purchaser at Purchaser's address set forth above. If the default is not cured within thirteen (13) days after mailing the notice or within ten (10) days after delivery of the notice, then Seller shall have the right to receive the Earnest Money Deposit as liquidated damages as its sole and exclusive remedy under this Agreement. In the event of default by Seller, Purchaser shall be entitled to the return of all monies and may pursue whatever rights and remedies are available under Colorado law, including, but not limited to, specific performance.

8. **TRANSFER FEES.** Purchaser shall pay any transfer fees charged by Northern for issuance of any allotment contract evidencing the CBT Units in

the Purchaser's name.

9. **ASSESSMENTS.** At the time of this Agreement, Seller has paid assessments due and payable in 2022. The Purchaser shall pay any additional charges necessary for Purchaser's use of the water allotted to the CBT Units, including without limitation Northern's Rule 11 charges, and Purchaser shall have use of water allotted to the CBT Units for the 2023 Water Year and thereafter.

10. **SELLER TO PROVIDE OWNERSHIP AND ENCUMBRANCE REPORT AND UCC REPORT.** Seller shall, at Seller's cost, provide Purchaser with Ownership and Encumbrance and UCC Reports no later than April 14, 2023, evidencing that Seller has title to the CBT Units and there are no Liens on the CBT Units to be transferred hereunder or only Liens that will be released at Closing. The Ownership and Encumbrance and UCC Reports shall be updated at closing through the date of the Northern Board Meeting. If any such liens and encumbrances appear on said Ownership and Encumbrance or UCC Reports, Purchaser may elect to terminate this agreement in writing and all rights and obligations hereunder shall terminate and this agreement shall be null and void. In such case, all funds in escrow shall be returned to Purchaser.

11. **GOVERNING LAW.** It is expressly understood and agreed between the Parties that this Agreement shall be governed by, and its terms construed under, the laws of the State of Colorado.

12. **HEADINGS.** Paragraph headings used herein are for convenience of reference and shall in no way define, limit, or prescribe the scope or intent of any provision under this Agreement.

13. **BINDING EFFECT.** This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

14. **LEGAL ADVICE.** All Parties are hereby advised to seek competent tax and/or legal advice regarding this transaction.

15. **NOTICES.** Any notice or other communication given by either party to the other party hereunder shall be in writing and shall be deemed to

have been duly given (i) on the date and at the time of delivery, if delivered personally to the party to whom notice is given at the address specified below; or (ii) on the date of delivery or attempted delivery shown on the return receipt if mailed to the party to whom notice is to be given by first class mail, sent by registered or certified mail, return receipt requested, postage prepaid and properly addressed as specified below; or (iii) on the date and at the time shown on the delivery acknowledgment provided by the courier if sent by a nationally recognized overnight courier service (such as Federal Express) that provides evidence of delivery; or (iv) on the date and at the time shown on the e-mail message if sent to the e-mail addresses specified below (or at such other addresses as has been previously furnished in writing to the other party):

If to Purchaser, to:

Chris Kirk
Town Administrator
Town of Berthoud
807 Mountain Avenue
Berthoud, CO 80513
970-532-2643
ckirk@berthoud.org

With a copy to:

Vranesh and Raisch, LLP
Attention: Peter C. Johnson
5303 Spine Road, Suite 202
Boulder, CO 80301
303-443-6151, ext. 206
pcj@vrlaw.com

If to Seller, to:

Eldon and Martha Bower Family 1992 Revocable Trust,
Established April 15, 1992
c/o Martha Bower, Trustee
2730 Montgomery Wy
Sacramento, CA 95818

(916) 452-1536

16. NOTICE OF ACCEPTANCE; COUNTERPARTS. If this proposal is accepted by all Parties by virtue of signatures below and if all Parties receive notice of such acceptance on or before the close of business on April 4, 2023, this instrument shall become a binding contract between Seller and Purchaser, and shall inure to the benefit of their heirs, successors and assigns. If this proposal is not so accepted by all Parties by April 4, 2023, this proposal shall become null and void, and of no effect. A copy of this document may be executed by each Party, separately, and when each Party has executed a copy thereof, such copies taken together shall be deemed to be a full and complete copy between the Parties. Digital or facsimile (fax) copies of original documents containing signatures of the Parties shall be valid and binding upon the Parties pending receipt of original documents.

PURCHASER: TOWN OF BERTHOUD

By: _____
Christopher Kirk, Town Administrator

Date: _____

**SELLER: ELDON AND MARTHA BOWER FAMILY 1992 REVOCABLE TRUST,
ESTABLISHED APRIL 15, 1992**

By: _____
Martha A. Bower, Trustee

Date: _____

EXHIBIT A

LEGAL DESCRIPTION

(Property to which CBT Units were historically allotted)

The SE1/4 of Section 3, T6N, R67W of Weld County, Colorado, also known as Weld County Parcel No. 080703000047.

EXHIBIT B

ESCROW AGREEMENT

1. **PARTIES.** The parties to this Escrow Agreement are the Town of Berthoud ("Purchaser"), Eldon and Martha Bower Family 1992 Revocable Trust, Established April 15, 1992 ("Seller"), and Stewart Title ("Escrow Agent").
2. **RECITAL.** The Seller and Purchaser have entered into an Agreement for Purchase and Sale of Fifty (50) Units in the Colorado Big Thompson Project ("CBT Units") which is operated by the Northern Colorado Conservancy District ("NCWCD") attached hereto as **EXHIBIT 1** ("Sales Agreement").
3. **DEPOSIT INTO ESCROW.** The Purchaser will deposit \$20,000.00 as the Earnest Money Deposit upon execution of the Sales Agreement, and the balance of \$3,230,000.00 into escrow with the Escrow Agent by April 14, 2023.
4. **ESCROW ACCOUNT FEES.** The Purchaser and Seller hereby agree to each pay Escrow Agent \$375.00 for a total of \$750.00 as consideration for this Escrow Agreement upon the execution hereof.
5. **CONDITIONS FOR CLOSING.** All of said funds in excess of those necessary to release any encumbrances, if any, shall be released from escrow to Seller by no later than July 10, 2023, provided Purchaser delivers written notice to Escrow Agent that the following documents have been received or Seller delivers the following documents to Escrow Agent:
 - a. Written confirmation from Northern Colorado Water Conservancy District ("NCWCD") that an Allotment Contract for the CBT Units will be issued to Purchaser upon payment of assessments.
 - b. Copies of the releases of all deeds of trust, liens, security interests, and encumbrances, if any, on said CBT Units.
 - c. Updated Ownership and Encumbrance and Uniform Commercial Code Reports showing unencumbered title or only Liens that will be released at closing through the date of the NCWCD Board meeting at which the

CBT Units are transferred.

d. Any and all other required documents to transfer the Units.

6. DISBURSEMENT OF FUNDS FROM SALES CONTRACT. Within ten (10) days of the written notice from Purchaser or delivery of the documents referenced in Section 5 hereof to Escrow Agent, the funds shall be distributed as follows:

a. \$3,250,000.00 to Seller; minus Seller's one-half of escrow fees in the amount of \$375.00 and the costs of the Ownership and Encumbrance and Uniform Commercial Code Reports.

7. FAILURE OF SALES AGREEMENT TO CLOSE. In the event the conditions in the Sales Agreement are not satisfied on or before July 10, 2023, Escrow Agent shall deliver all funds in Escrow with any interest to Purchaser, unless the Parties extend that deadline pursuant to Section 2 of the Sales Agreement.

8. ADDITIONAL DOCUMENTS OR ACTION. The parties agree to execute any additional documents and to take any additional action necessary to carry out this Agreement.

9. INDEMNIFICATIONS. In the event of any conflicting demand made upon it in connection with this Agreement, Escrow Agent may continue to hold the escrowed funds until receipt of instructions from both parties or until a final order by a court of competent jurisdiction resolving the subject dispute. Escrow Agent shall be entitled to rely upon any such final order. If for any reason the parties fail to resolve a dispute, Escrow Agent may, at its discretion, commence a civil action to interplead any conflicting demands made upon it. Escrow Agent's deposit with a court of competent jurisdiction of the escrowed funds shall relieve Escrow Agent from all further liability and responsibility hereunder. The parties agree to indemnify and save Escrow Agent harmless against all costs, damages, attorneys' fees, expenses and liabilities which Escrow Agent may incur or sustain in connection with this agreement, including any interpleader action brought by Escrow Agent. Escrow Agent shall not be liable for any act it may do or omit to do hereunder while acting in good faith and in the exercise of its reasonable judgment, and any act done or omitted by Escrow Agent pursuant to the advice of

its attorney shall be conclusive evidence of such good faith and reasonable judgment.

10. NOTICES. Any notice required or permitted by these Escrow Instructions shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified or registered mail, postage and fees prepaid, addressed to the party to whom such notice is intended to be given at the address set forth on the signature page below, or at such other address as has been previously furnished in writing to the other party or parties. Such notice shall be deemed to have been given when deposited in the U.S. Mail.

11. TIME OF THE ESSENCE. Time is of the essence to all performance required by these Escrow Instructions.

12. PARAGRAPH CAPTIONS. The captions of the paragraphs are set forth only for convenience and reference, and are not intended in any way to define, limit, or describe the scope or intent of these Escrow Instructions.

PURCHASER: TOWN OF BERTHOUD

By: _____
Title: _____

Date: _____

**SELLER: ELDON AND MARTHA BOWER FAMILY 1992 REVOCABLE TRUST,
ESTABLISHED APRIL 15, 1992**

By: _____
Martha A. Bower, Trustee

Date: _____

ESCROW AGENT: STEWART TITLE

By: _____
Gina Cruz

BOARD OF TRUSTEES INFORMATION



BUSINESS DEVELOPMENT DEPARTMENT

Meeting Date:	March 28, 2023
Agenda Title/Subject:	Old Town Hall Site & Ordinance No. 1317
Type of Item:	Presentation
Purpose:	• Officially present Ordinance No. 1317, granting authority to the Town of Berthoud to sell the Old Town Hall site
Presented by:	Walt Elish

ATTACHMENTS:

- Ordinance No. 1317

BACKGROUND:

Colorado Revised Statutes (CRS) 31-15-713 outlines procedures for government units selling land that is being used or held for public purposes. As the Old Town Hall (OTH) site is not being used or held for public works or other public purposes, an Ordinance approving the sale is sufficient to initiate the process of selling the property. Ordinance No. 1371 initiates the process of selling the property. Final terms of a sale will then be approved by a second ordinance.

COMMUNITY TOUCHSTONES:

Shortly after Town Government relocated to our current facility in 2016, the redevelopment of the Old Town Hall Site (OTH) has been discussed and planned. The redevelopment of this site not only compliments the work and plans of the Mountain Avenue Overlay Plan and the redevelopment of the 3rd Street corridor but also has the potential to be catalyst for additional redevelopment in our downtown.

RECOMMENDED ACTION(S):

Motion to approve Ordinance No. 1317 granting authority to the Town of Berthoud to sell the Old Town Hall Property for the purpose of redeveloping the site.

ORDINANCE NO. 1317

AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO, REGARDING USES OF THE PROPERTY LOCATED AT 328 MASSACHUSETTS AVENUE, BERTHOUD, COLORADO

WHEREAS, the Town of Berthoud ("Town") is a municipal corporation possessing all powers granted to statutory towns by Title 31 of the Colorado Revised Statutes; and

WHEREAS, pursuant to Warranty Deeds dated May 8, 1929, April 19, 1944, November 1, 1954, and April 12, 1994, the Town owns the property located at 328 Massachusetts Avenue, Berthoud, Colorado (the "Old Town Hall Property"); and

WHEREAS, the Old Town Hall Property was previously used as the Town's offices; and

WHEREAS, the Old Town Hall Property has not been used as the Town's offices since 2016, and while it has been used by the Town for the storage of surplus property and the occasional parking of the Town's shuttle bus, it has not been used for any governmental purpose since the Town's offices moved to their new location; and

WHEREAS, the Town wishes to convey the Old Town Hall Property to a private developer for the purpose of mixed use development, which will promote economic growth, the creation of new jobs, increased sales tax revenues, enhanced retail opportunities, and generally promote the health, safety, and welfare of the people of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. Legislative Findings.

- (a) Section 31-15-713, C.R.S., grants the power to a governing body of a municipality such as the Town Board of Trustees to sell and dispose of property used or held for any governmental purpose. Before any "such sale" is made, the question of the sales and the terms and consideration thereof shall be submitted to a vote of the registered electors of the municipality at a regular or special election.
- (b) *In New Stanley Associates, LLLP v. Town of Estes Park*, 200 P.3d 118 (Colo. App. 2008), the Colorado Court of Appeals dealt with a lawsuit involving the sale of property ("Lot 4") that had originally been purchased by the Town of Estes Park "for a municipal center" and any other use permitted by a prior development agreement. The lease and option to purchase had been acquired in 1997, after another third party entity had expressed an interest in buying the existing Town Hall building. However, that party withdrew its interest, but the Town continued to make lease payments until it exercised its option to purchase in 2004. Between 1999 and 2004, Estes Park considered various options for using the property, including as a post office, the

construction of a parking facility, and a relocation of the police facility. No action was taken with regard to any of these proposals. In 2004, Estes Park set up a “theater goal team” to study the feasibility of establishing a performing arts facility for the town. The team identified a site and recommended that Lot 4 be sold, and the proceeds used to pay for infrastructure around the new community theatre.

- (c) The Court of Appeals concluded that although Estes Park had held Lot 4 continuously since 1997, it did not use or hold it for any governmental purpose. The Court further reasoned that the Colorado legislature intended to distinguish between property held or used for any governmental purpose, the sale of which must be approved by election, and “any other real estate,” which, pursuant to section 31-15-713(b), C.R.S., may be sold by ordinance. Also, the Court held that while Estes Park had considered using its site for a parking facility, post office facility, or police facility, no action had been taken on those proposals, and the lot had not been actually held for governmental purposes.
- (d) The Trustees find that the Old Town Hall site is “other real estate” for the purposes of section 31-15-713, C.R.S. Although the Town has held portions of the property since 1929, it has not held any of it for a governmental purpose since 2016, when the Town offices moved to their current location. The Old Town Hall site may therefore be sold or otherwise disposed of by ordinance and without an election. This result is also in line with how other jurisdictions have dealt with the sale of property no longer held for governmental purposes. As a leading legal treatise on municipal law has said, “property which is not appropriated or devoted to a public use, which has ceased to be used or is not used by the public, or which is in excess of public need may be disposed of by a city without special statutory authorization.” 10 E. McQuillen, *The Law of Municipal Corporations*, §28.38.20 (rev.3d ed. 1990).

Section 2. Conveyance of Old Town Hall Property. The Trustees therefore order that the Old Town Hall site be conveyed by ordinance to a private purchaser for the purposes of mixed use development. The terms of sale or other disposition shall be negotiated by the Town Administrator and memorialized by a contract in a form mutually acceptable to the Town and the purchaser and approved by the Town Attorney. The terms and conditions of sale and final contract between the Town and the purchaser shall then be subject to approval by the Town Board of Trustees, without a prior vote of the registered electors of the Town.

Section 3. Severability Clause. Should any section, clause, or provision of this Ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the balance of this Ordinance.

Section 4. Findings Regarding Police Powers. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police powers of the Town of Berthoud, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN
FULL on this ____ day of _____, 2023.

TOWN OF BERTHOUD

By: _____
William Karspeck, Mayor

ATTEST:

By: _____
Christian Samora, Town Clerk

BOARD OF TRUSTEES INFORMATION



COMMUNITY DEVELOPMENT DEPARTMENT

Meeting Date:	March 28, 2023
Agenda Title/Subject:	Request for continuance of Ludlow Change of Zone and Neighborhood Master Plan to a date certain of April 25, 2023
Type of Item:	Regular Item
Purpose:	Request of applicant to continue the Town Board of Trustees public hearing scheduled for March 28, 2023 to April 25, 2023
Presented by:	Anne Johnson, Community Development Director

ATTACHMENTS:

- Applicant's request for a continuance from the March 28, 2023 Town Board of Trustees' public hearing to April 25, 2023.

BACKGROUND:

The applicant is requesting additional time to address staff comments.

UPDATE/NEXT STEPS:

- The applicant will address staff and referral agency comments and incorporate these into their application materials for review.

FISCAL IMPACT AND FUND SOURCE:

There is no negative impact to the Town in consideration of this request.

COMMUNITY TOUCHSTONES:

Consideration of this request does not negatively impact community touchstones and in fact, continuance allows the applicant to further refine their request in conformance with the Town's Codes, policies and Master Plans as well as input from referral agencies.

RECOMMENDED ACTION(S):

Staff recommends that the Town Trustees approve the applicant's request to continue this land use matter to the April 25, 2023 public hearing. Suggested motions are below:

Approval: *I move to approve the applicant's request to continue their public hearing to consider the Change of Zone and Neighborhood Master Plan from March 28, 2023 to April 25, 2023.*

Denial: *I move to deny the applicant's request to continue their public hearing to consider the Change of Zone and Neighborhood Master Plan from March 28, 2023 to April 25, 2023 for the following reasons:* _____.

From: [Don Hinson](#)
To: will.charles@baselinecorp.com
Cc: [Anne Johnson](#); [KRISTIN TURNER \(Kristin@TBGroup.us\)](#); [Kevin Mulshine](#); [haintahorse](#); [jake.spencer](#)
Subject: Ludlow Farms
Date: Wednesday, March 15, 2023 11:57:43 AM

Will,

After discussion with staff, to allow the Board of Trustees adequate time to consider our application, we are ok with moving the public hearing before the Board of Trustees to April 25, 2023.

Please feel free to call us if you have any questions.

Sincerely,

Donald P. Hinson
Ludlow Farms, LLC
904-868-0030

From: Will Charles <will.charles@baselinecorp.com>

BOARD OF TRUSTEES INFORMATION



COMMUNITY DEVELOPMENT DEPARTMENT

Meeting Date:	March 28, 2023
Agenda Title/Subject:	Consideration of Adoption of a Resolution of Substantial Compliance regarding a petition for Annexation filed by HT Land Partners, LLC and setting the matter for a public hearing, Resolution Number 05 (Series 2023)
Type of Item:	Regular Item
Purpose:	Consider acceptance of an Annexation Petition and setting a public hearing date for May 25, 2023
Presented by:	Anne Best Johnson, Community Development Director

ATTACHMENTS:

- Resolution 05 (Series 2023)
- Annexation Map

BACKGROUND:

The applicant, HT Land Partners, LLC (Alex Hoime) has submitted a petition to annex 34.45 acres of land generally located east of and adjacent to State Highway 287, approximately 1300 feet west of South Berthoud Parkway and approximately one mile south of Mountain Avenue / State Highway 56, in Larimer County, Colorado. This proposed annexation is west of and adjacent to Harvest Ridge South which was annexed to the Town of Berthoud and received approval of a final plat in October, 2021.

This particular agenda item is to establish that the Petition was filed correctly and that there is an interest to hear the Annexation request by establishing a public hearing in accordance with Colorado Revised Statutes (C.R.S.) and the Municipal Code Section 30-8-104.B.3. This particular agenda item does not consider the merits of the Annexation, zoning request or the neighborhood master plan. These items will be discussed at the future public hearing. This particular agenda item only sets the record that the Annexation Petition has been filed correctly, that there exists and interest in annexation and to establish a public hearing date to hear the details of the proposed project.

Findings of compliance with the adequacy of filing the petition and establishing an interest in hearing the request are found below:

1. Staff has reviewed the application materials submitted and find they are in substantial compliance with Section 30-8-103 of the Municipal Code. Staff further finds the Petition submitted substantially complies with the criteria established in C.R.S. § 31-12-104 for annexation eligibility as follows:

- a. That not less than 1/6 of the perimeter of the area proposed for annexation is contiguous with the Town of Berthoud.
 - i. Staff has found that the property perimeter is approximately 4,933 feet and is contiguous with the Town for approximately 1,319 feet which is equivalent to 26% of the property is contiguous with the Town of Berthoud. This percentage exceeds the requirement.
- b. That a community of interest exists between the area proposed to be annexed and the annexing municipality; that the area is urban or will be urbanized in the near future; and that area is integrated with or is capable of being integrated with the Town of Berthoud. The fact that the area proposed for annexation has the contiguity with the Town of Berthoud shall be a basis for finding of compliance with these requirements.
 - i. Staff has found that in addition to the contiguity requirement being exceeded, the Town of Berthoud has designated this property as compatible with Suburban Residential land uses in accordance with the Comprehensive Plan Future Land Use Map adopted by the Town in 2021. Should the Town Trustees proceed to establish a date for a public hearing to consider the annexation, change of zone and the Neighborhood Master Plan, the Trustees, Planning Commission and public will have the opportunity to hear the details of the envisioned land use.

Municipal Code Section 30-8-104.B.3 outlines the steps that the Town Board of Trustees must take to determine if the submitted Annexation Petition is in substantial compliance with the Colorado Annexation Act, as follows:

- a. If the petition is found to be in substantial compliance with C.R.S. § 31-12-107, as amended, the Town Board may, by the adoption of a Resolution of Substantial Compliance, set the annexation (and zoning if requested) for public hearing on a specified date, time, and place, not less than 30 days nor more than 60 days from the effective date of the Resolution, subject to compliance with C.R.S. § 31-12-108, as amended.
 1. Staff has found that the Annexation Petition filed is in substantial compliance with the requirements for annexation petition application materials found in C.R.S. § 31-12-107.
- b. If the petition is found to not be in compliance with the Act, no further action shall be taken, except that the determination shall be made by resolution of the Town Board.
 1. This provision is not applicable as the Annexation Petition was found to be in compliance with Colorado Revised Statutes.
- c. If the Town Board, in its sole discretion, finds that the annexation is not in the best interest of the Town, it may deny the petition by resolution.
 1. The Town Board may, in its sole discretion, find that the annexation is not in the best interest of the Town and deny the petition by resolution.

UPDATE/NEXT STEPS:

Should the Town Board of Trustees find the annexation petition has been filed correctly and that there is an interest to hear the Annexation request, the Trustees shall establish a public hearing date of May 25, 2023. It is at this public hearing where the merits of the application request including the annexation, change of zone and neighborhood master plan will be reviewed and public testimony is taken.

FISCAL IMPACT AND FUND SOURCE:

An Annexation Impact Report shall be prepared and presented at the May 25, 2023 hearing along with an Annexation Agreement. Both documents will indicate how public services may be impacted and the applicant's agreement to fund impacts.

COMMUNITY TOUCHSTONES:

The 2021 Comprehensive Plan Future Land Use Map identifies this property as being compatible with future suburban residential development. Adherence to the 2021 Plan ensures the vision of the community established through the master planning process is upheld inclusive of the objective to establish a clear new vision for the future of Berthoud reflecting community values. In addition, the applicant shall be held accountable in achieving the goals and action items outlined in the plan. Should the Board of Trustees set a public hearing date, staff will evaluate the submitted application materials for an annexation, change of zone and master development plan to ensure substantial compliance with Colorado Revised States and the Municipal Code processing standards, as well as with the vision of the 2021 Comprehensive Plan and the Design Standards found in 30-2-102 of the Municipal Code. By doing so, the applications will also be evaluated to meet the community touchstones of maintaining community identity, resiliency and sustainability.

RECOMMENDED ACTION(S):

Staff recommends the Town Board of Trustees find the annexation petition filed by HT Land Partners, LLC is substantially compliant with C.R.S. 31-12-107 and 31-12-108 as well as Sections 30-8-103 and 30-8-104 of the Municipal Code and set May 25, 2023 as a public hearing date to evaluate the Annexation, Change of Zone and the Neighborhood Master Plan.

The following motion is provided:

I move to accept the annexation petition filed by HT Land Partners, LLC as being substantially compliant with C.R.S. 31-12-107 and 31-12-108 as well as Sections 30-8-103 and 30-8-104 of the Municipal Code and set May 25, 2023 as a public hearing date to evaluate the Annexation, Change of Zone and the Neighborhood Master Plan.

RESOLUTION NUMBER 05

(SERIES 2023)

A RESOLUTION REGARDING PETITION FOR ANNEXATION FILED BY HT LAND PARTNERS, LLC AND SETTING THE MATTER FOR A PUBLIC HEARING

WHEREAS, HT Land Partners, LLC as property owner (“the Petitioner”), filed with the Town Clerk a Petition for Annexation on February 20, 2023 (“the Petition”); and

WHEREAS, The Town Board of Trustees of the Town of Berthoud reviewed such Petition at its meeting held on March 28, 2023.

FINDINGS

The Town Board of Trustees hereby finds and concludes that the Petition substantially complies with Section 31-12-107(1), C.R.S., and that a public hearing should be held to determine if the proposed annexation of the 34.45-acre parcel, commonly known as Parcel Number 9427000011, further described in Exhibit A, and generally located east of and adjacent to State Highway 287, approximately 1300 feet west of South Berthoud Parkway and approximately one mile south of Mountain Avenue / State Highway 56, in Larimer County, Colorado, complies with Section 31-12-104 and Section 31-12-105, C.R.S.

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

The a public hearing shall be set for May 25, 2023 beginning at 6:30 P.M., or as soon thereafter as the matter may be heard, with such hearing to be conducted at the Berthoud Town Board of Trustees Chambers, 807 Mountain Avenue, Berthoud, Colorado. The purpose of such hearing shall be to consider the Petition for Annexation and to determine whether the statutes referred to above have been complied with, whether the property is eligible for annexation, and whether the area proposed to be annexed meets the requirements of Section 31-12-104 and 31-12-105, C.R.S.

[Intentionally left blank]

MOVED, SECONDED AND ADOPTED BY THE TOWN BOARD OF TRUSTEES OF THE
TOWN OF BERTHOUD, COLORADO THIS 28th DAY OF MARCH, 2023.

TOWN OF BERTHOUD

By _____
William Karspeck, Mayor

ATTEST:

By: _____
Christian Samora, Town Clerk

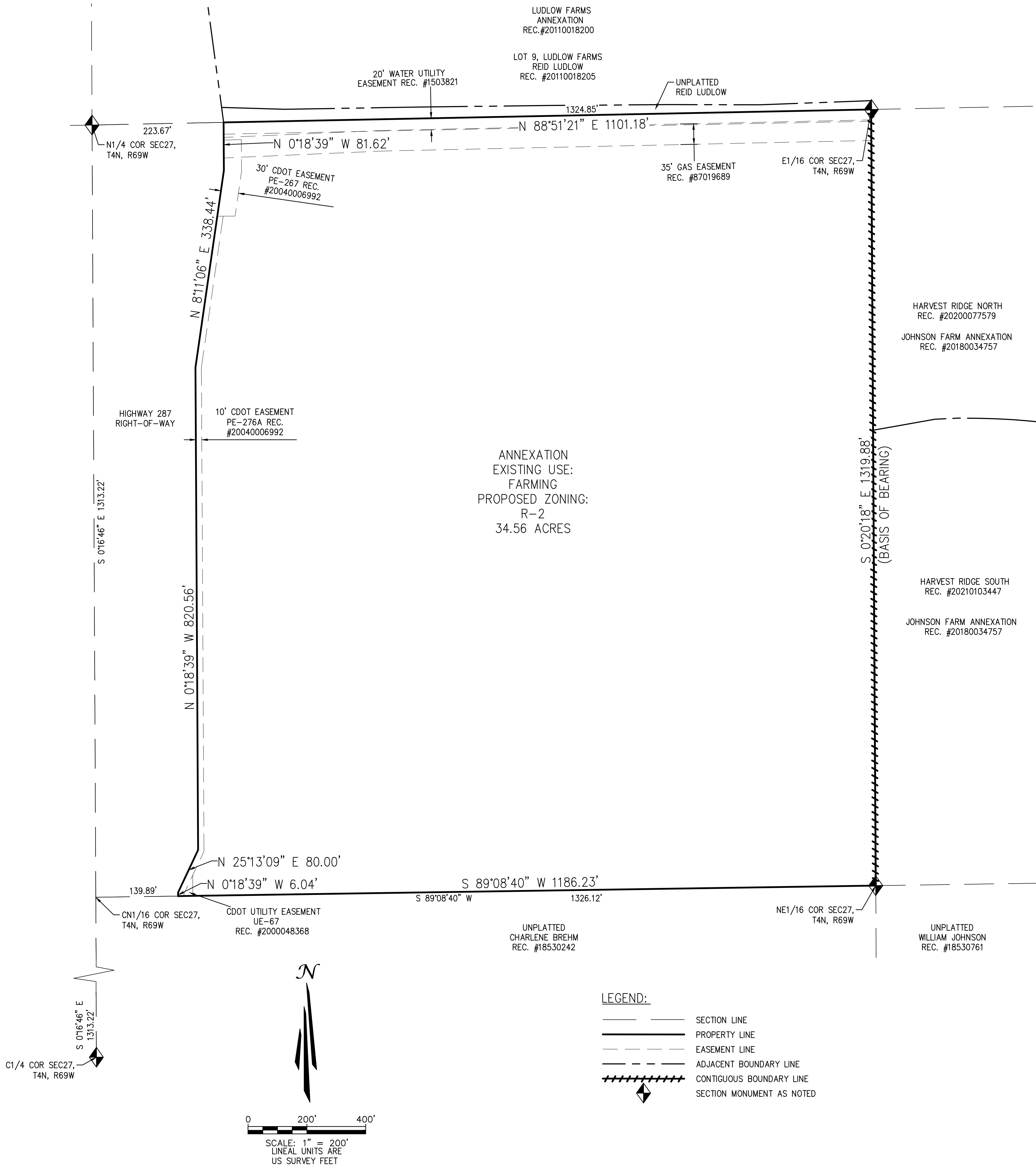
Exhibit A: Legal Description

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, EXCEPTING THEREFROM THOSE PARCELS DESCRIBED IN RULE AND ORDER RECORDED JULY 19, 2000 AT RECEPTION NO. 2000048368 AND JANUARY 22, 2004 AT RECEPTION NO. 20040006992, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27 AS BEARING SOUTH 00°20'18" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 89°08'40" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1186.23 FEET TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287 THE FOLLOWING FIVE (5) COURSES: NORTH 00°18'39" WEST A DISTANCE OF 6.04 FEET; NORTH 25°13'09" EAST A DISTANCE OF 80.00 FEET; NORTH 00°18'39" WEST A DISTANCE OF 820.56 FEET; NORTH 08°11'06" EAST A DISTANCE OF 338.44 FEET; NORTH 00°18'39" WEST A DISTANCE OF 81.62 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE NORTH 88°51'21" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1101.18 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE SOUTH 00°20'18" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1319.88 FEET TO THE POINT OF BEGINNING, CONTAINING 34.56 ACRES MORE OR LESS.

HARVEST WEST ANNEXATION
A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH
PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO



ANNEXATION DATA TABLE:

HARVEST WEST ANNEXATION
TOTAL ANNEXATION BOUNDARY PERIMETER: 4933.95 LF
CONTIGUITY TO TOWN BOUNDARY: 1319.88 LF OF BOUNDARY PERIMETER

HARVEST WEST ANNEXATION:

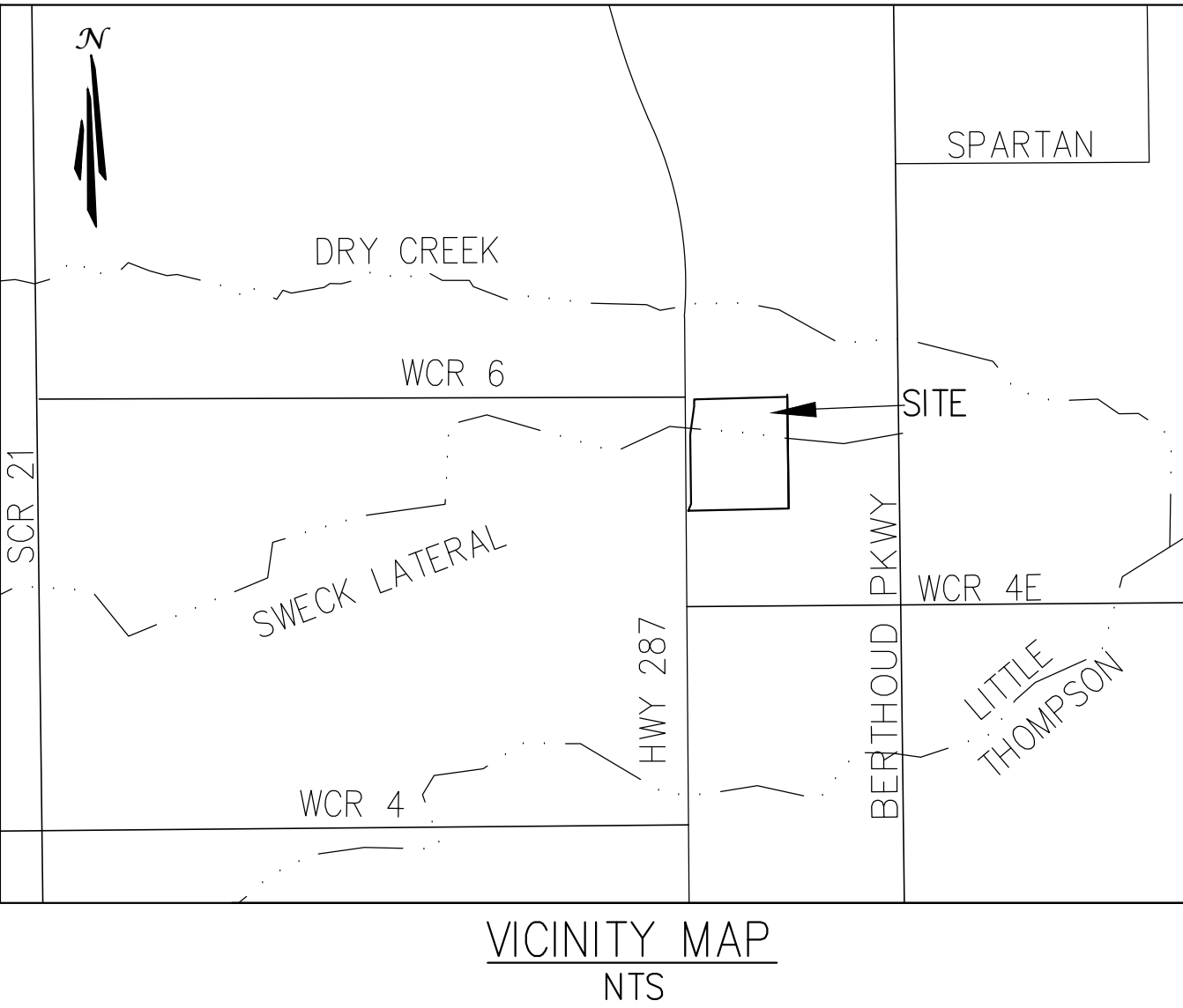
THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, EXCEPTING THEREFROM THOSE PARCELS DESCRIBED IN RULE AND ORDER RECORDED JULY 19, 2000 AT RECEPTION NO. 2000048368 AND JANUARY 22, 2004 AT RECEPTION NO. 20040006992, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27 AS BEARING SOUTH 00°20'18" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 89°08'40" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1186.23 FEET TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287 THE FOLLOWING FIVE (5) COURSES: NORTH 00°18'39" WEST A DISTANCE OF 6.04 FEET; NORTH 25°13'09" EAST A DISTANCE OF 80.00 FEET; NORTH 00°18'39" WEST A DISTANCE OF 820.56 FEET; NORTH 08°11'06" EAST A DISTANCE OF 338.44 FEET; NORTH 00°18'39" WEST A DISTANCE OF 81.62 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE NORTH 88°51'21" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1101.18 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE SOUTH 00°20'18" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1319.88 FEET TO THE POINT OF BEGINNING, CONTAINING 34.56 ACRES MORE OR LESS.

GENERAL NOTES:

- BEARINGS BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS SOUTH 00°20'18" EAST ACCORDING TO THE PLAT OF HARVEST RIDGE NORTH.
- OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT FCC25201694, DATED OCTOBER 26, 2022 WAS RELIED UPON FOR RECORD DATA REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS ANNEXATION MAP.
- THE TOTAL AREA OF PROPERTY ANNEXED IS 34.56 ACRES.
- THIS MAP IS NOT A LAND SURVEY PLAT
- THE MINERAL RIGHTS ASSOCIATED WITH THE PROPERTY BEING ANNEXED ARE OWNED BY THE PROPERTY OWNER. THERE IS NOT EVIDENCE AVAILABLE THAT MINERAL RIGHTS HAVE BEEN TRANSFERRED.
- THE ZONING OF THE ANNEXED PROPERTY IS TO BE R-2.
- PROPERTY ADDRESS: NONE



CERTIFICATE OF APPROVAL BY TOWN OF BERTHOUD:

THIS IS TO CERTIFY THAT THE ANNEXATION AND REZONE OF THE ABOVE DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. _____ OF THE TOWN OF BERTHOUD, PASSED AND ADOPTED ON THE _____ DAY OF _____ A.D., _____ AND THAT THE MAYOR OF THE TOWN OF BERTHOUD AS AUTHORIZED BY SAID ORDINANCE OF BEHALF OF THE TOWN HEREBY FOR ALL ACKNOWLEDGES AND ADOPTS THE SAID ANNEXATION UPON WHICH THE CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED HEREON.

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO THIS _____ DAY OF _____ A.D., _____

MAYOR

THE FOREGOING MAP IS APPROVED FOR FILING AND ACCEPTED BY THE TOWN OF BERTHOUD, COLORADO, THIS _____ DAY OF _____ A.D., _____

ATTEST:

TOWN CLERK

OWNERS CERTIFICATE:

HT LAND PARTNERS LLC

ALEX HOIME, MANAGER FOR
HT LAND PARTNERS LLC

STATE OF COLORADO)
(SS)
COUNTY OF LARIMER)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME THIS _____ DAY OF _____, 2023,
BY ALEX HOIME, MANAGER FOR HT LAND PARTNERS LLC

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

SURVEYORS CERTIFICATE:

I, STEVEN B. VARRIANO, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION MAP SHOWN HEREON WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND AT LEAST ONE SIXTH (1/6) OF THE PERIPHERAL BOUNDARY IS CONTIGUOUS TO THE TOWN OF BERTHOUD, COLORADO. THE MAP WAS COMPILED USING EXISTING PLATS, DEEDS, AND LEGAL DESCRIPTIONS AND IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATED THIS _____ DAY OF _____, 2023.

STEVEN B. VARRIANO, PLS 30126

NO.	DESCRIPTION	REVISIONS	BY	DATE
1	ANNEXATION MAP			
2	LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO.			
3	DRAWN: KR			
4	DATE: 02/08/2023			
5	CHECKED: SBV			
6	DATE: 02/08/2023			
7	REVISION #:			
8	DATE:			
9	JOB NO. C01568B			



TOWN BOARD INFORMATION SHEET

MEETING DATE: March 28, 2023

ITEM: Heron Lakes 17th Filing Preliminary Plat

ATTACHMENTS:

1. Memo from Baseline Engineering regarding the off-site road improvements
2. Draft Planning Commission minutes from March 9, 2023
3. Application Form
4. Preliminary Plat
5. Public Comment

BACKGROUND

The Applicant is requesting a preliminary plat for the creation of 132 lots intended for single family residential. In addition to the preliminary plat, the applicant also requested a waiver to not construct curb and gutter along County Road 14 as part of this project. Planning Commission chose to deny this waiver request, and instead recommended a condition on the Preliminary Plat to construct the curb and gutter at a later date at the cost of the applicant. A memo from Baseline Engineering regarding the off-site improvements for curb and gutter is included in this packet of information. Planning Commission's recommendation to add a Condition of Approval regarding the construction timing of the off-site improvements was incorporated into the Town Board's recommendation below. The Town Board of Trustees may consider the Planning Commission's suggestion, or the Town Board of Trustees may eliminate this consideration and require the applicant to revise their plan to include curb and gutter along County Road 14 to be constructed with the on-site improvements and complete prior to issuance of building permits in Filing 17.

PLANNING COMMISSION RECOMMENDATION

The Preliminary Plat request was heard by Planning Commission on March 9, 2023 and was unanimously approved with the conditions that can be found below.

RECOMMENDED ACTION

Planning Commission heard the waiver request and denied the request at their meeting on March 9, 2023. Planning Commission made the following recommendation for approval of the Preliminary Plan conditioned as follows in the motion below:

- 1. A motion to approve the Preliminary Plat for Heron Lakes 17th Filing with the following conditions:**
 - a. The Applicant shall revise their plan to include a curb and gutter along County Road 14 which shall be constructed in the future by the Applicant for their proportionate share of the improvements when the Town makes such improvements on adjacent properties.**
 - b. The Applicant shall apply for and receive approval of Rezoning prior to approval of a Final Plat.**



STAFF REPORT: HERON LAKES 17TH FILING PRELIMINARY PLAT

DATE: March 28, 2023

GENERAL INFORMATION

Applicant:	Three Lakes Development Inc.	Size: 128.5 acres
Site Location:	The property is located near the intersection of County Road 14 and Heron Lakes Parkway.	
Applicant's Request:	The Applicant is requesting a preliminary plat for the creation of 132 lots intended for single family residential.	
Current Zoning:	R2 Limited Multi-Family and Agriculture.	

ZONING DISTRICT INFORMATION

	<u>R2</u>	<u>AG</u>
Max Density	16 per acre	1 per acre (unless on septic)
Min. Lot Area	3,500 sq.ft.	1 acre
Min. Lot Width	30'	150'
Front Setback	20' Front Loaded/ 15' Rear Loaded	25'
Side Setback	5' side/ 10' corner side	15'
Rear Setback	20' front loaded/ 5-8' rear loaded	25'
Building Height:	40'	40'

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS

	<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning/ Buffer required if rezoned</u>
North	R2/R1	Single-Family/ Limited Multi-Family	N/A
South	R1/Ag	Single-Family/ Agriculture	N/A
East	RR-2 (Larimer County)	Agriculture	N/A
West	R1	Single-Family	N/A

Proposal

The applicant proposes to subdivide the existing parcels into 132 lots. The preliminary plat, if approved, would allow the applicant to apply for a final plat that would formally subdivide the lots.

Background

This property is part of the overall Heron Lakes development. Heron Lakes development received approval for the Overall Final Development Plan in 2008 (approximately). In 2015, an amended Concept Plan (precursor to the current neighborhood master plan process) was approved. The concept plan envisioned this area as R-2 single family homes consistent with the current proposal. A small portion of the proposed development, along the western boundary that abuts the golf course, is currently zoned Agriculture. If the preliminary plat is approved, the applicant would be required to submit a rezoning application to clean up the R2 and AG zoning along the western boundary prior to approval of a final plat.

Preliminary Plat Review Criteria

In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's request:

30-6-107(B) Review Criteria	Finding	Rationale
1. The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code.	Yes	The preliminary plat is a functional system of land use that connects with the existing portions of the Heron Lakes development. Additionally, it is consistent with the standards of the code.
2. The application is consistent with the approved concept plan and incorporates the Town's recommendations and any conditions of approval.	Yes	The plan is consistent with the approved concept plan. The concept plan calls out single family residential in this area consistent with what is shown.
3. The land use mix within the project conforms to Berthoud's Zoning District Map and Preferred Land Use Map and furthers the goals and policies of the Comprehensive Plan and PORT Plan.	Yes	The land use mix is consistent with the current R-2 Zone District. The future land use map lists this area as Suburban Residential (SR) which allows for developments similar to this one. The project is also consistent with the Comprehensive Plan and PORT Plan. As stated previously, the applicant will be required to clean up the R2 and AG zone district boundaries along the western edge of the development prior to approval of a final plat.
4. The utility and transportation design is adequate, given existing and planned capacities of those systems.	Yes	Plans were reviewed by Town Staff as well as outside referral agencies. The applicant has provided adequate plans for utilities and most of the transportation system. Planning Commission recommended at their hearing that the applicant include curb and gutter along County Road 14 in their plans, but that construction of these improvements will not be required until neighboring properties make similar improvements.
5. Negative impacts on adjacent land uses including, but not limited to: solar access, heat, dust, glare, traffic and noise have been identified and satisfactorily mitigated.	Yes	The application is consistent with the overall plan for the area. The plat would allow for similar densities to what has already been constructed in the area.

30-6-107(B) Review Criteria	Finding	Rationale
6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Berthoud.	Yes	The future land use map anticipates this area to be developed as suburban residential. This development is consistent with the goals of the Comprehensive Plan.
7. How the applicant has addressed comments received from the public, during the Public Comment portion of the process.	Yes	All comments received were provided to the applicant and are attached. Public comments have been satisfactorily addressed during the public comment process.

PUBLIC NOTICE AND COMMENT

Notice of the Planning Commission Public Hearing was mailed to property owners within 500 feet of the subject property, a legal ad published, and the property was posted as required by the Development Code on February 23, 2023. In addition, the application was sent out to all property owners within 500 feet, with an invitation to comment on the request within three weeks of receipt. Comments received are attached to this submittal. Additionally, a notice was published in the paper on March 15, 2023 prior to the Town Board Meeting.

FINDINGS AND RECOMMENDATIONS

- **Planning Commission recommend a motion to approve the Preliminary Plat for Heron Lakes 17th Filing, subject to the following conditions:**
 1. **The Applicant shall revise their plan to include a curb and gutter along County Road 14 which shall be constructed in the future by the Applicant for their proportionate share of the improvements when the Town makes such improvements on adjacent properties.**
 2. **The Applicant shall apply for and receive approval of Rezoning prior to approval of a Final Plat.**

Attachments

1. Memo from Baseline Engineering regarding the off-site road improvements
2. Draft Planning Commission minutes from March 9, 2023
3. Application form
4. Preliminary Plat
5. Public Comment



Planning Commission Minutes – March 09, 2023

1. **Call to Order** – The Planning Commission convened a regular meeting on March 09, 2023.
Chairwoman Dowker called the meeting to order at 6:00 p.m.

2. **Roll Call** – Members present:
- | | |
|------------------|-------------------|
| Jan Dowker | (Chairwoman) |
| Karen Anderson | (Vice Chairwoman) |
| Chris Kurtz | (Secretary) |
| Melissa Feldbush | (Commissioner) |
| Abigail Smith | (Commissioner) |
| Brett Wing | (Commissioner) |
- Staff present:
- | | |
|-------------------|--|
| Anne Johnson | (Community Development Director) |
| Will Charles | (Baseline Engineering – Principal Planner) |
| Michelle Tovar | (Deputy Town Clerk) |
| Jonathan Mitchell | (Permit Technician) |

3. **Consent Agenda** – Minutes from the February 23, 2023 Planning Commission Meeting.

MOTION made by Commissioner Anderson to APPROVE the Minutes for February 23, 2022.

SECONDED by Commissioner Wing.

Abstained by Commissioner Feldbush due to not attending the meeting.

With those all in favor, THE MOTION CARRIED.

4. **Public Hearing: Farmstead Acres Minor Subdivision** (Terra Forma Solutions, Todd Johnson agent)

Director Johnson introduced the Applicant's request for a minor subdivision to separate the existing parcel into four (4) lots.

Presented by Will Charles of Baseline Engineering.

Public Comment was opened at 6:14 p.m.

Public Comment was closed at 6:14 p.m.

MOTION made by Commissioner Kurtz to VACATE the Minor Subdivision Approval on February 23, 2023 relating to this case because a Public Hearing was not held prior to the MOTION and VOTE.

SECONDED by Commissioner Anderson.

With all in favor, THE MOTION CARRIED.

MOTION made by Commissioner Kurtz to APPROVE the Minor Subdivision with the following condition:

01. The Applicant shall provide an updated title commitment dated no more than thirty (30) days from the date of conditional approval.

SECONDED by Commissioner Anderson.

With all in favor, THE MOTION CARRIED

5. Public Hearing: Heron Lakes 17th Filing (Three Lakes Development Inc., Jim Birdsall - agent)

Director Johnson introduced the request for a preliminary plat for the creation of 132 lots intended for single family residential. Additionally, as part of the preliminary plat, the applicant is requesting a waiver to curb and gutter requirements along County Road 14.

Presented by Will Charles of Baseline Engineering.

Public Comment was opened at 6:32 p.m.

John Baker shared his concerns about the added traffic to County Road 14. He would like to see improvements on Country Road 14 such as shoulders and sidewalks.

Public Comment was closed at 6:35 p.m.

MOTION made by Commissioner Anderson to DENY the waiver of the requirement that the applicant not construct a curb and gutter along County Road 14 for the reasons stated in the attached memo from the Town's Development Review Engineer dated February 28, 2023.

MOTION made by Commissioner Anderson to AMEND her MOTION to DENY the waiver of the requirement that the applicant construct a curb and gutter along County Road 14 for the reasons stated in the attached memo from the Town's Development Review Engineer dated February 28, 2023.

SECONDED by Commissioner Kurtz.

With all in favor, THE MOTION CARRIED.

MOTION made by Commissioner Wing to RECOMMEND APPROVAL of the Preliminary Plat to the Board of Trustees, subject to the following conditions:

- 01. The Applicant shall revise their plan to include a curb and gutter along County Road 14 which shall be constructed in the future by the Applicant for their proportionate share of the improvements when the Town makes such improvements on adjacent properties.**
- 02. The Applicant shall apply for or receive approval of Rezoning prior to approval of Final Plat.**

SECONDED by Commissioner Anderson.

With all in favor, THE MOTION CARRIED.

6. Public Hearing: Ludlow Farms NMP and Rezoning (Ludlow Farms, LLC – Don Hinson, Manager)

Director Johnson introduced the request of rezoning to Suburban Residential (SR) and Urban Residential (UR) from the Ludlow Farms Planned Unit Development (PUD) and a Neighborhood Master Plan.

Presented by Will Charles of Baseline Engineering.

Public Comment (Rezoning) was opened at 8:04 p.m.

Public Comment (Rezoning) was closed at 8:05 p.m.

MOTION made by Commissioner Anderson to RECOMMEND APPROVAL of the Rezoning to the Town Board with the following condition:

- 01. The rezoning will be approved only upon approval of the Neighborhood Master Plan.**

SECONDED by Commissioner Wing.

With all in favor, THE MOTION CARRIED.

Public Comment (Neighborhood Master Plan) was opened at 8:15 p.m.

George Garmany was concerned about the traffic along Berthoud Parkway. He would like to see one additional access point onto Highway 287.

Kaitlin Shepherd was concerned about gentrification and high home prices.

Carl Tabor agreed with previous statements regarding traffic.

Aron Erickson agreed with previous comments made. He expressed concern about schools and noise and light pollution created from construction.

Derrick Johnson agreed with previous statements. His biggest concern was about schools, and was concerned about traffic increases.

Dianne Michael was concerned about Berthoud losing its small-town feel, the increase in population, and the general character of the town.

Jay Mueller was concerned about the population growth and would like to see the growth to stop.

Christine Torres addressed the concerns about the schools and the importance of the funding from the growth.

Chris Shepherd was concerned about traffic access to Interstate 25.

Anita Conner expressed her concern about the added growth.

Public Comment (Neighborhood Master Plan) was closed at 8:35 p.m.

Chairwoman Dowker asked Applicant about the affordable housing in the development.

Applicant Hinson expressed the desire to work with Mission Homes and David Gregg and to provide for the community.

Commissioner Feldbush and Commissioner Smith both appreciate the use of affordable housing and expressed its importance.

MOTION made by Commissioner Wing to RECOMMEND APPROVAL of the Neighborhood Master Plan to the Board of Trustees.

SECONDED by Commissioner Anderson.

With all in favor, THE MOTION CARRIED.

7. Reports –

Commissioner Anderson, Commissioner Dowker, and Commissioner Smith wanted to thank the commissioners for all their work and support.

Director Johnson:

- She shall be preparing a Planning Commissioner electronic notebook with links for commissioners to helpful information, maps, and more.
- She has reached out to DOLA for commissioner training and information.
- She is currently developing an Active Projects list for the Town of Berthoud website.
- All future participation for Planning Commission meetings shall be in-person.

8. Adjourn –

The meeting was adjourned at 10:33 p.m.

CHAIRPERSON

SECRETARY



Town of Berthoud
807 Mountain Ave.
P.O. Box 1229
Berthoud, CO 80513
970.532.2643

DEVELOPMENT REVIEW APPLICATION

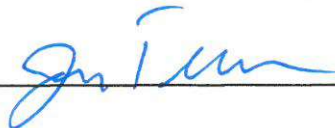
All required information must be provided before submittal will be accepted and deemed complete.
To be complete, the application must include all items identified on the submittal checklist.
Please complete both sides of application form.

Parcel Number(s): 9403228002		
Site Address: East of Newfound Lake Road/ South of CR 14		
Project Name: Heron Lakes 17th Filing		
Brief description of project: Single-family residential development.		
APPLICATION TYPE (Check as appropriate):		
☐ Annexation	☒ Preliminary Subdivision Plat	☐ Final Site Plan
☒ Rezoning	☐ Final Subdivision Plat	☐ PUD Amendment
☐ Concept Plan	☐ Plat Amendment	☐ PUD Preliminary Development Plan
☐ Minor Subdivision	☐ Oil and Gas	☐ PUD Final Development Plan
☐ Special Use Review	☐ ROW Vacation	☐ Other _____
APPLICANT		
Name: Three Lakes Development, Inc.		
E-mail: jon@hillsidecommercialgroup.com	Mailing Address: 355 N Fairgrounds Ave Suite 300	
Phone: (970) 204-9393	City/State/Zip: Windsor, CO 80550	
CONTACT PERSON (will receive correspondence from Town Staff/Referral Agencies)		
Name: Kristin Turner		
E-mail: kristin@tbgroup.us	Mailing Address: 444 Mountain Ave	
Phone: 970.532.5891	City/State/Zip: Berthoud, CO 80513	
OWNER(S) (If different than applicant)		
Name:		
E-mail:	Mailing Address:	
Phone:	City/State/Zip:	
CONSULTANT (Engineer, Surveyor, or Planner)		
Name: Kristin Turner		
E-mail: kristin@tbgroup.us	Mailing Address: 444 Mountain Ave	
Phone: 970.532.5891	City/State/Zip: Berthoud, CO 80513	

LAND USE INFORMATION							
Existing Use: AG Proposed Use: Residential Existing Zoning: R2 Proposed Zoning: (if applicable): N/A Number of acres: 12.39 Proposed Access:	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center; background-color: #e0f2f1;">Adjacent zoning / land use:</th> </tr> </thead> <tbody> <tr> <td style="width: 50%;">East Side: County</td> <td style="width: 50%;">North Side: R2</td> </tr> <tr> <td>West Side: AG (Golf)</td> <td>South Side: R2</td> </tr> </tbody> </table>	Adjacent zoning / land use:		East Side: County	North Side: R2	West Side: AG (Golf)	South Side: R2
Adjacent zoning / land use:							
East Side: County	North Side: R2						
West Side: AG (Golf)	South Side: R2						
UTILITY SERVICE INFORMATION							
Water: Town of Berthoud	Sewer: Town of Berthoud						
PROJECT INFORMATION							
Number of proposed units: 32 Number of phases: 1 Number of Units per phase: 32 Number of lots proposed: 32 Lot size minimum: 7700 SF Lot size maximum: 25122 SF Lot size average: 7700 SF Gross density (units/acre): 2.5 Net density (units/acre): 3.1 Area and percent open space: 4.5 AC / 36%	Non-Residential Building Area (Sq. Ft.) Proposed: N/A Non-Residential Construction Floor Area Ratio Proposed: N/A Total Number of Parking Spaces: N/A <u>Acreage of Site:</u> a. Gross: 12.39 b. Right-of-Way: 2.14 c. Net (a-b) 10.25 <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center; background-color: #e0f2f1;">Type of Housing Proposed (please check):</th> </tr> </thead> <tbody> <tr> <td style="width: 50%; vertical-align: top;"> ☐ Future Single Family ☐ Duplex ☐ Multi-family (# of units:) </td> <td style="width: 50%; vertical-align: top;"> ☐ Townhouse ☐ Condominium </td> </tr> </tbody></table>	Type of Housing Proposed (please check):		☐ Future Single Family ☐ Duplex ☐ Multi-family (# of units:)	☐ Townhouse ☐ Condominium		
Type of Housing Proposed (please check):							
☐ Future Single Family ☐ Duplex ☐ Multi-family (# of units:)	☐ Townhouse ☐ Condominium						

Signatures are required for ALL Property Owners and the Applicant

I hereby certify that I am the lawful owner of the parcel(s) of land that this application concerns and consent to the action. I hereby permit Town of Berthoud staff to enter upon the property for the purposes of inspection relating to the application. Building Permits will not be accepted while this application is in process.

Property Owner(s):  Date: 1/7/2021

Property Owner(s): _____ Date: _____

In submitting the application materials and signing this application agreement, I acknowledge and agree that the application is subject to the applicable processing and public hearing requirements set forth in the Development Code.

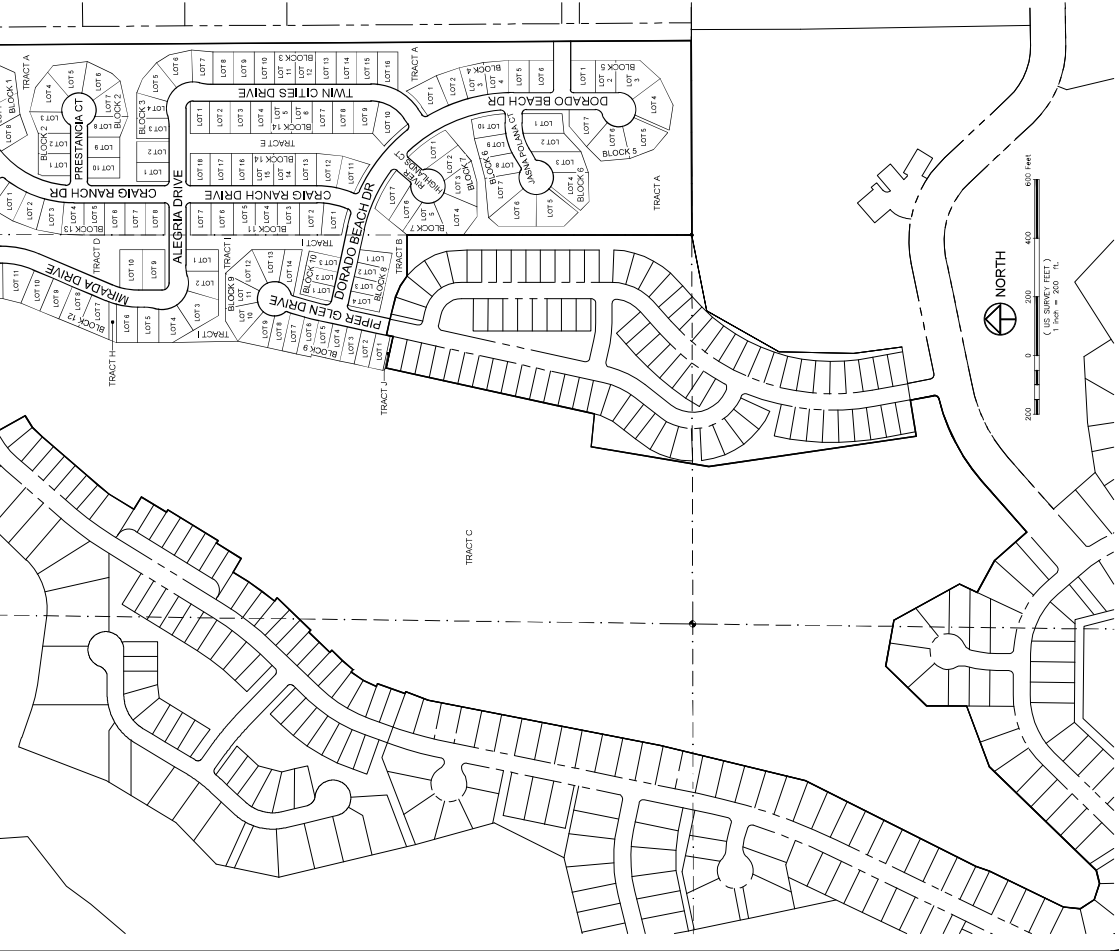
Applicant: _____ Date: _____

FOR OFFICE USE ONLY
Received By:
Date:

HERON LAKES SEVENTEENTH FILING

A REPLAT OF TRACTS B AND D, HERON LAKES TENTH FILING; TRACT C, HERON LAKES TWELFTH FILING, LOCATED IN SECTIONS 3 AND 4; AND A TRACT OF LAND LOCATED IN SECTION 3, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

NOTICE: According to Colorado law you must commence any legal action based upon an interest in this survey within three years after the date of the certificate shown herein. In no way may any action be based upon any defect in this survey.



CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	BEARING
C1	45.9537	560.00	12.56	S87.4517E 135.52
C2	23.7137	360.00	12.56	N11.7100E 103.18
C3	22.9237	360.00	10.87	N41.0242E 103.18
C4	88.6319	53.00	83.12	N48.9325W 74.88
C5	44.9819	360.00	46.12	S52.4437W 86.40
C6	44.9819	360.00	73.00	S27.3430W 268.27
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C66	45.9537	560.00	12.56	S87.4517W 135.52
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NORTHERN
ENGINEERING
SURVEY & LAND DEVELOPMENT

DATE: 1/20/23
PROJECT: RT
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1"=200'

HERON LAKES SEVENTEENTH FILING
TOWN OF BERTHOUD
STATE OF COLORADO

Sheet 2
of 9 Sheets

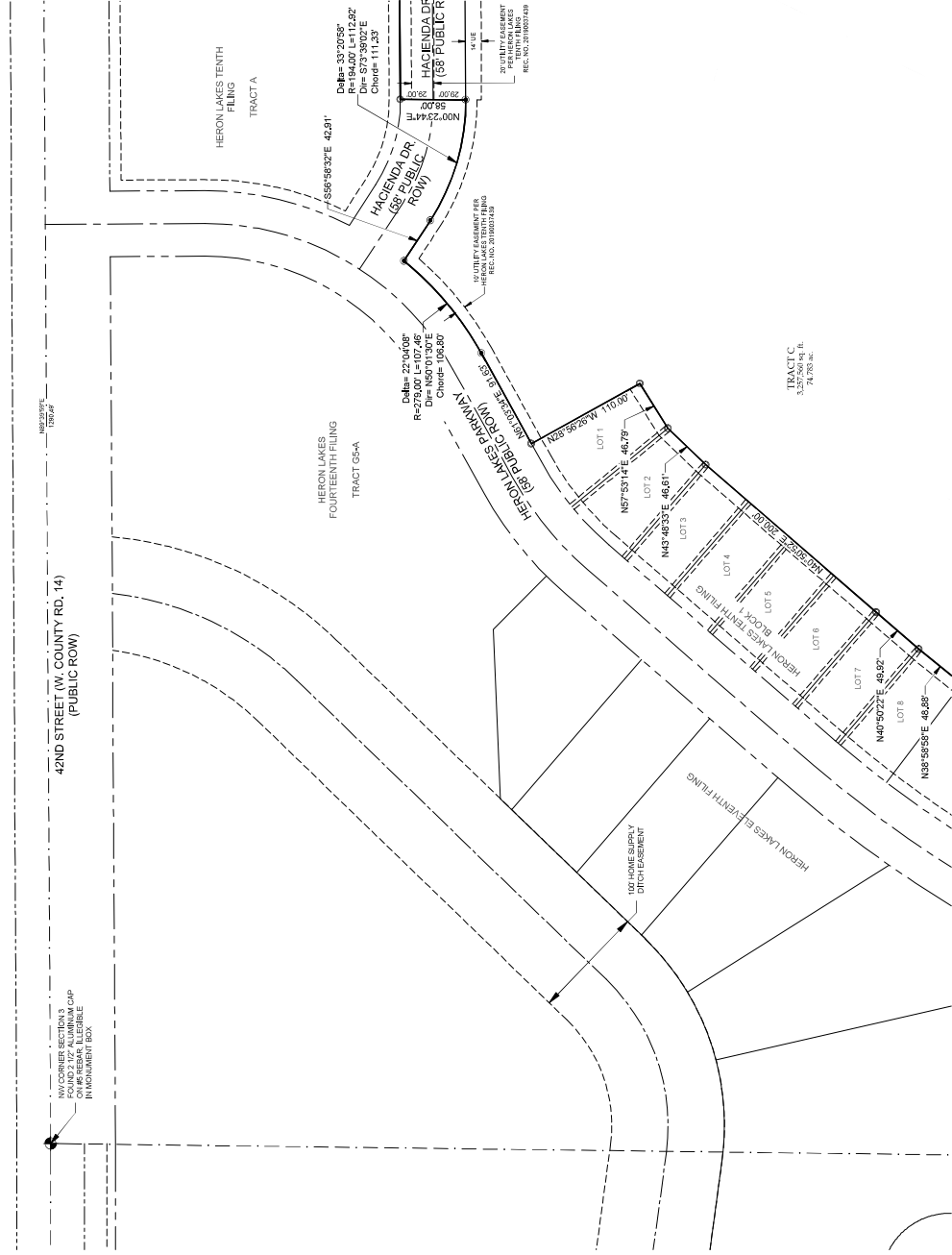
PRELIMINARY
RECORDING PURPOSES OR IMPLEMENTATION

1-20-23

DRAFT

HERON LAKES SEVENTEENTH FILING

A REPLAT OF TRACTS B AND D, HERON LAKES TENTH FILING, LOCATED IN SECTIONS 3 AND 4; AND A TRACT OF LAND LOCATED IN SECTION 3, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO



LEGEND

RIGHT-OF-WAY LINE

SECTION LINE

PROPOSED EASEMENT LINE

EXISTING RIGHT-OF-WAY LINE

LOT LINE

PEG AND REMARK, 1" LONG, WITH 1" DIA. HEAD, SET IN CONCRETE, UNLESS OTHERWISE SPECIFIED

SECTION CORNER

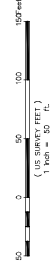
SET AND REMARK, 1" LONG, WITH 1" DIA. SLEEVE PLATE CAP, 1/2" DIA.

UTILITY EASEMENT

DRAINAGE EASEMENT

EASEMENT

ROW



DRAFT
1-20-23

SEE SHEET 5

SEE SHEET 4

HERON LAKES SEVENTEENTH FILING
TOWN OF BERTHOUD
STATE OF COLORADO

NORTHERN ENGINEERING

SURVEYING & LAND DEVELOPMENT

PROJECT NO.	100-00000000
DATE	1/20/23
REVISION	1
BY	JD
CHECKED BY	JD
DATE	1/20/23

DATE	1/20/23
BY	JD
CHECKED BY	JD
DATE	1/20/23

NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after the date of the certificate shown hereon.
It is recommended that you consult with an attorney before recording this survey.

PRELIMINARY
RECORDING PURPOSES OR IMPLEMENTATION
This is a preliminary survey and should not be used for any other purpose without the approval of the surveyor.

A REPLAT OF TRACTS B AND D, HERON LAKES TENTH FILING; TRACT C, HERON LAKES TWELFTH FILING; LOCATED IN SECTIONS 3 AND 4; AND A TRACT OF LAND LOCATED IN SECTION 3, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

DRAFT

1-20-23

PRELIMINARY - NOT FOR CONSTRUCTION
RECORDING PURPOSES ONLY

TRACT C
3,275,746 sq. ft.
74.793 ac.

LOT 1
N58°18'00"W 49.80'
N57°31'E 10.00'

LOT 2
N58°18'00"W 10.00'

LOT 3
N58°18'00"W 10.00'

LOT 4
N58°18'00"W 10.00'

LOT 5
N58°18'00"E 10.00'

LOT 6
S58°18'00"E 10.00'

LOT 7
N57°31'E 10.00'

LOT 8
S58°18'00"E 54.68'

LOT 9
N57°31'E 10.00'

LOT 10
N57°31'E 10.00'

LOT 11
S58°18'00"E 54.68'

TRACT F
N57°31'E 10.00'

TRACT G
N57°31'E 10.00'

TRACT H
N57°31'E 10.00'

TRACT I
N57°31'E 10.00'

TRACT J
N57°31'E 10.00'

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TRACT BY
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TRACT BZ
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TRACT CE
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TRACT CQ
N57°31'E 10.00'

TRACT CR
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TRACT FD
N5

PRELIMINARY

Prepared and on behalf of Northern Engineering Services, Inc.
Robert C. Teedy
Colorado Registered Professional Land Surveyor No. 38470

5
Sheet

HERON LAKES SEVENTEENTH FILING
TOWN OF BERTHOUD
STATE OF COLORADO

PROJECT: 103-097	CUSTOMER: Hillside Commercial Group	DRAWN BY: L Smith	REVIEWED BY: R. Tessaly
DATE: 1/20/23	SCALE: 1"=50'		

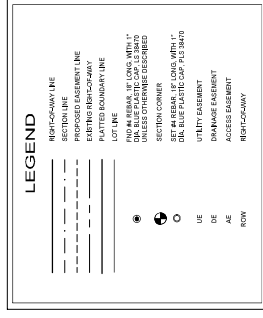


NORTHERN
ENGINEERING

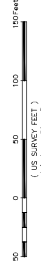
SECTION: 3 & 4
TOWNSHIP: 4N
RANGE: 69 W of the 6th PM

NOTICE:
According to Code of Ordinances, Chapter 10, Section 10-10, upon any defect, in no event shall the contractor be commenced thereon.

түркілік сөздердің ең көп кездесетін жері. Олардың көпшілігі түркілік сөздердің ең көп кездесетін жері. Олардың көпшілігі түркілік сөздердің ең көп кездесетін жері.



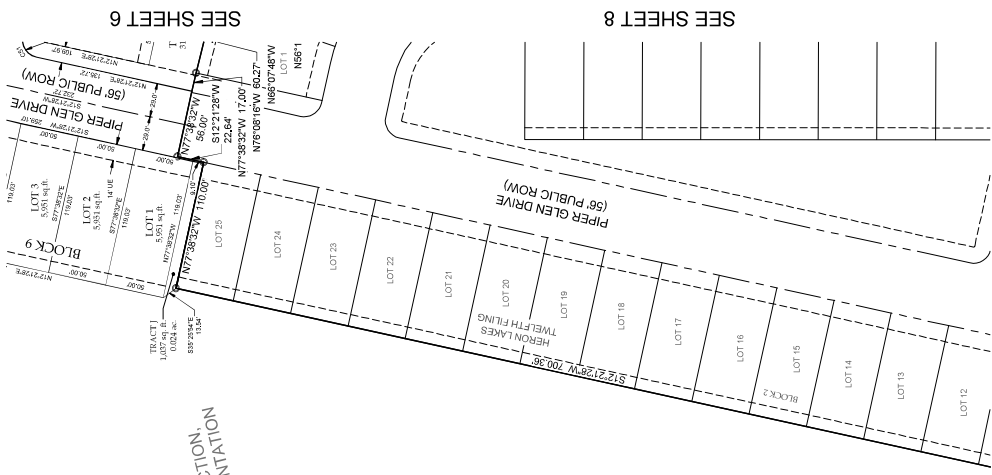
SEE SHEET 6



A REPLAT OF TRACTS B AND D, HERON LAKES TENTH FILING; TRACT C, HERON LAKES TWELFTH FILING; LOCATED IN SECTIONS 3 AND 4; AND A TRACT OF LAND LOCATED IN SECTION 3, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

TRACT C
3,257,560 sq. ft.
74,783 ac.

 RIGHT-OF-WAY LINE	 SECTION LINE	 PROPOSED EASEMENT LINE	 EXISTING RIGHT-OF-WAY LINE
 PLOTTED BOUNDARY LINE	 LOT LINE	 SETBACK LINE	 RIGHT-OF-WAY LINE
 RIGHT-OF-WAY LINE	 SECTION LINE	 PROPOSED EASEMENT LINE	 EXISTING RIGHT-OF-WAY LINE
 PLOTTED BOUNDARY LINE	 LOT LINE	 SETBACK LINE	 RIGHT-OF-WAY LINE
 RIGHT-OF-WAY LINE	 SECTION CORNER	 SETBACK LINE	 RIGHT-OF-WAY LINE
 RIGHT-OF-WAY LINE	 SECTION CORNER	 SETBACK LINE	 RIGHT-OF-WAY LINE
 RIGHT-OF-WAY LINE	 SECTION CORNER	 SETBACK LINE	 RIGHT-OF-WAY LINE
 RIGHT-OF-WAY LINE	 SECTION CORNER	 SETBACK LINE	 RIGHT-OF-WAY LINE
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 RIGHT-OF-WAY LINE	 SECTION CORNER	 SETBACK LINE	 RIGHT-OF-WAY LINE
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 RIGHT-OF-WAY LINE	 SECTION CORNER	 SETBACK LINE	 RIGHT-OF-WAY LINE
 RIGHT-OF-WAY LINE	 SECTION CORNER	 SETBACK LINE	 RIGHT-OF-WAY LINE
 RIGHT-OF-WAY LINE	 SECTION CORNER	 SETBACK LINE	 RIGHT-OF-WAY LINE
 RIGHT-OF-WAY LINE	 SECTION CORNER	 SETBACK LINE	 RIGHT-OF-WAY LINE
 RIGHT-OF-WAY LINE	 SECTION CORNER		



DRAFT
1-20-23
PRELIMINARY - NOT FOR CONSTRUCTION.
RECORDING PURPOSES OF IMPLEMENTATION

SEE SHEET 6

For and on behalf of Northern Engineering Services, Inc.
Robert C. Teedy
Colorado Registered Professional Land Surveyor No. 38470

1
of checks

NORTHERN
ENGINEERING

PROJECT: 103-097	CLIENT: Hilsdale Commercial Group	DRAWN BY: L. Smith R. Tassely
DATE: 1/20/23	SCALE: 1"=50'	REVIEWED BY:

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover or learn of any defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate showing the survey.

A REPLAT OF TRACTS B AND D, HERON LAKES TENTH FILING; TRACT C, HERON LAKES TWELFTH FILING; LOCATED IN SECTIONS 3 AND 4; AND A TRACT OF LAND LOCATED IN SECTION 3, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

Tract G5, Heron Lakes Second Filing, is a large area containing several blocks and lots. The map shows the following details:

- Tract G5:** The main area, containing blocks 1 through 4, and lots 1 through 28. It is bounded by Cathedral Lake Road to the west, Waterton Court to the south, and Heron Lakes Parkway to the east.
- Tract G1:** Located to the east of Tract G5, containing blocks 1 through 4 and lots 1 through 28.
- Tract G4:** Located to the north of Tract G5, containing blocks 1 through 4 and lots 1 through 28.
- Tract C:** Located to the north of Tract G4, containing blocks 1 through 4 and lots 1 through 28.
- Roads:** Cathedral Lake Road, Waterton Court, Newfound Lake Road, Heron Lakes Parkway, and TPC Parkway.
- Boundaries:** The map shows bearings and distances for all boundaries, such as S13°03'39"W 26.84' and N84°05'11"W 112.95'.
- Notes:** A note indicates the West 1/4 Corner Section 3 on the Resub. is 2000, 1995.

DRAFT
1-20-23
PRELIMINARY - NOT FOR CONSTRUCTION
RECORDING PURPOSES OR IMPLEMENTATION

PRELIMINARY
Prepared by: National Professional Standards Services, Inc.
Reviewed by: National Professional Standards Services, Inc.
Excluded: Standard Professional and Supervisory No. 1000

From: [Ann Baker](#)
To: [Curt Freese](#); [Adam Olinger](#)
Subject: Heron Lakes 17th Filing public comment
Date: Thursday, February 11, 2021 1:00:37 PM

Hello,

Thank you for the opportunity to comment on the Heron Lakes 17th Filing.

This development is roughly 1/3 mile to the west of Heron Pointe along West County Road 14. Despite being 1,700 feet apart, there is no sidewalk connecting the two neighborhoods. That's becoming a problem as more people move to the area, and the narrow County Road 14 becomes busier and busier. Every single day, I notice pedestrians – myself included – who have to jump into the ditch to get out of a car's way. And along that stretch of road, the speed limit is a dangerous 45 miles per hour.

Heron Lakes has plans for more than 1,200 housing units, which means all of the children in that community are unable to safely walk or bike to their neighborhood school, Carrie Martin Elementary, which is only a 5-minute bike ride away.

Berthoud's municipal code calls for sidewalks, walkways and trails "to assure a safe, convenient, and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles and pedestrians." Right now, the town's code is not being upheld.

In 2018, a 13-year-old boy was struck and killed on Wilson Avenue in Loveland on a portion of road in which there was no sidewalk. Please don't wait until something tragic like that happens in Berthoud. Please do not allow more homes to be built in Heron Lakes until a sidewalk can connect the development to Heron Pointe.

Thank you for your time,
Ann Baker

February 23, 2023
Town of Berthoud
Development Review
807 Mountain Ave.
Berthoud, CO 80513

RE: HERON-CRAN SUBDIVISION
STREETS VARIANCE REQUEST – STANDARD STREET SECTION
NORTHERN PROJECT #109-097

To whom it may concern:

Northern Engineering would like to present this variance request for the Heron-Cran Subdivision project. General information about the project is presented below, and detailed information about the nature of this request follows.

General Information

The project site is located at the northeast corner of the Heron Lakes development in Berthoud, Colorado. The site lies south of Larimer County Road 14 (CR 14), east of Heron Lakes Parkway, north of TPC Parkway, and west of Pine Hill Drive. The site currently is open space; this project is slated to develop the property as low-density, single family home sites, as with the rest of the Heron Lakes development.

County Road 14

Part of this project includes widening CR 14 at the north frontage of the property, at the intersection with Heron Lakes Parkway. CR 14 is classified in the 2021 Berthoud Transportation Plan Map as a major collector road. Part of this project will include widening CR 14 along the frontage of the property (on the south side of CR 14) to incorporate the lanes and striping required of a major collector road and those elements called for in the TIS.

The full major collector street section includes curb and gutter at the outside edge of the drive lanes. We would like to request a variance to the requirement for curb and gutter that would be part of the CR 14 improvements that are part of this project.

Curb and gutter on the south side of CR 14 currently ends at the western edge of the Heron Pointe subdivision, approximately 700-feet to the west of Pine Hill Drive. There is no curb and gutter on the north side of CR 14 extending east all the way to Berthoud Parkway. There is very little additional development potential on either side of CR 14 within the stretch that has been identified as a major collector road in the Transportation Plan; all of these areas are either already subdivided or are governed by a Conservation Easement that does not allow any future development.

Further, the Heron Lakes development, from the beginning of the project, has been requested to be rural in character and has had the density limited with the idea of “feathering” the development to a rural character on CR 14. We are simply requesting that the road design reflects this requested aesthetic, and feel that maintaining this aesthetic is beneficial to the public good, particularly the existing residents along that corridor. Drainage patterns will still function the same as originally intended so there is no detriment to function or design, and the requested variance creates no conflicts with the ultimate drive lane design or functionality of a major collector street.

If you have any questions, please feel free to contact me directly.

Sincerely,
NORTHERN ENGINEERING SERVICES, INC.



AUSTIN SNOW, PE
Project Engineer

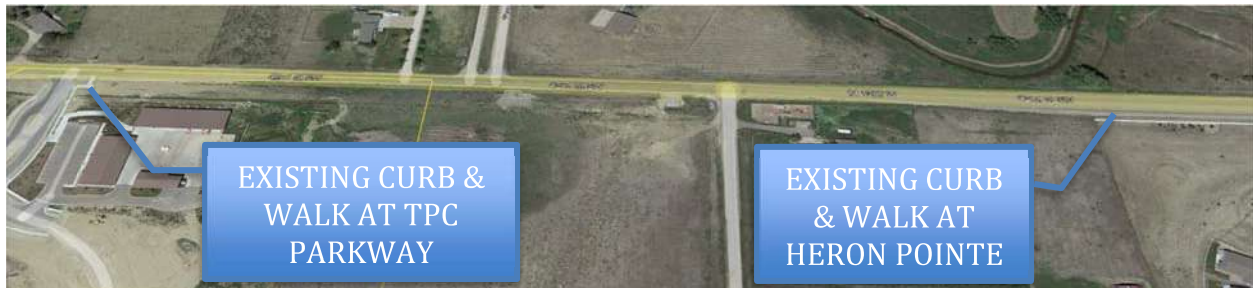


Town of Berthoud
807 Mountain Ave.
P.O. Box 1229
Berthoud, CO 80513
970.532.2643

February 28, 2023

**RE: HERON-CRAN SUBDIVISION STREETS VARIANCE REQUEST – STANDARD STREET SECTION
NORTHERN PROJECT #109-097**

Baseline has received and reviewed the waiver request from Northern Engineering dated February 23, 2023. The project requires widening CR 14 at the north frontage of the property. CR 14 is classified as a major collector road. Part of this project will include widening CR 14 along the frontage of the property (on the south side of CR 14) to incorporate the lanes and striping required of a major collector road and those elements called for in the TIS and as required by Section 305 of the Engineering and Infrastructure Standards. The typical section for a major collector street section includes curb and gutter. The applicant is requesting a variance to the requirement for curb and gutter and is proposing a rural road section.



Waiver criteria for approval. The condition of any waiver authorized shall be stated in writing in the minutes of the Board with the justifications set forth. Per Section 30-3-109 of the code Waivers may be granted only if they meet one of the following criteria:

1. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.

Granting the waiver would allow a rural character rather than the intended urban street section continuation from Heron Point.

2. The waiver, if granted, is the minimum waiver of applicable Code provision that will afford relief and is the least modification possible of the Code provisions which are in question.

Granting the waiver would be a minor modification as the rural section does exist currently. This is however a major collector and the standards for the road section do reflect curb and gutter as a standard requirement.

3. That such practical difficulties or unnecessary hardship has not been created by the applicant.

The applicant has not demonstrated an unnecessary hardship from the standard.

4. The waiver would substantially alleviate an existing, defined and described problem of Town-wide concern or would result in a substantial benefit to the Town by reason of the fact that the proposed project would address an important community need.

Granting the waiver would not address an important community need. As seen with Heron Pointe, the ultimate build out of County Road 14 will have curb and gutter. Eliminating the requirement of the



Town of Berthoud
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applicant to construct County Road 14 will likely require the Town to handle the cost and construction of the curb and gutter in the future.

5. The plan as submitted will promote the general purpose of the standard for which the modification is requested, equally well or better than a plan which complies with the standard for which a modification is requested.

Staff finds that the general purpose of the roadway standards is to promote the construction of an urban roadway network as Berthoud develops. Deferring curb and gutter in this location does not support this purpose. The applicant would need to continue to prove that the drainage performs in an equal or better manner.

Staff does not recommend approval of the waiver, and we believe that the curb and gutter for County Road 14 should be constructed with this project.

Sincerely,

Noah J Nemmers, PE

For and on Behalf of the Town of Berthoud

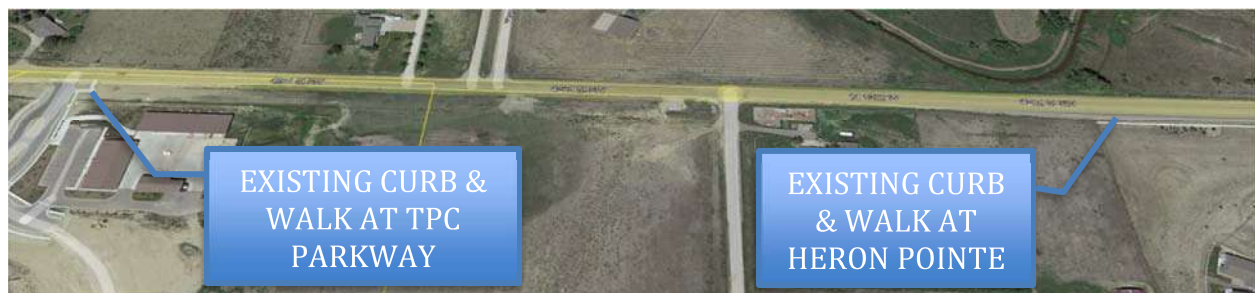


Town of Berthoud
807 Mountain Ave.
P.O. Box 1229
Berthoud, CO 80513
970.532.2643

February 28, 2023
Revised March 20, 2023

**RE: HERON-CRAN SUBDIVISION STREETS VARIANCE REQUEST – STANDARD STREET SECTION
NORTHERN PROJECT #109-097**

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The applicant has not demonstrated an unnecessary hardship from the standard.

4. The waiver would substantially alleviate an existing, defined and described problem of Town-wide concern or would result in a substantial benefit to the Town by reason of the fact that the proposed project would address an important community need.



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Granting the waiver would not address an important community need. As seen with Heron Pointe, the ultimate build out of County Road 14 will have curb and gutter. Eliminating the requirement of the applicant to construct County Road 14 will likely require the Town to handle the cost and construction of the curb and gutter in the future.

5. The plan as submitted will promote the general purpose of the standard for which the modification is requested, equally well or better than a plan which complies with the standard for which a modification is requested.

Staff finds that the general purpose of the roadway standards is to promote the construction of an urban roadway network as Berthoud develops. Deferring curb and gutter in this location does not support this purpose. The applicant would need to continue to prove that the drainage performs in an equal or better manner.

Staff does not recommend approval of the waiver, and we believe that the curb and gutter for County Road 14 should be constructed with this project. As a follow up to the recent waiver denial by Planning Commission this memo is revised to reflect that the Town staff does not desire to enter into a development agreement that would need to be tracked and monitored in the future. The Town of Berthoud Engineering and Infrastructure Standards as it pertains to Frontage Improvements (305.2 Scope of Improvements) were written so that improvements are designed with the Preliminary and Final Plat. It is at the Boards discretion to allow for a fee-in-leu payment for the frontage improvements (curb, gutter, and storm drainage) or to require the improvements be constructed prior to building construction.

Sincerely,

Noah J Nemmers, PE

For and on Behalf of the Town of Berthoud



MEMORANDUM

TO: Mayor Karspeck, Mayor Pro-Tem Grace, Trustees Ayers, Butler, Hardy, Murphy, and Soricelli

C.C.: Town Administrator Kirk, Town Attorney Smith, Community Development Director Anne Best Johnson

FROM: Michael Foote, outside oil and gas counsel

RE: Outline of Tranche 2 health and safety regulations

DATE: March 23, 2023

I. Introduction

The Board will recall its general plan of dividing its oil and gas regulatory revisions into three separate tranches. Tranche 1 covers the location of any new oil and gas facilities, including new oil and gas facility setbacks from existing buildings and restrictions on the construction of new buildings near existing oil and gas facilities. The Board expressed preliminary approval of proposed Tranche 1 concepts during its January 24, 2023 meeting. Tranche 2 regulations will cover public health, safety, welfare, environmental, and wildlife protections for any newly permitted oil and gas facilities within Berthoud. We are beginning the Tranche 2 process with this memorandum and the March 28, 2023 Board meeting. Tranche 3 will address the actual permitting process, financial assurances, and enforcement matters once the Tranche 2 process is completed. Then the Board will combine all of the tranches as part of its overall ordinance revision consideration.

The new Tranche 2 regulations would be included in a revised Section 30-11-108 of the Berthoud Municipal Code. Here is a reminder of the proposed revised chapters within title 30, Article 11 of the Code:

- § 30-11-101 Purpose and authorities
- § 30-11-102 Definitions
- § 30-11-103 Existing Facilities
- § 30-11-104 Seismic operations and existing well modifications
- § 30-11-105 New location applications
- § 30-11-106 Location restrictions for new facilities
- § 30-11-107 Location restrictions from existing facilities
- § 30-11-108 Public Health, Safety, Welfare, Environmental, and Wildlife standards**
- § 30-11-109 Financial assurances and insurance
- § 30-11-110 Fees, inspections, enforcement, and fines
- § 30-11-111 Abandonment, decommissioning, and reclamation
- § 30-11-112 Variances and informed consent
- § 30-11-113 Judicial Review

II. Tranche 2 background

The Colorado Oil and Gas Act specifies the Colorado Oil and Gas Conservation Commission (COGCC) and local governments have concurrent surface impact permitting authority for oil and gas facilities. With permitting authority comes the ability for local governments to enact public health, safety, welfare, environmental, and wildlife regulations that are equal to or more protective than COGCC regulations. Local governments may also decline to specifically regulate oil and gas facilities, in which case the COGCC regulations and processes will control whether, where, and under what conditions new facilities are located within that local jurisdiction. The Air Quality Control Commission (AQCC) within the Colorado Department of Public Health and Environment (CDPHE) also has shared state regulatory authority over air quality related to oil and gas operations. Local governments may enact air quality regulations more protective than those outlined in AQCC regulations in some circumstances.

Several local governments have passed ordinances regulating public health, safety, welfare, environmental, and wildlife impacts of oil and gas operations in their jurisdictions. Broomfield, Erie, Larimer County, and Superior – all of Berthoud’s comparison local jurisdictions during this process – have enacted a suite of local ordinances related to those issues.

Comparison local government public health, safety, welfare, environmental and wildlife protections (hereinafter referred to generally as environmental protections) can be divided into eleven categories:

- Air quality
- Odor
- Noise / vibrations
- Dust
- Water quality
- Lighting / visual impacts
- Transportation impacts
- Seismic operations
- Wildlife impacts
- Reclamation
- Miscellaneous safety provisions

Part IV of this memorandum will summarize environmental regulations from the COGCC, CDPHE (when applicable), and comparison local jurisdictions. Berthoud’s current code provisions will also be noted. Many of the environmental categories are not currently part of Berthoud’s code. As the Board may recall, Berthoud’s current oil and gas regulatory ordinance was last revised in 2017, which was two years before Senate Bill 19-181 clarified the concurrent authority of local governments to regulate the surface impacts of oil and gas operations.

III. Decision Points

Before getting to specific comparisons of environmental regulations, it is important to outline code construction considerations. Both of these areas will be a topic of discussion at the March 28, 2023 Board meeting:

- (1) Is the Board looking to enact environmental regulations in the same manner as it preliminarily approved the location restrictions in Tranche 1? In other words, is the Board looking for that “Goldilocks” area where the Tranche 2 environmental regulations are strong but not necessarily setting new precedents?
- (2) How does the Board want to address changing technology in the context of oil and gas environmental protections? The most protective standard today may be relatively less protective in the near future given frequent technological innovation. There are three main ways environmental protections can be written into the Code: as ordinances, as conditions of approval (a.k.a. “best management practices”) attached to an ordinance, or as requirements of plans submitted as part of any new facility permit application. Each approach has advantages and disadvantages related to applicant certainty, applicant and community notice, and Board decision-making flexibility.

IV. Categories of environmental regulations

A. Air quality

Air quality is the most complex category of environmental rules. At the state level, air quality is covered by two agencies that have some concurrent air quality regulatory responsibilities. The COGCC regulations cover venting, flaring, and some emissions controls. CDPHE air quality regulations cover the same areas but are much more detailed when covering emissions controls.

Broomfield has the most protective general regulation related to air quality of the comparison jurisdictions:

The construction and operation of any oil and gas facility shall avoid causing degradation to air quality and will avoid or minimize and mitigate adverse impacts to public health, safety and welfare, and the environment. **Emissions that cause or contribute to exceedances of the National Ambient Air Quality Standards cause degradation to air quality. To avoid causing degradation to air quality and in order to avoid or minimize adverse impacts, the installation and operation of any oil and gas facility shall eliminate, capture, or minimize all potentially harmful emissions,** minimize dust associated with onsite activities and traffic, and demonstrate how the operator will prevent and mitigate gas leaks and air emissions. BMC § [17-54-070\(I\)](#).

Larimer County built air quality protections into its code but allowed those protections to be modified as better technology develops: “[t]he Following Air Quality Best Management Practices shall be required **unless an equal or better system exists:** ...” LUC § [11.3.3](#).

The comparison local jurisdictions often cover flaring, monitoring, leak detection and repair, and a large number of emissions control strategies. This table provides links to each of the comparison local jurisdictions in addition to COGCC and AQCC:

Jurisdiction	Link to specific air quality regulation
Berthoud	N/A
Broomfield	BMC § 17-54-090(I)
COGCC	Rule 903
AQCC	Regulations 3 , 7 , and 22
Erie	UDC § 10-12-4(F)
Larimer County	LUC § 11.3.3
Superior	SMC BMP § C

B. Odor

Complaints about odor from oil and gas facilities comprise a large number of complaints filed with the state and local jurisdictions. Investigation and resolution of odor complaints is often difficult given the transitory nature of odor.

Comparison local jurisdictions have nevertheless attempted to address odor issues by taking somewhat different approaches:

- Broomfield and Erie require an operator to report any odor complaint the operator receives to a city employee with twenty-four hours of receiving that complaint. Broomfield’s regulation reads: “[t]he operator shall notify the city and county manager no later than twenty-four hours after receiving an odor complaint and shall cooperate with the city in responding to complaints.” BMC § [17-54-070\(W\)](#).
- Larimer County outlines specific remedies the county may take upon receiving an odor complaint from a resident: “[i]f it is determined that the operator caused odors in violation of County odor requirements, Operators may be required to cease or change operations, notify affected residents, and/or temporarily relocate residents until the [facility] is no longer causing a violation.” LUC § [11.3.5.B.3](#).
- Superior ties its odor standards to its generally applicable nuisance ordinance and indicates “odors shall be kept at or below the levels that would constitute a nuisance.” SMC § [16-37-050\(c\)](#).

Jurisdiction	Link to specific odor regulation
Berthoud	N/A
Broomfield	BMC § 17-54-090(DD)
COGCC	Rule 426
AQCC	Regulations 2 and 7

Erie	UDC § 10-12-4(G)
Larimer County	LUC § 11.3.5
Superior	SMC BMP § (C)(9)

C. Noise / vibrations

Excessive noise from oil and gas operations are also the basis for a large number of complaints received by the state and local jurisdictions. The COGCC and some local jurisdictions have struggled with curbing excessive noise in the past. Excessive noise can cause harmful health and welfare effects to nearby residents, particularly when it is chronic.

The COGCC and each comparison local jurisdiction have similar noise limitations measured by decibels. Each of those jurisdictions also have some noise mitigation requirements in their ordinance. In addition to specific noise mitigation requirements, Section (F) of the [Superior BMPs](#) outlines a more general standard for operators: they “shall comply with these noise mitigation standards to: protect human health and safety; prevent damage to property; and prevent **unreasonable interference with the public welfare**. These standards are established to improve and to prevent degradation to the quality of life and general welfare of the Town.” (visual impacts language omitted). Berthoud could consider adopting that kind of general language in addition to specific limitations and mitigation measures in order to retain flexibility in dealing with excessive noise complaints from residents.

Jurisdiction	Link to specific noise/vibration regulation
Berthoud	N/A
Broomfield	BMC § 17-54-070(G)
COGCC	Rule 423
Erie	UDC § 10-12-4(Y)
Larimer County	LUC § 11.3.11
Superior	SMC BMP § (F)(6)

D. Dust

Each comparison jurisdiction’s provisions related to dust management are substantially similar. An example comes from Broomfield: “[d]ust associated with on-site activities and traffic on access roads shall be minimized throughout construction, drilling and operational activities such that there are no visible dust emissions from access roads or the site to the extent possible given wind conditions.” BMC § [17-54-090\(F\)](#).

Jurisdiction	Link to specific dust regulation
Berthoud	N/A
Broomfield	BMC § 17-54-090(F)
COGCC	Rule 427
Erie	UDC § 10-12-2(E)(9)(g)

Larimer County	LUC § 11.3.12
Superior	SMC BMP § (C)(8)

E. Water

Similar to air quality, local water quality regulations have significant overlap with state agencies. The COGCC and CDPHE’s Water Quality Control Commission (WQCC) each have their own separate but occasionally concurrent water quality protections in place. Comparison local jurisdictions’ regulations usually consist of three parts: prohibitions against certain contaminants getting into the water, a water quality monitoring program, and language about water supply.

Notable:

- Broomfield and Superior have the most protective standards of the comparison local jurisdictions, disallowing **any** water quality degradation of surface or ground water in one section of their regulations. However, both of those jurisdictions placed conditional language elsewhere in those regulations requiring oil and gas operations to merely “**minimize**” or “**mitigate the degradation**” of water resources. Larimer County requires the operator to submit a water quality plan that will outline how the operator will **avoid** adverse impacts to surface and ground water but only requires the operator to follow whatever plan the county approves.
- Broomfield specifically prohibits operators from using certain chemicals in its operations regardless of whether those chemicals contaminate any water sources, including PFAS. BMC § [17-54-090\(T\)](#).
- Some local jurisdictions have disclosure requirements, guidelines, or guardrails about the operator’s water supply. For example, Erie enacted the following requirements related to the operator’s water supply:
 - (1) The water supply is the least detrimental to the environment among the available sources and adequate to meet the needs of the oil and gas operation;
 - (2) The water supply is legally and physically available, dependable, and sustainable. Reuse and recycling will be implemented;
 - (3) The operation shall not use water from the town's municipal water supply unless approved by the board of trustees; and
 - (4) The operation shall be conducted in conformance with the water supply plan.

UDC § [10-12-4\(L\)](#).

Jurisdiction	Link to specific water quality regulation
Berthoud	N/A
Broomfield	BMC § 17-54-090(T)
COGCC	Rule 411
WQCC	Regulations 31-38
Erie	UDC § 10-12-4(I)
Larimer County	LUC § 11.3.6
Superior	SMC BMP § (D)

F. Lighting / visual impacts

Lighting and visual impacts regulations are substantially similar between the state and comparison local jurisdictions. Of the comparison local jurisdictions, Superior has the most specific lighting and visual requirements in its BMPs, covering areas like equipment height and color restrictions, landscaping (including tree preservation), light bulbs, and a prohibition of permanent residential trailers on the site. SMC BMP § [\(F\)](#).

Jurisdiction	Link to specific lighting / visual regulation
Berthoud	BMC § 30-11-108
Broomfield	BMC § 17-54-090(J)
COGCC	Rules 424 & 425
Erie	UDC § 10-12-4(BB)(7)
Larimer County	LUC § 11.3.17
Superior	SMC BMP § (F)

G. Transportation impacts

Local jurisdiction transportation impacts regulations require the submission of a plan detailing how the operator will minimize the often-sizeable impacts of an oil and gas operation on local roads. Some jurisdictions require an accounting of how the operator will pay for damage to the roads or some kind of transportation assessment fee, with Superior's code being the most specific:

The operator shall sign an agreement to pay for ongoing road repair and maintenance costs attributable to its operations. The Town will conduct periodic impact assessments with the operator to determine the extent of any damage accruing to the road caused by the operator's activities. The operator may conduct baseline road condition assessments with a third-party contractor to define existing road conditions. The operator will pay the Town for the cost of the actual repairs for the assessed damage or else arrange and pay the cost of Such repairs itself with a contractor acceptable to the Town.

SMC § [16-37-50\(b\)\(6\)](#).

Jurisdiction	Link to specific transportation regulation
Berthoud	BMC §§ 30-11-111 , 30-11-112
Broomfield	BMC § 17-57-070(AA)
COGCC	Rule 905 (produced water transport only)
Erie	UDC § 10-12-4(EF)
Larimer County	LUC § 11.3.13
Superior	SMC § 16-37-50(b)(6)

H. Seismic operations

Operators conduct seismic surveys to map underground geologic features using vibroseis trucks, or “thumper trucks.” The COGCC and many local jurisdictions require an operator to obtain previous permission or a permit before conducting any seismic operations. For example, Erie’s UDC § [10-12-4\(LL\)](#) indicates the following:

Seismic testing within the municipal boundaries is **prohibited unless approved by the board of trustees following a public hearing**. Approval of the proposed testing shall be based on the board's determination that the testing will be conducted in a manner that adequately protects public health, safety, welfare, and the environment.

Jurisdiction	Link to specific seismic operations regulation
Berthoud	N/A
Broomfield	N/A
COGCC	Rule 313
Erie	UDC § 10-12-4(LL)
Larimer County	LUC § 11.2.2
Superior	SMC § 16-37-40(c) ; BMP § (K)

I. Wildlife impacts

Local jurisdictions differ in the degree of specificity attached to their wildlife impacts section(s). Broomfield’s § [17-54-070\(V\)](#) generally requires “[t]he installation and operation of any oil and gas facility, pipeline, workover site, or oil and gas access road **shall avoid causing degradation to the environment and wildlife...**” but its oil and gas code contains no specific wildlife regulations. Larimer County incorporates its specific wildlife regulations applicable to all types of development into its oil and gas chapter. LUC § [11.3.14](#). Superior requires the applicant to consult with Colorado Parks & Wildlife (CPW) and implement whatever mitigation procedures CPW recommends. BMP § [\(J\)](#)

Jurisdiction	Link to specific wildlife impacts regulation
Berthoud	BMC § 30-11-113
Broomfield	BMC § 17-54-070(V)
COGCC	Rules 1201-1203
Erie	UDC § 10-12-4(II)
Larimer County	LUC §§ 4.4.4 , 11.3.14
Superior	SMC BMP § (J)

G. Reclamation

The Colorado Oil and Gas Act, C.R.S. § 34-60-101 *et seq.*, reserves all “downhole” regulation for the COGCC and creates concurrent jurisdiction for surface impacts between the COGCC and local governments. Reclamation of closed sites includes standards for the plugging and abandonment of

wells (solely within COGCC’s jurisdiction) and rules for the restoration of the surface land associated with the site (concurrent COGCC and local government jurisdiction).

The comparison local jurisdictions often require operators to submit a reclamation plan with their application, and follow the COGCC reclamation rules. Larimer County has provisions for operators to provide notice directly to the local government when it intends to commence and complete plugging and reclamation of an oil and gas site. LUC § [11.3.18](#).

Jurisdiction	Link to specific reclamation regulation
Berthoud	N/A
Broomfield	BMC § 17-54-090(M)
COGCC	Rules 434 , 1003 - 1004
Erie	UDC § 10-12-4(BB)
Larimer County	LUC § 11.3.18
Superior	SMC § 16-37-50(c)(4)(u)

E. Miscellaneous safety provisions

Several environmental protections outlined in comparison local jurisdictions do not fit neatly within the ten categories above, but instead in a catch-all safety category. Those include local regulations involving spills and releases, waste management, and specific safety regulations or Best Management Practices. Section (E) of the [Superior BMPs](#) are a good example of a list of specific safety regulations. That section includes safety provisions related to pipelines, bradenhead monitoring, open burning, discharge valve accessibility, the use of flammable materials, flowline testing and mapping, general facility maintenance, decommissioned well testing, safety valves, flowback procedures, and safety management plans.

V. Conclusion

Tranche 2 environmental protections may be the most detailed of the tranches the Board will consider during its ordinance update process. Deciding the desired level of detail and how those regulations are incorporated into the municipal code are important predicates for determining how to proceed. A review of some of the other jurisdictions’ code revisions as linked in the tables above should be helpful in determining the Board’s direction as Tranche 2 progresses.